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RESERVATIONS: (202) 741–6008

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Contents

Federal Register

Vol. 74, No. 185

Friday, September 25, 2009

Agricultural Marketing Service
RULES
Decreased Assessment Rates:
Nectarines and Peaches Grown in California, 48846–48848
Increased Assessment Rate:
Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, OR, 48848–48850
PROPOSED RULES
Amendment to Egg Research and Promotion Order and Regulations to Increase the Rate of Assessment, 48868–48870

Agriculture Department
See Agricultural Marketing Service
See Food and Nutrition Service
See Forest Service
See Natural Resources Conservation Service
See Rural Utilities Service

Army Department
See Engineers Corps
NOTICES
Meetings:
Army Educational Advisory Committee, 48935
Publication of Revision and Consolidation of Military Freight Traffic Rules Publications, etc.; Correction, 48936–48939

Centers for Medicare & Medicaid Services
RULES
Medicare Program:
Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities; Correction, 48865–48866
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48972–48973
Medicare and Medicaid Programs:
Application by American Osteopathic Association for Continued Deeming Authority for Ambulatory Surgical Centers, 48974–48976
Quarterly Listing of Program Issuances (April Through June 2009), 49076–49187
Medicare Program:
Medicare Appeals; Adjustment to the Amount in Controversy Threshold Amounts (Calendar Year 2010), 48976–48977
Meetings:
Advisory Panel on Medicare Education, 48981–48982
Medicare Evidence Development and Coverage Advisory Committee, 48977–48978
Medicare Program; Defining An Episode Logic for the Medicare Physician Resource Use Measurement Program, 48979–48981
Medicare Program; Medicare Provider Feedback Group Town Hall Meeting (October 29, 2009), 48990–48991
Request for Nominations for Members:
Medicare Evidence Development & Coverage Advisory Committee, 48992–48993

Civil Rights Commission
NOTICES
Meetings:
Alabama Advisory Committee, 48903–48904

Coast Guard
RULES
Shipping; Transportation; Technical, Organizational, and Conforming Amendments, 49218–49241
PROPOSED RULES
Drawbridge Operation Regulations:
Chester River, Chestertown, MD, 48889–48891
Nontank Vessel Response Plans and Other Vessel Response Plan Requirements; Public Meetings, 48891–48892
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48998–49000

Commerce Department
See Economics and Statistics Administration
See International Trade Administration
See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration

Comptroller of the Currency
NOTICES
Correspondent Concentration Risks, 48955–48959

Corporation for National and Community Service
RULES
Serve America Act Amendments to the National and Community Service Act (of 1990) and the Domestic Volunteer Service Act (of 1973), 48866

Defense Department
See Army Department
See Engineers Corps
See Navy Department
NOTICES
36(b)(1) Arms Sales Notification, 48911–48932
Federal Acquisition Regulation:
FAR Case 2009–009, American Recovery and Reinvestment Act of 2009 Reporting Requirements, 48971–48972

Department of Transportation
See Pipeline and Hazardous Materials Safety Administration

Drug Enforcement Administration
NOTICES
Manufacturer of Controlled Substances; Applications:
Cerilliant Corp., Round Rock, TX, 49020–49021

Economics and Statistics Administration
NOTICES
Meetings:
Bureau of Economic Analysis Advisory Committee, 48910–48911

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48939–48940
Public Hearing:
National Assessment Governing Board, 48940–48942

Employee Benefits Security Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 49021–49025
Application Nos. and Proposed Exemptions:
D–11423, Cotter Merchandise Storage Company Defined Benefit Pension Plan (the Plan); et al., 49025–49034
Grant of Individual Exemptions and Prohibited Transaction Exemptions:
M and T Bank Corp. Pension Plan, PTE 2009–26; Bank of New York Mellon Corp., PTE 2009–27, et al., 49034–49040

Energy Department
See Energy Information Administration
See Federal Energy Regulatory Commission
See Western Area Power Administration
RULES
Assistance Regulations; Correction, 48850
NOTICES
Rate Order; Interim Approval, 48942–48946

Energy Information Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48946–48947

Engineers Corps
NOTICES
Environmental Impact Statements; Availability, etc.:
Pine Mountain Dam, AR, 48934
San Pedro Waterfront Project, Port of Los Angeles, Los Angeles County, CA; Draft General Conformity Determination, 48934–48935

Engraving and Printing Bureau
NOTICES
Members of Combined Performance Review Board, 49072–49073

Environmental Protection Agency
RULES
Approval and Promulgation of Air Quality Implementation Plans:
Commonwealth of Pennsylvania, 48863–48865
Ohio; Clean Air Interstate Rule, 48857–48863
PROPOSED RULES
Approval and Promulgation of Air Quality Implementation Plans:
Ohio; Clean Air Interstate Rule, 48894
NOTICES
Environmental Impact Statements; Availability, etc.:
Comments Availability, 48950–48951
Weekly Receipt, 48951
National Drinking Water Advisory Council; Request for Nominations, 48952
Request for Nominations:
Experts to Provide Advice on Ecological Impacts Associated with Mountaintop Mining and Valley-Fill Operations, 48952–48953

Executive Office of the President
See Presidential Documents
See Science and Technology Policy Office

Federal Accounting Standards Advisory Board
NOTICES
Issuance of Technical Bulletin:
Deferral of the Effective Date of Technical Bulletin (2006–1), 48960

Federal Aviation Administration
RULES
Class E Airspace; Modification:
Franklin, NC, 48850
Establishment of Class D Airspace and Amendment of Class E Airspace:
North Bend, OR; Correction, 48850–48851
Establishments of Class D Airspace, Modifications of Class E Airspace:
Bunnell, FL, 48851
Modifications of Class D and E Airspace, Removal of Class E Airspace:
Aguadilla, PR, 48851–48852
PROPOSED RULES
Airworthiness Directives:
Airbus Model A330 and A340 Airplanes, 48872–48877
Boeing Model 747 100, 747 200B, 747 300, and 747SR Series Airplanes, 48882–48884
Dowty Propellers R408/6–123–F/17 Model Propellers, 48870–48872
Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB 135BJ, 135ER, 135KE, 135KL, 135LR, et al. Airplanes, 48877–48882

Federal Communications Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48954
Meetings; Sunshine Act, 48954

Federal Deposit Insurance Corporation
NOTICES
Correspondent Concentration Risks, 48955–48959
Meetings:
Board of Directors, 48959

Federal Election Commission
NOTICES
Meetings; Sunshine Act, 48960

Federal Energy Regulatory Commission
PROPOSED RULES
Revised Filing Requirements for Centralized Service Companies Under the Public Utility Holding Company Act of 2005, et al., 48884–48888
NOTICES
Settlements:
Energy Transfer Partners, L.P.; Energy Transfer Co.; ETC Marketing, Ltd.; Houston Pipeline Co., 48948–48950

Federal Motor Carrier Safety Administration
NOTICES
Motor Carrier Safety Advisory Committee Report, 49068
Qualification of Drivers; Exemption Applications; Vision, 49069–49071

Federal Railroad Administration
NOTICES
Petition for Waiver of Compliance, 49069

Federal Reserve System
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48960–48969
Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies, 48969–48970
Correspondent Concentration Risks, 48955–48959
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 48970
Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies Engaged in, etc., 48970–48971

Fish and Wildlife Service
RULES
Migratory Bird Hunting:
Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds, 49244–49289
Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2009–10 Late Season, 49292–49297
NOTICES
Endangered Species Recovery Permit Applications, 49008–49009
Issuance of Permits, 49016
Receipt of Applications for Permit, 49017

Food and Drug Administration
NOTICES
Enforcement of General Tobacco Standard Special Rule for Cigarettes, 48974
Meetings:
Anti-Infective Drugs Advisory Committee, 48991–48992
Withdrawal of Approval of 103 New Drug Applications and 35 Abbreviated New Drug Applications:
Apothecon et al.; Correction, 48993

Food and Nutrition Service
RULES
Special Supplemental Nutrition Program for Women, Infants and Children (WIC):
Revisions in the WIC Food Packages; Technical Correction, 48845–48846

Forest Service
NOTICES
Meetings:
Deshutes Provincial Advisory Committee, 48903
Fresno County Resource Advisory Committee, 48903

General Services Administration
NOTICES
Federal Acquisition Regulation:
FAR Case 2009–009, American Recovery and Reinvestment Act of 2009 Reporting Requirements, 48971–48972

Health and Human Services Department
See Centers for Medicare & Medicaid Services
See Food and Drug Administration
See National Institutes of Health

Homeland Security Department
See Coast Guard
See U.S. Customs and Border Protection
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48994–48997
Meetings:
Critical Infrastructure Partnership Advisory Council, 48998
National Infrastructure Advisory Council; Committee Management, 48997–48998

Housing and Urban Development Department
NOTICES
Federal Property Suitable as Facilities to Assist the Homeless, 49000
Funding Availability:
Fiscal Year 2009 Green and Healthy Homes Technical Studies Program, 49000
Fiscal Year 2009 Healthy Homes Demonstration Program, 49000
Fiscal Year 2009 Lead Hazard Control Capacity Building Grant Program, 49001

Indian Affairs Bureau
NOTICES
Environmental Impact Statements; Availability, etc.:
Mandan, Hidatsa, Arikara Nation's Proposed Clean Fuels Refinery, Fort Berthold Indian Reservation, Ward County, ND, 49009–49010

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau
See Minerals Management Service
See National Park Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 49001–49002
Privacy Act; Systems of Records, 49002–49006

Internal Revenue Service
PROPOSED RULES
Contingent Fees Under Circular 230; Hearing Cancellation, 48888–48889
NOTICES
Meetings:
Communications Committee of the Taxpayer Advocacy Panel, 49072

International Trade Administration
NOTICES
Extension of Time for the Final Results of the Antidumping Duty Administrative Review:
Pure Magnesium from the People's Republic of China, 48904
Extension of Time Limit for the Final Results of the Ninth Countervailing Duty Administrative Review:
Stainless Steel Plate in Coils from Belgium, 48904
Extension of Time Limits for the Preliminary Results of the New Shipper Review:
Certain Frozen Fish Fillets from the Socialist Republic of Vietnam, 48905
Final Results of New Shipper Review:
Wooden Bedroom Furniture from the People's Republic of China, 48905–48907
Initiation of Antidumping Duty New Shipper Review:
Certain Steel Nails from the People's Republic of China, 48907–48908
Initiation of New Shipper Review:
Certain Frozen Fish Fillets from the Socialist Republic of Vietnam, 48908–48909

Justice Department
See Drug Enforcement Administration
See Justice Programs Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 49018–49019

Justice Programs Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 49019–49020

Labor Department
See Employee Benefits Security Administration
See Labor Statistics Bureau

Labor Statistics Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 49023

Land Management Bureau
NOTICES
Final Supplementary Rules on Public Lands managed by the Lake Havasu Field Office, Arizona and California, 49010–49016

Minerals Management Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 49006–49008

National Aeronautics and Space Administration
NOTICES
Federal Acquisition Regulation:
FAR Case 2009–009, American Recovery and Reinvestment Act of 2009 Reporting Requirements, 48971–48972
Meetings:
NASA Advisory Council; Science Committee; Planetary Science Subcommittee, 49040

National Archives and Records Administration
PROPOSED RULES
Researcher Identification Card, 48892–48893

National Highway Traffic Safety Administration
PROPOSED RULES
Environmental Impact Statements; Availability, etc.:
Draft; New Corporate Average Fuel Economy Standards, 48894–48900

National Institute of Standards and Technology
NOTICES
Meetings:
Information Security and Privacy Advisory Board, 48910

National Institutes of Health
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48973–48974
Meetings:
Center for Scientific Review, 48979, 48982–48990
National Cancer Institute, 48984, 48990
Senior Executive Service 2009 Performance Review Board; Listing of Members, 48993

National Nanotechnology Coordination Office
NOTICES
Meetings:
Nanomaterials and Environment and Instrumentation, Metrology, and Analytical Methods Workshop, 49041
Nanotechnology Primer Public Pre-Meeting; Nanomaterials and Environment and Instrumentation, etc., 49040–49041

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Northeastern United States:
Spiny Dogfish Fishery; Commercial Period 1 Quota Harvested, 48866–48867
NOTICES
Marine Mammals; File No. 358–1787:
Receipt of Application for Permit Amendment, 48909
Meetings:
Advisory Committee to the U.S. Section to the International Commission for the Conservation of Atlantic Tunas, 48909–48910
Catch Share Workshop, 48911

National Park Service
NOTICES
National Register of Historic Places:
Notification of Pending Nominations and Related Actions, 49017

Natural Resources Conservation Service
NOTICES
Environmental Impact Statements; Availability, etc.:
Prop Canyon Watershed, Site 1 (Big Draw Dam), Cibola County, NM, 48902–48903

Navy Department
NOTICES
Environmental Impact Statements; Availability, etc.:
Basewide Utility Infrastructure at Marine Corps Base Camp Pendleton, CA; Public Hearing, 48932–48934

Nuclear Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 49041–49042
Meetings:
Advisory Committee on Reactor Safeguards, 49042–49043
Solicitation of Public Comments on the Implementation of the Reactor Oversight Process, 49043–49046

Pipeline and Hazardous Materials Safety Administration
NOTICES
Applications for Modification of Special Permits, 49066–49067
Applications for Special Permits, 49067–49068

Postal Regulatory Commission
PROPOSED RULES
Postal Service Performance and Customer Satisfaction Reporting, 49190–49215

Presidential Documents
PROCLAMATIONS
Special Observances:
National Farm Safety and Health Week, 2009 (Proc. 8420), 49299–49302

Public Debt Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 49071–49072

Railroad Retirement Board
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 49046–49047

Rural Utilities Service
NOTICES
Buy American Exception under the American Recovery and Reinvestment Act (of 2009), 48901–48902

Science and Technology Policy Office
NOTICES
Meetings:
President's Council of Advisors on Science and Technology, 49047–49048

Securities and Exchange Commission
NOTICES
Meetings; Sunshine Act, 49048
Order of Suspension of Trading:
Genova Biotherapeutics Inc., 49048
Self-Regulatory Organizations; Proposed Rule Changes:
BATS Exchange Inc., 49052–49053
Chicago Board Options Exchange, Incorporated, 49055–49058
Financial Industry Regulatory Authority Inc., 49051
International Securities Exchange, LLC, 49053–49055
Municipal Securities Rulemaking Board, 49049–49050
NASDAQ OMX BX Inc., 49051–49052
NASDAQ OMX PHLX Inc., 49048–49049, 49058–49061
Suspension of Trading:
AEI Transportation Holdings, Inc., et al., 49061–49063

Social Security Administration
RULES
Payments to Beneficiaries Residing in Vietnam and Cambodia and Other Conforming Changes, 48855–48857

Surface Transportation Board
NOTICES
Control Exemption:
Pinsly Railroad Co.; Prescott and Northwestern Railroad Co., 49068

Susquehanna River Basin Commission
NOTICES
Projects Approved for Consumptive Uses of Water, 49063–49065

Thrift Supervision Office
NOTICES
Correspondent Concentration Risks, 48955–48959

Transportation Department
See Federal Aviation Administration
See Federal Motor Carrier Safety Administration
See Federal Railroad Administration
See National Highway Traffic Safety Administration
See Pipeline and Hazardous Materials Safety Administration
See Surface Transportation Board
NOTICES
Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (formerly Subpart Q), 49065–49066

Treasury Department
See Comptroller of the Currency
See Engraving and Printing Bureau
See Internal Revenue Service
See Public Debt Bureau
See Thrift Supervision Office
RULES
Entry of Certain Cement Products From Mexico Requiring a Commerce Department Import License, 48852–48853
Increase in Certain Personal Duty Exemptions Extended to Returning U.S. Residents, 48853–48855

U.S. Customs and Border Protection
RULES
Entry of Certain Cement Products From Mexico Requiring a Commerce Department Import License, 48852–48853
Increase in Certain Personal Duty Exemptions Extended to Returning U.S. Residents, 48853–48855

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 49073

Western Area Power Administration
NOTICES
Record of Decision:
Montana Alberta Tie Limited (DOE/EIS–0399), 48947–48948

Separate Parts In This Issue

Part II
Health and Human Services Department, Centers for Medicare & Medicaid Services, 49076–49187

Part III
Postal Regulatory Commission, 49190–49215

Part IV
Homeland Security Department, Coast Guard, 49218–49241

Part V
Interior Department, Fish and Wildlife Service, 49244–49289

Part VI
Interior Department, Fish and Wildlife Service, 49292–49297

Part VII
Presidential Documents, 49299–49302

Part VIII
Presidential Documents, 49303–49306

Reader Aids
Consult the Reader Aids section at the end of this page for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Proclamations:

8420 49301
8421 49305

7 CFR

246 48845
916 48846
917 48846
924 48848

Proposed Rules:

1250 48868

10 CFR

600 48850
1024 48850

14 CFR

71 (4 documents) 48850, 48851

Proposed Rules:

39 (4 documents) 48870, 48872, 48877, 48882

18 CFR

Proposed Rules:

366 48884
367 48884

19 CFR

12 48852
148 48853
163 48852

20 CFR

404 48855

26 CFR

Proposed Rules:

1 48888

33 CFR

Proposed Rules:

117 48889
151 48889
155 48891
160 48891

36 CFR

Proposed Rules:

1254 48892

39 CFR

Proposed Rules:

3055 49190

40 CFR

52 (2 documents) 48857, 48863

Proposed Rules:

52 48894

42 CFR

483 48865

45 CFR

2550 48866
2552 48866

46 CFR

1 49218
2 49218
5 49218
6 49218
7 49218
8 49218
10 49218
11 49218
12 49218
15 49218
16 49218
25 49218
26 49218
27 49218
28 49218
30 49218
31 49218
32 49218
34 49218
35 49218
39 49218
44 49218
46 49218
50 49218
52 49218
53 49218
54 49218
56 49218
57 49218
58 49218
59 49218
61 49218
62 49218
63 49218
67 49218
68 49218
69 49218
70 49218
71 49218
76 49218
77 49218
78 49218
90 49218
91 49218
92 49218
95 49218
96 49218
97 49218
98 49218
105 49218
107 49218
108 49218
109 49218
110 49218
111 49218
114 49218
116 49218
125 49218
126 49218
127 49218
128 49218
130 49218
131 49218
133 49218
134 49218
147 49218
148 49218
150 49218
151 49218
153 49218
154 49218
159 49218
160 49218
161 49218
162 49218
164 49218
167 49218
169 49218
170 49218
172 49218
174 49218
175 49218
177 49218
188 49218
189 49218
193 49218
194 49218
195 49218
197 49218
199 49218
401 49218

49 CFR

450 49218
451 49218
452 49218
453 49218

Proposed Rules:

523 48894
531 48894
533 48894
534 48894
536 48894
537 48894

50 CFR

20 (2 documents) 49244, 49292
648 48866

Rules and Regulations

Federal Register
Vol. 74, No. 185
Friday, September 25, 2009

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 246

RIN 0584–AD77

Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Revisions in the WIC Food Packages

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Final rule; technical correction.

SUMMARY: This document corrects a typographical error published in an interim final rule concerning maximum monthly allowances of supplemental foods for infants in food (packages I, II, and III) published in the **Federal Register** on December 6, 2007. A table contained a typographical error; this document corrects that error. All other information remains unchanged.

DATES: *Effective Date:* This correction is effective September 25, 2009.

FOR FURTHER INFORMATION CONTACT: Debra R. Whitford, Chief, Policy and Program Development Branch, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 528, Alexandria, VA 22302, (703) 305–2746; *Debbie.Whitford@fns.usda.gov.*

SUPPLEMENTARY INFORMATION:

Correction

Interim rule document ''Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Revisions in the WIC Food Packages'' published on December 6, 2007, at 72 FR 68966, § 246.10, ''Table 1.—Maximum Monthly Allowances of Supplemental Foods For Infants in Food Packages I, II, and III'', contained a typographical error in the heading of the 5th column. As a result, the January 2009 revision of the CFR contained the incorrect column heading. This document ensures the correct heading will appear in the January 2010 edition of the CFR. For reasons of convenience and context, we are presenting table 1 revised in its entirety, though the only change is the above-mentioned typographical error.

List of Subject in 7 CFR Part 246

Administrative practice and procedure, Civil rights, Food assistance programs, Grant programs—health, Grant programs—social programs, Infants and children, Maternal and child health, Nutrition.

■ For reasons set forth in the preamble, the Food and Nutrition Service correctly amends 7 CFR part 246 as follows:

PART 246—SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS AND CHILDREN

■ 1. The authority citation for part 246 continues to read as follows:

Authority: 42 U.S.C. 1786.

■ 2. In § 246.10, revise table 1 to read as follows:

§ 246.10 Supplemental foods.

* * * * *

TABLE 1—MAXIMUM MONTHLY ALLOWANCES OF SUPPLEMENTAL FOODS FOR INFANTS IN FOOD PACKAGES I, II AND III

Foods [1]	Fully formula fed (FF)		Partially breastfed (BF/FF)		Fully breastfed (BF)	
	Food packages I-FF & III–FF A: 0 through 3 months B: 4 through 5 months	Food packages II–FF & III–FF 6 through 11 months	Food packages I-BF/FF & III BF/FF A: 0 to 1 month [2] B: 1 through 3 months [2] C: 4 through 5 months	Food packages II-BF/FF & III BF/FF 6 through 11 months	Food package I–BF 0 through 5 months	Food package II–BF 6 through 11 months
WIC Formula [4 5 6 7] ..	A: 806 fl oz reconstituted liquid concentrate or 832 fl. oz. RTF or 870 fl oz reconstituted powder. B: 884 fl oz reconstituted liquid concentrate or 896 fl. oz. RTF or 960 fl oz reconstituted powder.	624 fl. oz. reconstituted liquid concentrate or 640 fl. oz. RTF or 696 fl oz reconstituted powder.	A: 104 fl oz reconstituted powder [3]. B: 364 fl oz reconstituted liquid concentrate or 384 fl oz RTF or 435 fl oz reconstituted powder. C: 442 fl. oz. reconstituted liquid concentrate or 448 fl. oz. RTF or 522 fl oz reconstituted powder.	312 fl. oz. reconstituted liquid concentrate or 320 fl. oz. RTF or 384 fl oz reconstituted powder.		
Infant cereal [8]	.....	24 oz	.....	24 oz	.....	24 oz.
Infant food fruits and vegetables [8 9 10].	.....	128 oz	.....	128 oz	.....	256 oz.

TABLE 1—MAXIMUM MONTHLY ALLOWANCES OF SUPPLEMENTAL FOODS FOR INFANTS IN FOOD PACKAGES I, II AND III—Continued

Foods [1]	Fully formula fed (FF)		Partially breastfed (BF/FF)		Fully breastfed (BF)	
	Food packages I-FF & III–FF A: 0 through 3 months B: 4 through 5 months	Food packages II–FF & III–FF 6 through 11 months	Food packages I-BF/FF & III BF/FF A: 0 to 1 month [2] B: 1 through 3 months [2] C: 4 through 5 months	Food packages II-BF/FF & III BF/FF 6 through 11 months	Food package I–BF 0 through 5 months	Food package II–BF 6 through 11 months
Infant food meat [8 10]	.....	.....	.....	.....	.....	77.5 oz.

Table 1 Footnotes: (Abbreviations in order of appearance in table): FF = fully formula fed; BF/FF = partially breastfed (*i.e.,* the infant is breastfed but also receives formula from the WIC Program); BF = fully breastfed (*i.e.,* the infant receives no formula through the WIC program).

[1] Table 4 describes the minimum requirements and specifications for the supplemental foods.

[2] The powder form is the form recommended for partially breastfed infants ages 0 through 3 months in Food Package I.

[3] Liquid concentrate and ready-to-feed (RTF) may be substituted at rates that provide comparable nutritive value.

[4] WIC formula means infant formula, exempt infant formula, or WIC-eligible medical food. Only infant formula may be issued for infants in Food Packages I and II. Exempt infant formula may only be issued for infants in Food Package III.

[5] The maximum monthly allowance is specified in reconstituted fluid ounces for liquid concentrate, RTF liquid, and powder forms of infant formula and exempt infant formula. Reconstituted fluid ounce is the form prepared for consumption as directed on the container.

[6] If powder infant formula is provided, State agencies must provide at least the number of reconstituted fluid ounces as the maximum allowance for the liquid concentrate form of the same product in the same Food Package up to the maximum monthly allowance for powder. State agencies must issue whole containers that are all the same size.

[7] State agencies may round up and disperse whole containers of infant formula over the food package timeframe to allow participants to receive the full authorized nutritional benefit (FNB). State agencies must use the methodology described in accordance with paragraph (h)(1) of this section.

[8] State agencies may round up and disperse whole containers of infant foods (infant cereal, fruits and vegetables, and meat) over the Food Package timeframe. State agencies must use the methodology described in accordance with paragraph (h)(2) of this section.

[9] Fresh banana may replace up to 16 ounces of infant food fruit at a rate of 1 pound of bananas per 8 ounces of infant food fruit.

[10] In lieu of infant foods (cereal, fruit and vegetables, and meat), infants greater than 6 months of age in Food Package III may receive exempt infant formula or WIC-eligible medical foods at the same maximum monthly allowance as infants ages 4 through 5 months of age of the same feeding option.

* * * * *

Dated: August 25, 2009.

Julia Paradis,

Administrator, Food and Nutrition Service.

[FR Doc. E9–22590 Filed 9–24–09; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 916 and 917

[Doc. No. AMS–FV–09–0013; FV09–916/917–2 IFR]

Nectarines and Peaches Grown in California; Decreased Assessment Rates

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Affirmation of interim final rule as final rule.

SUMMARY: The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim final rule that decreased the assessment rates established for the Nectarine Administrative Committee and the Peach Commodity Committee (Committees) for the 2009–10 and subsequent fiscal periods. The Nectarine Administrative Committee (NAC) program decreased its assessment rate from $0.06 to $0.0175 per 25-pound container or container equivalent of nectarines handled. The Peach Commodity Committee (PCC) program decreased its assessment rate from $0.06 to $0.0025 per 25-pound container or container equivalent of peaches handled. The Committees locally administer the marketing orders for nectarines and peaches grown in California (order). The interim final rule was necessary to align the Committees' expected revenue with decreases in its proposed budget for the 2009–10 fiscal period, which began March 1, 2009.

DATES: *Effective Date:* Effective September 26, 2009.

FOR FURTHER INFORMATION CONTACT: Jennifer Robinson, Marketing Specialist, or Kurt J. Kimmel, Regional Manager, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906; or E-mail: *Jen.Robinson@ams.usda.gov* or *Kurt.Kimmel@ams.usda.gov*.

Small businesses may obtain information on complying with this and other marketing order regulations by viewing a guide at the following Web site: *http://www.ams.usda.gov/AMSv1.0/ams.fetchTemplateData.do?template=TemplateN&page=MarketingOrdersSmallBusinessGuide*; or by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, fax: (202) 720–8938, or e-mail: *Jay.Guerber@ams.usda.gov*.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order Nos. 916 and 917, both as amended (7 CFR parts 916 and 917), regulating the handling of nectarines and peaches grown in California, respectively, hereinafter referred to as the ''orders.'' The orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

USDA is issuing this rule in conformance with Executive Order 12866.

Under the orders, California nectarine and peach handlers are subject to assessments, which provide funds to administer the orders. Assessment rates issued under the orders are intended to be the applicable to all assessable nectarines and peaches for the entire fiscal period, and continue indefinitely until amended, suspended, or terminated. The Committee's fiscal period begins on March 1, and ends on the last day of February.

In an interim final rule published in the **Federal Register** on June 18, 2009, and effective on June 19, 2009 (74 FR 28869, Doc. No. AMS–FV–09–0013; FV09–916/917–2 IFR), §§ 916.234 and

917.258 were amended by decreasing the assessment rates established for the NAC program for the 2009–10 and subsequent fiscal periods from $0.06 to $0.0175 per 25-pound container or container equivalent of nectarines and for the PCC program for the 2009–10 and subsequent fiscal periods from $0.06 to $0.0025 per 25-pound container or container equivalent of peaches. Decreases in the per-container assessment rates were possible due to significant decreases in budgeted administrative and promotional expenses for 2009.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 120 California nectarine and peach handlers subject to regulation under the orders covering nectarines and peaches grown in California, and about 550 producers of these fruits in California. Small agricultural service firms, which include handlers, are defined by the Small Business Administration (SBA) (13 CFR 121.201) as those whose annual receipts are less than $7,000,000. Small agricultural producers are defined by the SBA as those having annual receipts of less than $750,000. A majority of these handlers and producers may be classified as small entities.

The Committees' staff has estimated that there are fewer than 30 handlers in the industry who would not be considered small entities. For the 2008 season, the Committees' staff estimated that the average handler price received was $9.00 per container or container equivalent of nectarines or peaches. A handler would have to ship at least 777,778 containers to have annual receipts of $7,000,000. Given data on shipments maintained by the Committees' staff and the average handler price received during the 2008 season, the Committees' staff estimates that small handlers represent approximately 78 percent of all the handlers within the industry.

The Committees' staff has also estimated that fewer than 60 producers in the industry would not be considered small entities. For the 2008 season, the Committees estimated the average producer price received was $4.25 per container or container equivalent for nectarines and peaches. A producer would have to produce at least 176,471 containers of nectarines and peaches to have annual receipts of $750,000. Given data maintained by the Committees' staff and the average producer price received during the 2008 season, the Committees' staff estimates that small producers represent more than 88 percent of the producers within the industry.

With an average producer price of $4.25 per container or container equivalent, and a combined packout of nectarines and peaches of 45,543,561 containers, the value of the 2008 packout is estimated to be $193,560,134. Dividing this total estimated producer revenue figure by the estimated number of producers (550) yields an estimate of average revenue per producer of about $351,928 from the sales of peaches and nectarines.

This rule continues in effect the action that decreased the assessment rates established for the NAC for the 2009–10 and subsequent fiscal periods from $0.06 to $0.0175 per 25-pound container or container equivalent of nectarines and for the PCC for the 2009–10 and subsequent fiscal periods from $0.06 to $0.0025 per 25-pound container or container equivalent of peaches.

The NAC recommended 2009–10 fiscal period expenditures of $1,797,290.20 for nectarines and an assessment rate of $0.0175 per 25-pound container or container equivalent of nectarines. The assessment rate of $0.0175 is $0.0425 lower than the rate currently in effect. The PCC recommended 2009–10 fiscal period expenditures of $1,885,250 for peaches and an assessment rate of $0.0025 per 25-pound container or container equivalent of peaches. The assessment rate of $0.0025 is $0.0575 lower than the rate currently in effect.

This rule continues in effect the action that decreased the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate would reduce the burden on handlers, and may reduce the burden on producers. In addition, the Committees' meetings were widely publicized throughout the California nectarine and peach industries and all interested persons were invited to attend the meetings and encouraged to participate in the Committees' deliberations on all issues. Like all Committee meetings, the February 19, 2009 meetings were public meetings and entities of all sizes were able to express views on this issue.

This action imposes no additional reporting or recordkeeping requirements on either small or large handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

In addition, as noted in the initial regulatory flexibility analysis, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Comments on the interim final rule were required to be received on or before August 17, 2009. One comment was received in support of the decreased assessment rates. Therefore, for the reasons given in the interim final rule, we are adopting the interim final rule as a final rule, without change.

To view the interim final rule and comment, go to: http://www.regulations.gov/search/Regs/home.html#docketDetail?R=AMS-FV-09-0013.

This action also affirms information contained in the interim final rule concerning the Executive Orders 12866 and 12988, the Paperwork Reduction Act (44 U.S.C. Chapter 35), and the E–Gov Act (44 U.S.C. 101).

After consideration of all relevant material presented, it is found that finalizing this interim final rule, without change, as published in the **Federal Register** (74 FR 28869, June 18, 2009) will tend to effectuate the declared policy of the Act.

List of Subjects

7 CFR Part 916

Marketing agreements, Nectarines, Reporting and recordkeeping requirements.

7 CFR Part 917

Marketing agreements, Peaches, Pears, Reporting and recordkeeping requirements.

PARTS 916 AND 917—[AMENDED]

■ Accordingly, the interim final rule amending 7 CFR parts 916 and 917, which was published at 74 FR 28869 on June 18, 2009, is adopted as a final rule, without change.

Dated: September 21, 2009.

Rayne Pegg,

Administrator, Agricultural Marketing Service.

[FR Doc. E9–23152 Filed 9–24–09; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 924

[Doc. No. AMS–FV–09–0040; FV09–924–1 FR]

Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, OR; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule increases the assessment rate established for the Washington-Oregon Fresh Prune Marketing Committee (Committee) for the 2009–10 and subsequent fiscal periods from $1.00 to $2.00 per ton for fresh prunes. The Committee is responsible for local administration of the marketing order regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon. Assessments upon handlers of fresh prunes are used by the Committee to fund reasonable and necessary expenses of the program. The fiscal period for the marketing order began April 1 and ends March 31. The assessment rate will remain in effect indefinitely unless modified, suspended or terminated.

DATES: *Effective Date:* September 26, 2009.

FOR FURTHER INFORMATION CONTACT: Robert J. Curry or Gary D. Olson, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW., Third Avenue, Suite 385, Portland, OR 97204; Telephone: (503) 326–2724; Fax: (503) 326–7440; or E-mail: *Robert.Curry@ams.usda.gov* or *GaryD.Olson@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence, SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491; Fax: (202) 720–8938; or E-mail: *Jay.Guerber@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Order No. 924 (7 CFR part 924), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, Washington-Oregon prune handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate will be applicable to all assessable Washington-Oregon prunes beginning April 1, 2009, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This final rule increases the assessment rate established by the Committee for the 2009–10 and subsequent fiscal periods from $1.00 to $2.00 per ton for Washington-Oregon prunes handled under the order.

The order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of prunes in designated counties in Washington and in Umatilla County, Oregon. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed at a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2007–08 and subsequent fiscal periods, the Committee recommended, and the USDA approved, an assessment rate of $1.00 per ton of prunes handled. This rate continues in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on June 2, 2009, and unanimously recommended 2009–10 expenditures of $8,893. The major expenditures recommended by the Committee for the 2009–10 fiscal period include $4,800 for the management fee, $800 for Committee travel, $100 for compliance, $2,000 for the financial audit, and $1,193 for equipment maintenance, insurance, bonds, and miscellaneous expenses. In comparison, the $6,893 budget approved for the 2008–09 fiscal period included $4,800 for the management fee, $800 for travel expenses, $100 for compliance, and $1,150 for audits, equipment maintenance, insurance, bonds, and miscellaneous expenses. The major increase in expenses this year is in the audit category.

The assessment rate recommended by the Committee was derived by dividing the anticipated expenses of $8,893 by the projected 2009 4,400-ton prune production. Applying the $2.00 per ton assessment rate to this crop estimate should provide $8,800 in assessment income, which, in addition to a small draw of approximately $93.00 from the Committee's monetary reserve, should adequately cover the budgeted expenditures. The reserve balance at the end of the 2008–09 fiscal period was $5,160. The estimated 2009–10 year-end reserve is $5,067, which is within the order's limit of approximately one fiscal period's operational expenses. The Committee recommended the higher assessment rate in order that the budgeted expenditures—$2,000 higher than the 2008–09 approved budget—are adequately covered and that the current reserve balance is maintained.

The increased assessment rate will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate will be effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of the Committee's meetings are available from the Committee or USDA. The Committee's meetings are open to the public and interested persons may express their views at these meetings. USDA would evaluate the Committee's recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 2009–10 budget, and those for subsequent fiscal periods, will be reviewed and, as appropriate, approved by USDA.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 215 producers of fresh prunes in the regulated production area and approximately 10 handlers subject to regulation under the order. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $7,000,000.

Based on information compiled by both the Committee and the National Agricultural Statistics Service, the average annual revenue from the sale of fresh prunes was approximately $7,930 per producer in 2008. This estimate is based on 215 producers with a total production of about 3,514 tons of fresh prunes selling for an average of $485 per ton. In addition, based on AMS Market News Service reports that 2008 f.o.b. prices ranged from $17.00 to $19.00 per 30-pound container, the entire Washington-Oregon fresh prune industry handled less than $7,000,000 worth of prunes last season. In view of the foregoing, the majority of Washington-Oregon fresh prune producers and handlers may be classified as small entities.

This final rule increases the assessment rate established for the Committee and collected from handlers for the 2009–10 and subsequent fiscal periods from $1.00 to $2.00 per ton for prunes handled under the order's authority. The Committee also unanimously recommended 2009–10 expenditures of $8,893, which is $2,000 higher than the $6,893 budget approved for the 2008–09 fiscal period. When the recommended $2.00 per ton assessment rate is levied against the 2009–10 prune crop estimate of 4,400 tons, the Committee expects assessment income of about $8,800. The Committee recommended the higher assessment rate to help ensure that the 2009–10 budgeted expenses are adequately covered and that the current reserve balance is maintained. With the 4,400 ton crop estimate this year, the Committee would have realized income of about $4,400 without the assessment rate increase. This would have forced the Committee to draw approximately $4,493 from its $5,160 reserve fund, leaving an inadequate amount in reserve.

The major expenditures recommended by the Committee for the 2009–10 fiscal period include $4,800 for the management fee, $800 for Committee travel, $100 for compliance, $2,000 for the financial audit, and $1,193 for equipment maintenance, insurance, bonds, and miscellaneous expenses. In comparison, the $6,893 budget approved for the 2008–09 fiscal period included $4,800 for the management fee, $800 for travel expenses, $100 for compliance, and $1,193 for audits, equipment maintenance, insurance, bonds, and miscellaneous expenses. The major increase in expenses this year is in the audit category.

The Committee discussed alternatives to this recommended assessment increase. Leaving the assessment rate at the current $1.00 per ton was discussed, but not considered since such a rate would not have generated income adequate to maintain the Committee's reserve at or about the current level.

A review of historical information and preliminary information pertaining to the upcoming crop year indicates that the producer price for the 2009–10 season could average about $500 per ton for fresh Washington and Oregon grown prunes. Therefore, the estimated assessment revenue for the 2009–10 fiscal period as a percentage of total producer revenue is 0.4 percent for Washington-Oregon prunes.

This action increases the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the order.

In addition, the Committee's meeting was widely publicized throughout the Washington prune industry and all interested persons were invited to attend and participate in Committee deliberations on all issues. Like all Committee meetings, the June 2, 2009, meeting was a public meeting and all entities, both large and small, were able to express views on the issues.

A proposed rule concerning this action was published in the **Federal Register** on July 24, 2009 (74 FR 36616). Copies of the rule were made available by the Committee office. Finally, the rule was made available through the Internet by USDA and the Office of the Federal Register. A 30-day comment period, ending August 24, 2009, was provided to allow interested persons to respond to the proposal. No comments were received.

This final rule will not impose any additional reporting or recordkeeping requirements on either small or large Washington-Oregon prune handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. As noted in the initial regulatory flexibility analysis, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and order may be viewed at: *http://www.ams.usda.gov/AMSv1.0/ams.fetchTemplateData.do?template=TemplateN&page=MarketingOrders SmallBusinessGuide.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant matter presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because handlers are already shipping prunes from the 2009–10 crop and the Committee needs to have sufficient funds to pay its expenses, which are incurred on a continuous basis. Further, handlers are aware of this action, which was recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years. Finally, a 30-day comment period was provided for in the proposed rule.

List of Subjects in 7 CFR Part 924

Prunes, Marketing agreements, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR part 924 is amended as follows:

PART 924—PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

■ 1. The authority citation for 7 CFR part 924 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 924.236 is revised to read as follows:

§ 924.236 Assessment rate.

On or after April 1, 2009, an assessment rate of $2.00 per ton is established for the Washington-Oregon Fresh Prune Marketing Committee.

Dated: September 21, 2009.

Rayne Pegg,

Administrator, Agricultural Marketing Service.

[FR Doc. E9–23153 Filed 9–24–09; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF ENERGY

10 CFR Parts 600 and 1024

RIN 1991–AB77

Assistance Regulations; Correction

AGENCY: Department of Energy.

ACTION: Final rule; correction.

SUMMARY: The Department of Energy (DOE) is correcting a final rule that appeared in the **Federal Register** of August 28, 2009 (74 FR 44273). In this document, DOE amended its Financial Assistance Regulations to update, streamline, and simplify the general rules, and also removed regulations governing the DOE Financial Assistance Appeals Board.

DATES: This correction is effective September 28, 2009.

FOR FURTHER INFORMATION CONTACT: Ms. Jacqueline Kniskern, Office of Procurement and Assistance Policy, U.S. Department of Energy, at 202–287–1342, or by e-mail at *jacqueline.kniskern@hq.doe.gov*.

SUPPLEMENTARY INFORMATION: In FR Doc. E9–20299, appearing on page 44273 in the **Federal Register** of Friday, August 28, 2009, the following correction is made:

§ 600.6 [Corrected]

On page 44275, third column, § 600.6, introductory paragraph (c), the phrase ''DOE may award a grant or cooperative agreement on a noncompetitive basis only if the application satisfies one or more of the follow selection criteria:'' is corrected to read ''DOE may award a grant or cooperative agreement or technology investment agreement on a noncompetitive basis only if the application satisfies one or more of the follow selection criteria:''.

Issued in Washington, DC, on September 21, 2009.

Edward R. Simpson,

Director, Office of Procurement and Assistance Management, Office of Management, Department of Energy.

Joe Waddell,

Acting Director, Office of Acquisition and Supply Management, National Nuclear Security Administration.

[FR Doc. E9–23188 Filed 9–24–09; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0986; Airspace Docket No. 08–ASO–15]

Modification of Class E Airspace; Franklin, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This action confirms the effective date of an airspace action, which was previously published as a direct final rule in the **Federal Register**, for the Macon County Airport in Franklin, NC.

DATES: *Effective Date:* 0901 UTC, September 25, 2009. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

SUPPLEMENTARY INFORMATION:

Confirmation of Effective Date

The FAA published this direct final rule with a request for comments in the **Federal Register** on December 17, 2008 (73 FR 76519), Docket No. FAA–2008–0986; Airspace Docket No. 08–ASO–15. The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on March 12, 2009. No adverse comments were received, and thus this notice confirms that effective date.

* * * * *

Issued in College Park, Georgia, on September 2, 2009.

Barry A. Knight,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. E9–22075 Filed 9–24–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket FAA No. FAA–2008–0006; Airspace Docket No. 08–ANM–1]

Establishment of Class D Airspace and Amendment of Class E Airspace; North Bend, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects a final rule published in the **Federal Register** on August 26, 2009. In that rule, errors were made in the legal description and the airport name for North Bend, OR. This action corrects those errors.

DATES: *Effective Date:* 0901 UTC, October 22, 2009. The Director of the

Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Eldon Taylor, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue, SW., Renton, WA 98057; telephone (425) 203–4537.

SUPPLEMENTARY INFORMATION:

History

On August 26, 2009, a final rule for Airspace Docket No. 08–ANM–1, FAA Docket No. FAA–2008–0006 was published in the **Federal Register** (74 FR 43030), establishing Class D airspace and amending Class E airspace at North Bend, OR. The latitude, longitude referencing the airport stated ''* * * lat. 43°25′02″ N., long. 124°14′46″ W.'' instead of ''* * * lat. 43°25′01″ N., long. 124°14′49″ W.''. Also the airport name stated ''North Bend Municipal Airport, OR'' instead of ''Southwest Oregon Regional Airport, OR''. This action corrects that error.

Correction to Final Rule

■ Accordingly, pursuant to the authority delegated to me, the legal description as published in the **Federal Register** on August 26, 2009 (74 FR 43030), Airspace Docket No. 08–ANM–1, FAA Docket No. FAA–2008–0006, and incorporated by reference in 14 CFR 71.1, is corrected as follows:

§ 71.1 [Amended]

■ On page 43030, correct the legal description for North Bend, OR, to read as follows:

Paragraph 5000 Class D airspace.

* * * * *

ANM OR D North Bend, OR [Corrected]

Southwest Oregon Regional Airport, OR
(Lat. 43°25′01″ N., long. 124°14′49″ W.)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.2-mile radius of the Southwest Oregon Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6002 Class E airspace Designated as Surface Areas.

* * * * *

ANM OR E2 North Bend, OR [Corrected]

Southwest Oregon Regional Airport, OR
(Lat. 43°25′01″ N., long. 124°14′49″ W.)
North Bend VORTAC
(Lat. 43°24′56″ N., long. 124°10′07″ W.)
Emire LOM/NDB
(Lat. 43°23′40″ N., long. 124°18′37″ W.)

Within a 4.2-mile radius of the Southwest Oregon Regional Airport, and within 1.8 miles each side of the North Bend VORTAC 044° radial extending from the 4.2-mile radius to 5.7 miles northeast of the VORTAC, and within 3.7 miles each side of the North Bend VORTAC 092° radial extending from the 4.2-mile radius to 7.5 miles east of the VORTAC, and within 2.7 miles each side of the 241° bearing from the Emire LOM/NDB extending from the 4.2-mile radius to 6.1 miles southwest of the LOM/NDB. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Seattle, Washington, on September 10, 2009.

H. Steve Karnes,

Acting Manager, Operations Support Group, Western Service Center.

[FR Doc. E9–22481 Filed 9–24–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2009–0327; Airspace Docket 09–ASO–014]

Establishment of Class D Airspace, Modification of Class E Airspace; Bunnell, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This action confirms the effective date of an airspace action, which was previously published as a direct final rule in the **Federal Register**, for the Flagler County Airport in Bunnell, FL.

DATES: *Effective Date:* 0901 UTC, September 25, 2009. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Melinda Giddens, Operations Support, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5610.

SUPPLEMENTARY INFORMATION:

Confirmation of Effective Date

The FAA published this direct final rule with a request for comments in the **Federal Register** on May 27, 2009 (74 FR 25145), Docket No. FAA–2009–0327; Airspace Docket 09–ASO–14. The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on August 27, 2009. No adverse comments were received, and thus this notice confirms that effective date.

* * * * *

Issued in College Park, Georgia, on September 2, 2009.

Barry A. Knight,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. E9–22074 Filed 9–24–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2009–0053; Airspace Docket No. 09–ASO–11]

Modification of Class D and E Airspace, Removal of Class E Airspace; Aguadilla, PR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This action confirms the effective date of an airspace action, which was previously published as a direct final rule in the **Federal Register**, for the Rafael Hernandez Airport in Aguadilla, PR.

DATES: *Effective Date:* 0901 UTC, September 25, 2009. The Director of the **Federal Register** approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Melinda Giddens, Operations Support Group, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; Telephone (404) 305–5610, Fax 404–305–5572.

SUPPLEMENTARY INFORMATION:

Confirmation of Effective Date

The FAA published this direct final rule with a request for comments in the **Federal Register** on March 12, 2009 (74 FR 10676), Docket No. FAA–2009–0053; Airspace Docket No. 09–ASO–11. The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on May 7, 2009. No adverse comments were received, and thus this notice confirms that effective date.

* * * * *

Issued in College Park, Georgia, on September 2, 2009.

Barry A. Knight,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. E9–22073 Filed 9–24–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Parts 12 and 163

[CBP Dec. 09–36]

RIN 1505–AC14

Entry of Certain Cement Products From Mexico Requiring a Commerce Department Import License

AGENCIES: Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends title 19 of the Code of Federal Regulations (19 CFR) by removing regulations originally promulgated to provide special entry requirements for certain cement products from Mexico requiring a United States Department of Commerce import license and to include certain required entry documentation in the ''List of Records Required for the Entry of Merchandise'' set forth in the Appendix to Part 163 of title 19 of the Code of Federal Regulations. Since the underlying trade agreement that necessitated these regulations expired on March 31, 2009, they are no longer necessary and are obsolete.

DATES: The amendment is effective September 25, 2009.

FOR FURTHER INFORMATION CONTACT: Christine Furgason, Acting Director, AD/CVD and Revenue Policy & Programs, Customs and Border Protection, 1400 L Street, NW., Washington, DC 20229, Tel (202) 863–6081.

SUPPLEMENTARY INFORMATION:

Background

On March 6, 2006, the Office of the United States Trade Representative (USTR), the United States Department of Commerce (Commerce), and the Ministry of Economy of the United Mexican States (Secretaria de Economia) signed a bilateral Trade in Cement Agreement (Agreement) concerning the entry of certain cement products from Mexico into the United States. The Agreement required the creation of an Export Licensing Program by Mexico and an Import Licensing Program by Commerce to enforce certain quantitative restrictions contained in the Agreement. The Agreement included a provision for its termination on March 31, 2009. A copy of the Agreement is available on the Commerce Web site: *http://www.ia.ita.doc.gov/download/mexico-cement/cement-final-agreement.pdf.*

To implement the Agreement, the International Trade Administration of the Department of Commerce (ITA) published a final rule in the **Federal Register** (72 FR 10006) on March 6, 2007, prescribing the cement licensing and import monitoring program regulations promulgated at 19 CFR 361.101–361.105.

On March 6, 2007, Customs and Border Protection (CBP) published a corollary final rule in the **Federal Register** (72 FR 10004) that promulgated special requirements for the entry into the U.S. of certain cement products from Mexico requiring a U.S. Department of Commerce import license, at new 19 CFR 12.155. The ''List of Records Required for the Entry of Merchandise'' set forth in the Appendix to Part 163 was also amended by that document to reflect the entry document requirements mandated by the Agreement.

As the Agreement expired on March 31, 2009, § 12.155 and the references to Mexican Cement export and import licenses in the Appendix to Part 163 are now unnecessary and obsolete, and, accordingly they are removed from the regulations.

Inapplicability of Prior Public Notice and Comment Procedures and Delayed Effective Date

Because this amendment merely removes obsolete regulations from title 19 of the CFR, CBP has determined, pursuant to the provisions of 5 U.S.C. 553(b)(B), that prior public notice and comment procedures on this regulation are unnecessary and contrary to public interest. For the same reason, pursuant to the provisions of 5 U.S.C. 553(d)(3), there is good cause for dispensing with a delayed effective date.

The Regulatory Flexibility Act

This document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, and thus is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Executive Order 12866

These amendments do not meet the criteria for a ''significant regulatory action'' as specified in Executive Order 12866.

Signing Authority

This document is being issued in accordance with 19 CFR 0.1(a)(1).

List of Subjects

19 CFR Part 12

Customs duties and inspection, Entry of merchandise, Imports, Licensing, Mexico, Reporting and recordkeeping requirements, Trade agreements.

19 CFR Part 163

Administrative practice and procedure, Customs duties and inspection, Exports, Imports, Reporting and recordkeeping requirements.

Amendment to the Regulations

■ For the reasons stated above, parts 12 and 163 of title 19 of the Code of Federal Regulations (19 CFR parts 12 and 163) are amended as set forth below.

PART 12—SPECIAL CLASSES OF MERCHANDISE

■ 1. The general authority citation for part 12 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

* * * * *

§ 12.155 [Removed]

■ 2. The undesignated center heading entitled ''Mexican Cement Products'' and § 12.155 are removed.

PART 163—RECORDKEEPING

■ 3. The authority citation for part 163 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1484, 1508, 1509, 1510, 1624.

Appendix to Part 163 [Amended]

■ 4. In the Appendix to Part 163, the listing for § 12.155 under section IV is removed.

Jayson P. Ahern,

Acting Commissioner, Customs and Border Protection.

Approved: September 21, 2009.

Timothy E. Skud,

Deputy Assistant Secretary of the Treasury.

[FR Doc. E9–23157 Filed 9–24–09; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Part 148

[CBP Dec. 09–37]

RIN 1505–AC16

Increase in Certain Personal Duty Exemptions Extended to Returning U.S. Residents

AGENCIES: Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends title 19 of the Code of Federal Regulations (CFR) by making technical corrections to those regulatory provisions within part 148 that set forth personal duty exemption amounts authorized by the Harmonized Tariff Schedule of the United States (HTSUS). These technical corrections are necessary to conform title 19 of the CFR to amendments to the HTSUS effected by section 381 of the Trade Act of 2002 and section 2004(d)(8)(A) and (B) of the Miscellaneous Trade and Technical Corrections Act of 2004, which increased personal duty exemption amounts.

DATES: The final rule is effective on September 25, 2009.

FOR FURTHER INFORMATION CONTACT: Bernarda Gilbert, Passenger Operations, Office of Field Operations, Customs and Border Protection, (202) 344–2269.

SUPPLEMENTARY INFORMATION:

Background

I. Personal Duty Exemptions

Generally, when an individual imports merchandise into the United States, the person must pay duty to Customs and Border Protection (CBP) on the goods. The amount of duty payable is determined by the merchandise's classification within the Harmonized Tariff Schedule of the United States (HTSUS).

Under prescribed circumstances, the government permits an exemption from the payment of duty on certain articles imported by or for the account of any person arriving in the United States who is a returning resident of the United States, including American citizens who are residents of American Samoa, Guam, or the U.S. Virgin Islands. Subheadings 9804.00.65, 9804.00.70 and 9804.00.72, HTSUS, with certain limitations and conditions, extend such duty exemptions to articles for personal or household use that are acquired abroad merely as an incident of the foreign journey. The duty exemptions (also known as personal exemptions) provided for in these tariff schedule subheadings specify the aggregate fair retail value of merchandise that a returning resident may bring back to the United States without having to pay duty.

It is noted that although the Commonwealth of the Northern Mariana Islands is not listed in these provisions, pursuant to section 603(c) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, Public Law 94–241, 90 Stat. 263, 270, goods imported from the Commonwealth of the Northern Marianas are entitled to the same tariff treatment as imports from Guam and are therefore subject to the duty exemptions provided for under these subheadings.

II. Statutory Amendments

The Trade Act of 2002 (Pub. L. 107–210, 116 Stat. 933, 19 U.S.C. 3801) and the Miscellaneous Trade and Technical Corrections Act of 2004 (Pub. L. 108–429, 118 Stat. 2598) amended subheadings 9804.00.65, 9804.00.70, and 9804.00.72 of the HTSUS, in pertinent part, regarding the amounts of the duty exemptions, as well as the scope of those provisions. The amendments are as follows:

- Section 381, within Subtitle D of the Trade Act of 2002, amended subheading 9804.00.65, HTSUS, by increasing from $400 to $800 the duty exemption accorded articles for personal or household use accompanying returning U.S. residents.
- Section 2004(d)(8)(A) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Pub. L. 108–429, 118 Stat. 2598) amended subheading 9804.00.70, HTSUS, by increasing the duty exemption accorded to articles for personal or household use, whether or not the articles accompany the returning resident, from $1,200 to $1,600 in the case of a direct or indirect arrival from American Samoa, Guam, or the Virgin Islands of the United States, not more than $800 (increased from $400) of which must have been acquired elsewhere than in such locations (including the Commonwealth of the Northern Mariana Islands, as explained above). The 2004 amendment to subheading 9804.00.70, HTSUS, removed the restriction that ''up to $600'' may have been acquired in one or more beneficiary countries.
- Section 2004(d)(8)(B) of the Miscellaneous Trade and Technical Corrections Act of 2004 amended subheading 9804.00.72, HTSUS, by increasing the duty exemption accorded to articles for personal or household use, whether or not accompanying the returning resident, from $600 to $800 in the case of a direct arrival from a beneficiary country of the Caribbean Basin Initiative or the Andean Trade Preference Program (*see* U.S. Note 4 to Chapter 98, HTSUS (19 U.S.C. 1202)), and removed the limitation that ''not more than $400 of that amount must have been acquired elsewhere than in beneficiary countries.''

III. Technical Corrections to the Regulations

Within part 148 of title 19 of the Code of Federal Regulations (19 CFR), several regulations pertain directly to or reference the duty exemptions set forth in the amended HTSUS subheadings. Technical corrections are necessary to the following regulations to conform them to the increased personal duty exemption amounts set forth in the current HTSUS: §§ 148.12; 148.17; 148.31; 148.32; 148.33; 148.34; 148.35; 148.36; 148.37; 148.38; 148.51; and 148.113.

Sections 148.12(b)(1)(i)(B) and 148.33(a)(2) and (d)(3)(ii) are also amended by removing the reference to ''§ 10.191(b)(1) of this chapter'' as the source for the definition of ''beneficiary country'' for purposes of these provisions, and replacing it with a reference to ''U.S. Note 4 to Chapter 98 of the Harmonized Tariff Schedule of the United States.'' This change is necessary because the definition set forth in 19 CFR 10.191(b)(1) is limited to those countries designated as beneficiary countries in accordance

with section 212(a)(1)(A) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)(1)(A)). The definition of ''beneficiary country'' was expanded in U.S. Note 4 to Chapter 98, HTSUS, to include products of countries designated as beneficiary countries for purposes of section 203 of the Andean Trade Preference Act (19 U.S.C. 3202). This document amends the regulations to reflect the correct, expanded definition set forth in the HTSUS.

Inapplicability of Notice and Delayed Effective Date

Because the technical corrections set forth in this document are necessary to conform part 148 of title 19 of the CFR to the amendments to the HTSUS effected by section 381 of the Trade Act of 2002 and section 2004(d)(8)(A) and (B) of the Miscellaneous Trade and Technical Corrections Act of 2004, pursuant to 5 U.S.C. 553(b)(B), CBP finds that good cause exists for dispensing with notice and public procedure as unnecessary. For this same reason, pursuant to 5 U.S.C. 553(d)(3), CBP finds that good cause exists for dispensing with the requirement for a delayed effective date.

The Regulatory Flexibility Act

Because this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Executive Order 12866

As these amendments are technical corrections to the regulations to reflect statutory changes, these amendments do not meet the criteria for a ''significant regulatory action'' as specified in Executive Order 12866.

Signing Authority

This document is being issued in accordance with 19 CFR 0.1(a)(1).

List of Subjects in 19 CFR Part 148

Customs duties and inspection, Declarations, Reporting and recordkeeping requirements, Taxes.

Amendment to the Regulations

■ For the reasons stated above, part 148 of title 19 of the Code of Federal Regulations (19 CFR part 148) is amended as set forth below.

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

■ 1. The authority citation for part 148 continues to read as follows:

Authority: 19 U.S.C. 66, 1496, 1498, 1624. The provisions of this part, except for subpart C, are also issued under 19 U.S.C. 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States);

Section 148.21 also issued under 19 U.S.C. 1461, 1462.

Section 148.22 also issued under 19 U.S.C. 1629;

Sections 148.43, 148.51, 148.63, 148.64, 148.74 also issued under 19 U.S.C. 1321;

Section 148.87 also issued under 22 U.S.C. 288.

■ 2. Section 148.11 is amended by removing the word ''Customs'' each place it appears and adding in its place the term ''CBP'', and by removing the word ''shall'' and adding in its place the word ''must''.

■ 3. In § 148.12:

■ a. Paragraph (a) is amended by removing the word ''Customs'' and adding in its place the term ''CBP'';

■ b. Paragraph (b)(1)(i)(A) is amended by removing ''$400'' and adding in its place ''$800'';

■ c. Paragraphs (b)(1)(i)(B) and (C) are revised; and

■ d. Paragraph (c) is amended by removing the word ''Customs'' where it appears and adding in each place the term ''CBP''.

The revisions to § 148.12 read as follows.

§ 148.12 Oral declarations.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(B) $800 in the case of a direct arrival from a beneficiary country as defined in U.S. Note 4 to Chapter 98, Harmonized Tariff Schedule of the United States (19 U.S.C. 1202); or

(C) $1,600 in the case of a direct or indirect arrival from American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, not more than $800 of which must have been acquired elsewhere than in such locations.

* * * * *

■ 4. In § 148.17:

■ a. Paragraph (a) is amended by removing the word ''shall'' wherever it appears and adding in each place the word ''must'', and by removing the word ''Customs'' wherever it appears and adding in each place the term ''CBP'';

■ b. Paragraph (b) is amended by removing the word ''Customs'' wherever it appears and adding in each place the term ''CBP'', and by removing the language ''$400, $600, or $1,200'' and adding in its place, ''$800 or $1,600''; and

■ c. Paragraph (c) is amended by removing the word ''Customs'' and adding in its place the term ''CBP'', by removing the language ''$400, $600, or $1,200'' and adding in its place, ''$800 or $1,600'', and by removing the word ''shall'' and adding in its place the word ''will''.

■ 5. Section 148.31(b) is amended by removing the language ''$400, $600, or $1,200'' and adding in its place the language,''$800 or $1,600''.

■ 6. In § 148.32:

■ a. Paragraph (a) is amended by removing the word ''shall'' and adding in its place the word ''will'';

■ b. Paragraph (b) is amended by removing the word ''shall'' wherever it appears and adding in each place the word ''will'', and by removing the word ''Customs'' wherever it appears and adding in each place the term ''CBP'';

■ c. Paragraph (c) is amended, in the second sentence, by removing the word ''shall'' and adding in its place the word ''will'' and, in the fourth sentence, by removing the word ''shall'' and adding in its place the word ''must''; and

■ d. The introductory text to paragraph (d) is amended by removing the word ''shall'' and adding in its place the word ''will'' and, in paragraph (d)(2), by removing the language ''$400, $600, or $1,200'' and adding in its place the language, ''$800 or $1,600''.

■ 7. In § 148.33:

■ a. The introductory text to paragraph (a) is amended by removing the word ''shall'' and adding in its place the word ''must'';

■ b. Paragraph (a)(1) is amended by removing the language ''$400'' and adding in its place the language, ''$800'';

■ c. Paragraphs (a)(2) and (a)(3) are revised;

■ d. Paragraph (b) is amended by removing the language ''$400, $600, or $1,200'' and adding in its place the language, ''$800 or $1,600'', and by removing the word ''shall'' wherever it appears and adding in each place the word ''will'';

■ e. Paragraph (d)(2) is amended by removing the word ''shall'' and adding in its place the word ''will'';

■ f. Paragraph (d)(3)(i) is amended by removing the words ''1 liter of which shall have been'' and adding in their place the words ''1 liter of which was'', and by removing the words ''4 liters of which shall have been'' and adding in their place the words ''4 liters of which were'';

■ g. Paragraph (d)(3)(ii) is amended by removing the words ''§ 10.191(b)(1) of this chapter'' and adding in their place the language, ''U.S. Note 4 to Chapter

98, Harmonized Tariff Schedule of the United States (19 U.S.C. 1202)''; and

■ h. Paragraph (f) is amended by removing the language ''$400, $600, or $1,200'' and adding in its place the language, ''$800 or $1,600''.

The revisions to § 148.33 read as follows:

§ 148.33 Articles acquired abroad.

(a) * * *

(2) $800 in the case of a direct arrival from a beneficiary country, as defined in U.S. Note 4 to Chapter 98, Harmonized Tariff Schedule of the United States, whether or not the articles accompany the returning resident. Articles acquired elsewhere than in such beneficiary country that do not accompany the returning resident are not entitled to the duty exemption; or

(3) $1,600 in the case of a direct or indirect arrival from American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, whether or not the articles accompany the returning resident, not more than $800 of which may have been acquired elsewhere than in such locations. Articles acquired elsewhere than in such insular possessions that do not accompany the returning resident are not entitled to the duty exemption.

■ 8. In § 148.34:

■ a. Paragraph (a) is amended by removing the language ''$400, $600, or $1,200'' wherever it appears and adding in each place the language, ''$800 or $1,600'', and by removing the word ''shall'' where is appears and adding in each place the word ''will''; and

■ b. The introductory text to paragraph (b) is amended by removing the words ''shall include'' and adding in their place the word ''includes''.

■ 9. In § 148.35:

■ a. The heading text to paragraph (a) is revised to read, ''Requirements for allowance of $800 or $1,600 exemption.'';

■ b. Paragraph (a) is amended, in the first sentence, by removing the language ''$400, $600, or $1,200'' and adding in its place the language ''$800 or $1,600'' and by removing the word ''shall'' and adding in its place the word ''will'' and, in the second sentence, by removing the reference to ''$400'' and adding in its place ''$800''.

■ c. The heading text to paragraph (b) is revised to read, ''Not required for allowance of $1,600 exemption on return from the Virgin Islands.'';

■ d. Paragraph (b) is amended by removing the reference to ''$1,200'' and adding in its place ''$1,600''; and

■ e. Paragraph (c) is amended by removing the word ''shall'' and adding in its place the word ''will''.

■ 10. In § 148.36:

■ a. Paragraph (a) is amended by removing the language ''$400, $600, or $1,200'' wherever it appears and adding in each place the language ''$800 or $1,600'', and by removing the word ''shall'' wherever it appears and adding in each place the word ''will''; and

■ b. Paragraph (b) is amended by removing the word ''shall'' and adding in its place the word ''will'', and by removing the language ''$400, $600, or $1,200'' and adding in its place the language ''$800 or $1,600''.

■ 11. In § 148.37:

■ a. Paragraph (a) is amended by removing the language ''$400, $600, or $1,200'' and adding in its place the language, ''$800 or $1,600'', by removing the word ''shall'' and adding in its place the word ''will'' and, in the last sentence, by removing the words ''Customs matters'' and adding in their place the words ''customs matters'' and by removing the words ''Customs supervision'' and adding in their place the words ''CBP supervision'';

■ b. Paragraph (b) is amended, in the first sentence, by removing the language ''$400, $600, or $1,200'' and adding in its place the language, ''$800 or $1,600'', by removing the word ''shall'' and adding its place the word ''must'', and by removing the word ''Customs'' each place it appears and adding the term ''CBP''; and, in the second sentence, by removing the word ''shall'' and adding in its place the word ''will'', and by removing the word ''Customs'' and adding in its place the term ''CBP''; and

■ c. Paragraph (c) is amended by removing the language ''$400, $600, or $1,200'' wherever it appears and adding in each place the language, ''$800 or $1,600'', by removing the word ''Customs'' wherever it appears and adding in each place the term ''CBP'', and by removing the word ''shall'' wherever it appears and adding in each place the word ''will''.

■ 12. Section 148.38 is amended by removing the language ''$400, $600, or $1,200'' and adding in its place the language, ''$800 or $1,600''.

■ 13. In § 148.51:

■ a. Paragraph (a)(2) is amended by removing the language ''$400, $600, or $1,200'' and adding in its place the language, ''$800 or $1,600''; and

■ b. The introductory text to paragraph (b), and paragraph (b)(2), are amended by removing the word ''shall'' wherever it appears and adding in each place the word ''will''.

■ 14. In § 148.113(a): the number ''$1,200'' is removed and the number ''$1,600'' is added in its place; the word ''shall'' is removed wherever it appears and the word ''must'' is added in each place, and; the word ''Customs'' is removed wherever it appears and the term ''CBP'' is added in each place.

Jayson P. Ahern,

Acting Commissioner, U.S. Customs and Border Protection.

Approved: September 21, 2009.

Timothy E. Skud,

Deputy Assistant Secretary of the Treasury.

[FR Doc. E9–23158 Filed 9–24–09; 8:45 am]

BILLING CODE 9111–14–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

[Docket No. SSA–2008–0047]

RIN 0960–AG62

Payments to Beneficiaries Residing in Vietnam and Cambodia and Other Conforming Changes

AGENCY: Social Security Administration.

ACTION: Final rule.

SUMMARY: We are revising our regulation to remove Vietnam and Democratic Kampuchea (now Cambodia) from the list of countries to which social security benefits may not be sent under restrictions imposed by the Department of the Treasury (Treasury). This revision reflects published Treasury regulations that removed the restrictions on sending Federal payments to beneficiaries living in those countries. In addition, we are updating the citation for Treasury's authority to restrict payments to beneficiaries living in certain countries and correcting a typographical error in one of the section headings.

DATES: This regulation is effective September 25, 2009.

FOR FURTHER INFORMATION CONTACT: Rebecca Tothero, Social Insurance Specialist, Office of International Programs, 3700 Operations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, (410) 966–6975.

For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or visit our Internet Web site, SSA Online, at *http://www.ssa.gov*.

SUPPLEMENTARY INFORMATION:

Electronic Version

The electronic file of this document is available on the date of publication in

the **Federal Register** at *http://www.gpoaccess.gov/fr/index.html.*

Background

We cannot pay monthly title II benefits to any beneficiary for any month in which he or she resides in a country to which Treasury prohibits sending benefit checks. 31 U.S.C. 3329. Those countries are identified in the Treasury regulation which imposes the payment restriction as well as in a corresponding regulation promulgated by the Social Security Administration. 31 CFR 211.1 and 20 CFR 404.460(c)(3). On August 12, 1996, Treasury published a final rule permitting delivery of Treasury checks to beneficiaries living in Vietnam. 61 FR 41739. Treasury published a similar final rule on December 10, 2001, permitting delivery of Treasury checks to beneficiaries living in Cambodia. 66 FR 63623.

Since the enactment of those rules, we have provided payment to beneficiaries living in Vietnam and Cambodia. However, our regulations were not updated to reflect the changes in Treasury's rules. We are removing Vietnam and Democratic Kampuchea from the list of countries subject to alien payment restrictions consistent with the change in policy implemented by Treasury. 20 CFR 404.460(c)(3).

In addition, our current regulation contains an outdated citation for Treasury's statutory authority to withhold payments to beneficiaries living in certain countries. We are revising § 404.460(b)(2)(ii), (c)(1), and (c)(2), to refer to the appropriate statute. Additionally, we are correcting a typographical error in the heading of § 404.460.

Regulatory Procedures

We follow the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 in the development of our regulations. The Social Security Act, 702(a)(5); 42 U.S.C. 902(a)(5). Generally, the APA requires that an agency provide prior notice and opportunity for public comment before issuing a final regulation. The APA provides exceptions to the notice and comment requirements when an agency finds there is good cause for dispensing with such procedures because they are impracticable, unnecessary, or contrary to the public interest.

We are issuing this revised regulation as a final rule. We have determined that good cause exists for dispensing with the notice and public comment procedures. *See* 5 U.S.C. 553(b)(B). The revised regulation merely expands the list of countries to which we can send benefits checks, consistent with current Treasury regulations. We are not exercising any discretion. Further delay in revising our regulation could mislead the public and is, therefore, contrary to the public interest.

In addition, for the reasons cited above, we also find good cause for dispensing with the 30-day delay in the effective date of this final rule. 5 U.S.C. 553(d)(3). As the superseding Treasury rule change is already in effect, it is contrary to the public interest to delay the effective date of our conforming rule change. We therefore find it is in the public interest to make this change effective with the publication date of this final rule.

Executive Order 12866

The Office of Management and Budget (OMB) has reviewed this final rule in accordance with Executive Order 12866. We have also determined that this final rule meets the plain language requirements of the Executive Order.

Regulatory Flexibility Act

We certify that this regulation will not have a significant economic impact on a substantial number of small entities as it affects only individuals. Therefore, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

Paperwork Reduction Act

This final regulation imposes no reporting or recordkeeping requirements requiring OMB clearance.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance)

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Blind, Disability benefits, Old-Age, Survivors and Disability Insurance, Reporting and recordkeeping requirements, Social Security.

Dated: July 30, 2009.

Michael J. Astrue,

Commissioner of Social Security.

■ For the reasons set forth in the preamble, we are amending subpart E of part 404 of Title 20 of the Code of Federal Regulations as follows:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

Subpart E—[Amended]

■ 1. The authority citation for subpart E of part 404 continues to read as follows:

Authority: Secs. 202, 203, 204(a) and (e), 205(a) and (c), 216(l), 222(c), 223(e), 224, 225, 702(a)(5) and 1129A of the Social Security Act (42 U.S.C. 402, 403, 404(a) and (e), 405(a) and (c), 416(l), 422(c), 423(e), 424a, 425, 902(a)(5), and 1320a–8a and 48 U.S.C. 1801.

■ 2. In § 404.460, revise the section heading and paragraphs (b)(2)(ii), (c)(1), (c)(2) introductory text, and (c)(3) to read as follows:

§ 404.460 Nonpayment of monthly benefits to aliens outside the United States.

* * * * *

(b) * * *

(2) * * *

(ii) Except that, effective with July 1968, § 404.460(b)(2)(i) does not apply if:

(A) The beneficiary is a citizen of a country with a social insurance or pension system meeting the conditions described in paragraphs (b)(7)(i), (ii), and (iii) of this section but does not meet the condition described in paragraph (b)(7)(iv) of this section; or

(B) The beneficiary is a citizen of a country with no social insurance or pension system of general application and at any time within 5 years before January 1968 (or the first month after December 1967 in which benefits are subject to suspension pursuant to paragraph (a) of this section) such beneficiary was residing in a country to which payments were withheld by the Treasury Department pursuant to Vol. II, 31 U.S.C. 3329. *See* § 404.460(c).

* * * * *

(c) *Nonpayment of monthly benefits to aliens residing in certain countries*—(1) *Benefits for months after June 1968.* Notwithstanding the provisions of paragraphs (a) and (b) of this section, we cannot pay monthly benefits for any month after June 1968 to anyone not a citizen or national of the United States for any month while residing in a country to which payments are being withheld by the Treasury Department pursuant to Vol. II, 31 U.S.C. 3329.

(2) *Benefits for months before July 1968.* If a person who is not a United States citizen or national is entitled to receive benefits under title II of the Social Security Act, and was residing in a country where the Treasury Department withheld benefits on June 30, 1968 pursuant to Vol. II, 31 U.S.C. 3329, benefits cannot be paid. However, if the Treasury Department subsequently removes that restriction, a person who is not a United States citizen or national may be able to be paid benefits to which they were entitled for months prior to July 1968. Benefits cannot be paid,—

* * * * *

(3) *List of countries under Treasury Department alien payment restriction.*

The Treasury Department is currently withholding payments to persons residing in the following countries pursuant to Vol. II, 31 U.S.C. 3329. We will publish future additions to or deletions from the list of countries in the **Federal Register**: Cuba, North Korea.

* * * * *

[FR Doc. E9–22883 Filed 9–24–09; 8:45 am]

BILLING CODE 4191–02–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2009–0368; FRL–8950–9]

Approval and Promulgation of Air Quality Implementation Plans; Ohio; Clean Air Interstate Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a revision to the Ohio State Implementation Plan (SIP) that would address the requirements of EPA's Clean Air Interstate Rule (CAIR). EPA previously approved an ''abbreviated SIP'' for Ohio, primarily consisting of rules governing allocation of allowances to electric generating units (EGUs) for use in the trading programs established pursuant to CAIR and providing for voluntary opt-in to these programs. The abbreviated SIP was implemented in conjunction with a Federal Implementation Plan (FIP) that specified requirements for emissions monitoring, permit provisions, and other elements of the CAIR programs. EPA is now approving the addition of non-EGUs to the CAIR Nitrogen Oxides (NO_X) Ozone Season Trading Program, and EPA is issuing a ''full SIP'' approval under which the various CAIR implementation provisions would be governed by State rules rather than FIP rules. This rulemaking addresses rules Ohio submitted on July 15, 2009, and August 13, 2009. This action also causes the CAIR Federal Implementation Plans (CAIR FIPs) concerning sulfur dioxides (SO_2), NO_X annual, and NO_X ozone season emissions by Ohio sources to be automatically withdrawn.

DATES: This direct final rule will be effective November 24, 2009, unless EPA receives adverse comments by October 26, 2009. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R05–OAR–2009–0368 by one of the following methods:

1. *http://www.regulations.gov*: Follow the on-line instructions for submitting comments.
2. *E-mail: mooney.john@epa.gov*.
3. *Fax:* (312) 692–2551.
4. *Mail:* John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R05–OAR–2009–0368. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online 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 *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 and any form of encryption and should be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy during normal business hours at the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, IL 60604. This Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone John Summerhays, Environmental Scientist, at (312) 886–6067, before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: John Summerhays, (312) 886–6067, or by e-mail at *summerhays.john@epa.gov*.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. What Action Is EPA Taking?
II. What Is the Regulatory History of CAIR and the CAIR FIPs?
III. What Are the General Requirements of CAIR and the CAIR FIPs?
IV. What Are the Types of CAIR SIP Submittals?
V. History of Ohio's CAIR Submittals
VI. Analysis of Ohio's CAIR SIP Submittal
A. Elements of Ohio's Submittal
B. State Budgets for Allowance Allocations
C. CAIR Cap-and-Trade Programs
D. Applicability Provisions
E. NO_X Allowance Allocations
F. Allocation of NO_X Allowances From Compliance Supplement Pool
G. Individual Opt-In Units
VII. Final Action
VIII. Statutory and Executive Order Reviews

I. What Action Is EPA Taking?

EPA is approving a ''full SIP'' revision addressing CAIR in Ohio. In this action, EPA is approving the entire set of rules in Ohio Administrative Code (OAC) Chapter 3745–109, entitled ''Clean Air Interstate Rule.'' Ohio submitted these rules in two parts: A submittal dated July 15, 2009, provided rules that were to become effective July 16, 2009, and a submittal dated August 13, 2009, provided rules that had become effective on September 27, 2007.

On February 1, 2008, at 73 FR 6034, EPA approved an ''abbreviated SIP,'' primarily consisting of rules governing allocation of NO_X allowances to EGUs for use in the trading programs established pursuant to CAIR and rules

allowing sources to opt into the CAIR programs. The abbreviated SIP was implemented in conjunction with a FIP that specified requirements for emissions monitoring, permit provisions, and other elements of the CAIR programs. EPA is now approving the addition of non-EGUs to the CAIR NO_X Ozone Season Trading Program, and EPA is issuing ''full SIP'' approval under which the various CAIR implementation provisions will be governed by State rules rather than FIP rules. EPA finds that Ohio's rules meet the applicable CAIR requirements by requiring certain EGUs to participate in the EPA-administered CAIR cap-and-trade programs addressing SO_2, NO_X annual, and NO_X ozone season emissions, and by requiring certain non-EGUs to participate in the program for NO_X ozone season emissions.

II. What Is the Regulatory History of CAIR and the CAIR FIPs?

EPA published CAIR on May 12, 2005 (70 FR 25162). In adopting this rule, EPA determined that 28 States and the District of Columbia contribute significantly to nonattainment and interfere with maintenance of the NAAQS for fine particles ($PM_{2.5}$) and/or 8-hour ozone in downwind States in the eastern part of the country. As a result, EPA required those upwind States to revise their SIPs to include control measures that reduce emissions of SO_2, which is a precursor to $PM_{2.5}$ formation, and/or NO_X, which is a precursor to both ozone and $PM_{2.5}$ formation. For jurisdictions that contribute significantly to downwind $PM_{2.5}$ nonattainment, CAIR sets annual State-wide emission reduction requirements (*i.e.*, budgets) for SO_2 and annual State-wide emission reduction requirements for NO_X. Similarly, for jurisdictions that contribute significantly to 8-hour ozone nonattainment, CAIR sets State-wide emission reduction requirements or budgets for NO_X for the ozone season (May 1st to September 30th). Under CAIR, States may implement these reduction requirements by participating in the EPA-administered cap-and-trade programs or by adopting any other control measures.

CAIR explains to subject States what must be included in SIPs to address the requirements of section 110(a)(2)(D) of the Clean Air Act with regard to interstate transport with respect to the 8-hour ozone and $PM_{2.5}$ NAAQS. EPA made national findings, effective on May 25, 2005, that the States had failed to submit SIPs meeting the requirements of section 110(a)(2)(D). The SIPs were due in July 2000, 3 years after the promulgation of the 8-hour ozone and $PM_{2.5}$ NAAQS. These findings started a 2-year clock for EPA to promulgate a FIP to address the requirements of section 110(a)(2)(D). Under Clean Air Act section 110(c)(1), EPA may issue a FIP anytime after such findings are made, and must do so within two years unless a SIP revision correcting the deficiency is approved by EPA before the FIP is promulgated.

On April 28, 2006, EPA promulgated FIPs for all States covered by CAIR in order to ensure the emissions reductions required by CAIR are achieved on schedule. The CAIR FIPs require EGUs to participate in the EPA-administered CAIR trading programs for SO_2, NO_X annual, and NO_X ozone emissions, as appropriate. These CAIR FIP trading programs impose essentially the same requirements as, and are integrated with, the respective CAIR SIP trading programs. The integration of the FIP and SIP trading programs means that these trading programs will work together to create effectively a single trading program for each regulated pollutant (SO_2, NO_X annual, and NO_X ozone season) in all States covered by the CAIR FIP or SIP trading program for that pollutant. Further, as provided in a rule published by EPA on November 2, 2007, at 72 FR 59190, a State's CAIR FIPs are automatically withdrawn when EPA approves a SIP revision, in its entirety and without any conditions, as fully meeting the requirements of CAIR. Where only portions of the SIP revision are approved, the corresponding portions of the FIPs are automatically withdrawn and the remaining portions of the FIP stay in place. Finally, the CAIR FIPs also allow States to submit abbreviated SIP revisions that, if approved by EPA, will automatically replace or supplement certain CAIR FIP provisions (*e.g.*, the methodology for allocating NO_X allowances to sources in the State), while the CAIR FIP remains in place for all other provisions.

On April 28, 2006, EPA published two additional CAIR-related final rules that added the States of Delaware and New Jersey to the list of States subject to CAIR for $PM_{2.5}$ and announced EPA's final decisions on reconsideration of five issues, without making any substantive changes to the CAIR requirements.

On October 19, 2007, at 72 FR 59190, EPA amended CAIR and the CAIR FIPs to clarify the definition of ''cogeneration unit'' and thus the applicability of the CAIR trading program to cogeneration units. Ohio has amended its rules to incorporate a clarified definition, a change that EPA is approving in this action.

EPA was sued by a number of parties on various aspects of CAIR, and on July 11, 2008, the U.S. Court of Appeals for the District of Columbia Circuit issued its decision to vacate and remand both CAIR and the associated CAIR FIPs in their entirety. *North Carolina* v. *EPA*, 531 F.3d 836 (DC Cir. Jul. 11, 2008). However, in response to EPA's petition for rehearing, the Court issued an order remanding CAIR to EPA without vacating either CAIR or the CAIR FIPs. *North Carolina* v. *EPA*, 550 F.3d 1176 (DC Cir. Dec. 23, 2008). The Court thereby left CAIR in place in order to ''temporarily preserve the environmental values covered by CAIR'' until EPA replaces it with a rule consistent with the Court's opinion. *Id.* at 1178. The Court directed EPA to ''remedy CAIR's flaws'' consistent with its July 11, 2008 opinion, but declined to impose a schedule on EPA for completing that action. *Id.* Therefore, CAIR and the CAIR FIP are currently in effect in Ohio.

III. What Are the General Requirements of CAIR and the CAIR FIPs?

CAIR establishes State-wide emission budgets for SO_2 and NO_X and is to be implemented in two phases. The first phase of NO_X reductions starts in 2009 and continues through 2014, while the first phase of SO_2 reductions starts in 2010 and continues through 2014. The second phase of reductions for both NO_X and SO_2 starts in 2015 and continues thereafter. CAIR requires States to implement the budgets by either: (1) Requiring EGUs to participate in the EPA-administered cap-and-trade programs; or (2) adopting other control measures of the State's choosing and demonstrating that such control measures will result in compliance with the applicable State SO_2 and NO_X budgets.

The May 12, 2005, and April 28, 2006, CAIR rules provide model rules that States must adopt (with certain limited changes, if desired) if they want to participate in the EPA-administered trading programs. With two exceptions, only States that choose to meet the requirements of CAIR through methods that exclusively regulate EGUs are allowed to participate in the EPA-administered trading programs. One exception is for States that adopt the opt-in provisions of the model rules to allow non-EGUs individually to opt into the EPA-administered trading programs. The other exception is for States that include all non-EGUs from their NO_X SIP Call trading programs in the CAIR NO_X Ozone Season Trading Program.

IV. What Are the Types of CAIR SIP Submittals?

States have the flexibility to choose the type of control measures they will use to meet the requirements of CAIR. As EPA anticipated, most States have chosen to meet the CAIR requirements by selecting an option that requires EGUs to participate in the EPA-administered CAIR cap-and-trade programs. For such States, EPA has provided two approaches for submitting and obtaining approval for CAIR SIP revisions. States may submit full SIP revisions that adopt the model CAIR cap-and-trade rules. If approved, these SIP revisions will fully replace the CAIR FIPs. Alternatively, States may submit abbreviated SIP revisions. These SIP revisions will not replace the CAIR FIPs; however, the CAIR FIPs provide that, when approved, the provisions in these abbreviated SIP revisions will be used instead of or in conjunction with, as appropriate, the corresponding provisions of the CAIR FIPs (*e.g.*, the NO_X allowance allocation methodology).

A State submitting a full SIP revision may either adopt regulations that are substantively identical to the model rules or incorporate by reference the model rules. CAIR provides that States may only make limited changes to the model rules if the States want to participate in the EPA-administered trading programs. A full SIP revision may change the model rules only by altering their applicability and allowance allocation provisions to:

1. Include all NO_X SIP Call trading sources that are not EGUs under CAIR in the CAIR NO_X Ozone Season Trading Program;

2. Provide for State allocation of NO_X annual or ozone season allowances using a methodology chosen by the State;

3. Provide for State allocation of NO_X annual allowances from the compliance supplement pool (CSP) using the State's choice of allowed, alternative methodologies; or

4. Allow units that are not otherwise CAIR units to opt individually into the CAIR SO_2, NO_X Annual, or NO_X Ozone Season Trading Programs under the opt-in provisions in the model rules. An approved CAIR full SIP revision addressing EGUs' SO_2, NO_X annual, or NO_X ozone season emissions will replace the CAIR FIP for that State for the respective EGU emissions. As discussed above, EPA approval in full, without any conditions, of a CAIR full SIP revision causes the CAIR FIPs to be automatically withdrawn.

V. History of Ohio CAIR Submittals

Ohio's initial response to CAIR was a submittal, dated April 17, 2007, providing draft rules. These rules were intended to constitute a full SIP submittal, addressing the requirements under CAIR without reliance on the CAIR FIPs. However, in its next submittal, dated September 26, 2007, Ohio acknowledged ongoing discussions with EPA regarding selected portions of the rules. In this submittal, Ohio requested abbreviated SIP approval, in order to expedite Ohio's participation in the CAIR trading programs, but Ohio also reiterated its desire for full SIP approval once it had completed rule revisions addressing EPA's concerns.

Rulemaking on a full SIP submittal involves a broader range of issues than rulemaking on an abbreviated SIP submittal. EPA wished to expedite action on Ohio's NOx allowance allocation and its rules allowing sources voluntarily to opt into the trading programs. Therefore, as requested by Ohio, EPA took action on the abbreviated SIP portion of Ohio's submittal and did not act on other Ohio CAIR rules. EPA proposed direct final approval of these abbreviated SIP portions of Ohio's rules on October 16, 2007 (72 FR 58546), withdrew that action on December 5, 2007 (72 FR 68515), following receipt of a comment, and took final action on these rules on February 1, 2008 (73 FR 6034).

Ohio and EPA continued to discuss Ohio's rules, leading Ohio to propose various rule revisions. These revisions amended Ohio's applicability provisions consistent with EPA's revised definition of cogeneration units, to help make Ohio's applicability provisions for non-EGUs consistent with EPA guidance. Additional revisions corrected rule references. However, before Ohio could adopt and submit these rule revisions, the Court of Appeals for the District of Columbia Circuit issued its opinion concluding that CAIR should be vacated. This opinion led Ohio to suspend rulemaking on its CAIR-related rules. Then, following the Court's issuance, on December 23, 2008, of its order remanding but not vacating CAIR, Ohio resumed work on these rule revisions. Ohio proposed revised rules, which it submitted to EPA on May 11, 2009. Ohio held a public hearing on its proposed rules on June 2, 2009, and submitted final revised rules on July 15, 2009.

Ohio's CAIR rules, in Ohio Administrative Code (OAC) Chapter 3745–109, include rules from OAC 3745–109–01 to 3745–109–21. Thirteen of these rules reflect revisions that became effective on July 16, 2009; Ohio submitted these rules on July 15, 2009. The other eight rules, although effective on September 27, 2007, were not included in either Ohio's September 26, 2007, submittal or its July 15, 2009, submittal; these rules were submitted on August 13, 2009. Ohio's August 13, 2009, submittal also reaffirms Ohio's request for full SIP approval.

VI. Analysis of Ohio's CAIR SIP Submittal

A. Elements of Ohio's Submittal

The rulemaking that EPA completed on February 1, 2008 (73 FR 6034), granting abbreviated SIP approval, addressed only six of Ohio's CAIR rules. EPA is today acting on Ohio's full set of rules, constituting a full SIP that will supersede the FIPs that are currently in effect in Ohio. Although some rules approved on February 1, 2008, have not changed, and thus arguably need not be approved again, EPA is acting again on these rules in conjunction with the remainder of Ohio's CAIR rules for purposes of clarity and administrative convenience. The following list identifies the rules that EPA is addressing today and the applicable submittal date:

3745–109–01 CAIR NO_X annual, CAIR SO_2 and CAIR NO_X ozone season trading programs definitions and general provisions—submitted July 15, 2009.

3745–109–02 CAIR designated representative for CAIR NO_X sources—submitted August 13, 2009.

3745–109–03 Permits—submitted August 13, 2009.

3745–109–04 CAIR NO_X allowance allocations—submitted July 15, 2009.

3745–109–05 CAIR NO_X allowance tracking system—submitted August 13, 2009.

3745–109–06 CAIR NO_X allowance transfers—submitted August 13, 2009.

3745–109–07 Monitoring and Reporting—submitted July 15, 2009.

3745–109–08 CAIR NO_X opt-in units—submitted July 15, 2009.

3745–109–09 CAIR designated representative for CAIR SO_2 sources—submitted August 13, 2009.

3745–109–10 Permits—submitted August 13, 2009.

3745–109–11 CAIR SO_2 allowance tracking system—submitted July 15, 2009.

3745–109–12 CAIR SO_2 allowance transfers—submitted July 15, 2009.

3745–109–13 Monitoring and reporting—submitted July 15, 2009.
3745–109–14 CAIR SO_2 opt-in units—submitted July 15, 2009.
3745–109–15 CAIR designated representative for CAIR NO_X ozone season sources—submitted August 13, 2009.
3745–109–16 Permits—submitted August 13, 2009.
3745–109–17 CAIR NO_X ozone season allowance allocations—submitted July 15, 2009.
3745–109–18 CAIR NO_X ozone season allowance tracking system—submitted July 15, 2009.
3745–109–19 CAIR NO_X ozone season allowance transfers—submitted July 15, 2009.
3745–109–20 Monitoring and reporting—submitted July 15, 2009.
3745–109–21 CAIR NO_X ozone season opt-in units—submitted July 15, 2009.

In order to provide an orderly transition from the NO_X Budget Trading Program to the CAIR NO_X Ozone Season Trading Program, EPA requires States to adopt rules clarifying that the rules of the NO_X Budget Trading Program (adopted to address the NO_X SIP Call) are no longer in effect. However, approval of such transition provisions is not a prerequisite for approval of Ohio's CAIR rules. Ohio is taking separate action to propose rule revisions to clarify that its rules for the NO_X Budget Trading Program are no longer in effect, for as long as EPA is instead implementing the CAIR NO_X Ozone Season Trading Program. EPA is not acting today on such rules and will conduct separate rulemaking on Ohio's transition rules at such time as Ohio adopts and submits the rules.

B. State Budgets for Allowance Allocations

The CAIR NO_X annual and ozone season budgets were developed from historical heat input data for EGUs. Using these data, EPA calculated annual and ozone season regional heat input values, which were multiplied by 0.15 lb/mmBtu, for phase 1, and 0.125 lb/mmBtu, for phase 2, to obtain regional NO_X budgets for 2009–2014 and for 2015 and thereafter, respectively. EPA derived the State NO_X annual and ozone season budgets from the regional budgets using State heat input data adjusted by fuel factors.

The CAIR State SO_2 budgets were derived by discounting the tonnage of emissions authorized by annual allowance allocations under the Acid Rain Program under title IV of the Clean Air Act. Under CAIR, each allowance allocated in the Acid Rain Program for the years in phase 1 of CAIR (2010 through 2014) authorizes 0.5 ton of SO_2 emissions in the CAIR trading program, and each Acid Rain Program allowance allocated for the years in phase 2 of CAIR (2015 and thereafter) authorizes 0.35 ton of SO_2 emissions in the CAIR trading program.

In today's action, EPA is approving Ohio's SIP revision that adopts the budgets established for the State in CAIR. These annual emission budgets are: For NO_X annual emissions, 108,667 tons from 2009 through 2014, and 90,556 tons in 2015 and thereafter; for NO_X ozone season emissions, 45,664 tons from 2009 through 2014, and 39,945 tons in 2015 and thereafter; and, for SO_2 annual emissions, 333,520 tons from 2009 through 2014, and 233,464 tons in 2015 and thereafter. Additionally, the CAIR NO_X ozone season budget will be increased annually by 4,030 tons to account for NO_X SIP Call trading sources that are not EGUs under CAIR but are included in the CAIR NO_X Ozone Season Trading Program. Ohio's SIP revision sets these budgets as the total amounts of allowances available for allocation for each year under the EPA-administered cap-and-trade programs.

In *North Carolina*, 531 F.3d at 916–21, the Court determined, among other things, that the State SO_2 and NO_X budgets established in CAIR were arbitrary and capricious.[1] However, as discussed above, the Court also decided to remand CAIR but to leave the rule in place in order to ''temporarily preserve the environmental values covered by CAIR'' pending EPA's development and promulgation of a replacement rule that remedies CAIR's flaws. *North Carolina*, 550 F.3d at 1178. EPA had indicated to the Court that development and promulgation of a replacement rule would take about two years. *Reply in Support of Petition for Rehearing or Rehearing en Banc* at 5 (filed Nov. 17, 2008 in *North Carolina* v. *EPA*, Case No. 05–1224, DC Cir.). The process at EPA of developing a proposal that will undergo notice and comment and result in a final replacement rule is ongoing. In the meantime, consistent with the Court's orders, EPA is implementing CAIR by approving State SIP revisions that are consistent with CAIR (such as the provisions setting State SO_2 and NO_X budgets for the CAIR trading programs) in order to ''temporarily preserve'' the environmental benefits achievable under the CAIR trading programs.

C. CAIR Cap-and-Trade Programs

The CAIR NO_X annual and ozone season model trading rules both largely mirror the structure of the NO_X SIP Call model trading rule in 40 CFR Part 96, subparts A through I. While the provisions of the NO_X annual and ozone season model rules are similar, there are some differences. For example, the NO_X annual model rule (but not the NO_X ozone season model rule) provides for a CSP, which is discussed below and under which allowances may be awarded for early reductions of NO_X annual emissions. As a further example, the NO_X ozone season model rule reflects the fact that the CAIR NO_X Ozone Season Trading Program replaces the NO_X SIP Call trading program after the 2008 ozone season and is coordinated with the NO_X SIP Call program. The NO_X ozone season model rule provides incentives for early emissions reductions by allowing banked, pre-2009 NO_X SIP Call allowances to be used for compliance in the CAIR NO_X ozone season trading program. In addition, States have the option of continuing to meet their NO_X SIP Call requirements by participating in the CAIR NO_X ozone season trading program and including all their NO_X SIP Call trading sources in that program.

The provisions of the CAIR SO_2 model rule are also similar to the provisions of the NO_X annual and ozone season model rules. However, since Clean Air Act title IV establishes an ongoing Acid Rain cap-and-trade program for SO_2 and not for NO_X, the model rule for SO_2 must additionally be coordinated with the Acid Rain program. The SO_2 model rule uses the title IV allowances for compliance, with each allowance allocated for 2010–2014 authorizing only 0.50 ton of emissions and each allowance allocated for 2015 and thereafter authorizing only 0.35 ton of emissions. Banked title IV allowances allocated for years before 2010 can be used at any time in the CAIR SO_2 cap-and-trade program, with each such allowance authorizing 1 ton of emissions. Title IV allowances are to be freely transferable among sources covered by the Acid Rain Program and sources covered by the CAIR SO_2 cap-and-trade program.

EPA used the CAIR model trading rules as the basis for the trading programs in the CAIR FIPs. The CAIR FIP trading rules are virtually identical to the CAIR model trading rules, with

[1] The Court also determined that the CAIR trading programs were unlawful (*id.* at 921–23). For the same reasons that EPA is approving the provisions of Ohio's SIP revision that use the SO_2 and NO_X budgets set in CAIR, EPA is also approving as discussed below, Ohio's SIP revision to the extent the SIP revision adopts the CAIR trading programs, including the provisions addressing applicability, allowance allocations, and use of title IV allowances.

changes made to account for Federal rather than State implementation. The CAIR model SO_2, NO_X annual, and NO_X ozone season trading rules and the respective CAIR FIP trading rules are designed to work together as integrated SO_2, NO_X annual, and NO_X ozone season trading programs.

In the SIP revision EPA is approving, Ohio chooses to implement its CAIR budgets by requiring EGUs to participate in EPA-administered cap-and-trade programs for SO_2, NO_X annual, and NO_X ozone season emissions. Ohio has adopted State rules for a ''full SIP'' revision that adopts, with certain allowed changes discussed below, the CAIR model cap-and-trade rules for SO_2, NO_X annual, and NO_X ozone season emissions. Finally, Ohio's rules provide that non-EGUs that were required to participate in the NO_X Budget Trading Program must participate in the CAIR NO_X Ozone Season Trading Program.

D. Applicability Provisions

In general, the CAIR model trading rules apply to any stationary, fossil-fuel-fired boiler or stationary, fossil-fuel-fired combustion turbine serving at any time, since the later of November 15, 1990, or the start-up of the unit's combustion chamber, a generator with nameplate capacity of more than 25 megawatts producing electricity for sale.

States have the option of bringing in, for the CAIR NO_X ozone season program only, those units in the State's NO_X SIP Call trading program that are not EGUs as defined under CAIR. EPA advises States exercising this option to add the applicability provisions in the State's NO_X SIP Call trading rule for non-EGUs to the applicability provisions in 40 CFR 96.304 in order to include in the CAIR NO_X ozone season trading program all units required to be in the State's NO_X SIP Call trading program that are not already included under 40 CFR 96.304. Under this option, the CAIR NO_X ozone season program must cover all large industrial boilers and combustion turbines, as well as any small EGUs (*i.e.* units serving a generator with a nameplate capacity of 25 megawatts or less) that the State currently requires to be in the NO_X SIP Call trading program. Ohio has chosen to expand the applicability provisions of the CAIR NO_X Ozone Season Trading Program to include all non-EGUs that were subject to the State's NO_X SIP Call trading program.

E. NO_X Allowance Allocations

Under the NO_X allowance allocation methodology in the CAIR model trading rules and in the CAIR FIP, NO_X annual and ozone season allowances are allocated to units that have operated for five years, based on heat input data from a three-year period that are adjusted for fuel type by using fuel factors of 1.0 for coal, 0.6 for oil, and 0.4 for other fuels. The CAIR model trading rules and the CAIR FIP also provide a new unit set-aside from which units without five years of operation are allocated allowances based on the units' prior year emissions.

States may establish in their SIP submissions a different NO_X allowance allocation methodology that will be used to allocate allowances to sources in the States if certain requirements are met concerning the timing of submission of units' allocations to the Administrator for recordation and the total amount of allowances allocated for each control period. In adopting alternative NO_X allowance allocation methodologies, States have flexibility with regard to:

1. The cost to recipients of the allowances, which may be distributed for free or auctioned;
2. The frequency of allocations;
3. The basis for allocating allowances, which may be distributed, for example, based on historical heat input or electric and thermal output; and
4. The use of allowance set-asides and, if used, their size.

Consistent with the flexibility given to States in the CAIR rules, Ohio has chosen to distribute NO_X annual and NO_X ozone season allowances in a manner that differs in selected respects from the distribution in the Part 96 model rule. First, as noted above, the State's NO_X ozone season allocation provisions have been modified to bring the State's non-EGUs into the CAIR NO_X ozone season trading program. Second, while Ohio's NO_X ozone season program rules provide the same set aside for new sources as in the Part 96 model rule (reflecting five percent of budgeted emissions for 2009 to 2014 and three percent of budgeted emissions for 2015 and thereafter), the State provides additional set asides of one percent of budgeted emissions for energy efficiency and renewable energy projects and one percent of budgeted emissions for innovative technology projects. Ohio's rules also authorize Ohio EPA to increase the size of these two set asides up to five percent of budgeted emissions in the event that requests for these set asides significantly exceed the one percent level, with provision that a correspondingly smaller number of allowances would be issued in the primary allowance distribution so as to allocate no more than the budgeted number of allowances. In the February 1, 2008 notice, EPA asked Ohio to clarify these set aside allocation provisions. EPA believes that this revision provides sufficient clarification.

As is done in EPA's model rule, Ohio's rules distribute allowances according to each source's proportion of heat input of subject sources. CAIR NO_X ozone season allowances for non-EGUs are distributed according to heat input from a separate allowance pool from the pool for EGUs.

F. Allocation of NO_X Allowances From Compliance Supplement Pool

CAIR establishes a CSP to provide an incentive for early reductions in NO_X annual emissions. The CSP consists of 200,000 CAIR NO_X annual allowances of vintage 2009 for the entire CAIR region, and a State's share of the CSP is based upon the projected magnitude of the emission reductions required by CAIR in that State. States may distribute CSP allowances, one allowance for each ton of early reduction, to sources that make NO_X reductions during 2007 or 2008 beyond what is required by any applicable State or Federal emission limitation. States also may distribute CSP allowances based upon a demonstration of need for an extension of the 2009 deadline for implementing emission controls.

The CAIR annual NO_X model trading rule establishes specific methodologies for allocations of CSP allowances. States may choose an allowed, alternative CSP allocation methodology to be used to allocate CSP allowances to sources in the States.

Consistent with the flexibility given to States in CAIR, Ohio has chosen to adopt a modified version of the provisions of the CAIR NO_X annual model trading rule concerning the allocation of allowances from the CSP. EPA approved these provisions, as discussed in EPA's earlier rulemaking. (*See* 73 FR 6038 (February 1, 2008).) In brief, Ohio's CSP is comprised of 25,037 allowances. Unlike the model rule, which allocates allowances in the amount that either (1) early reductions occur, or (2) allowances are needed to avoid disruption of electricity supply (provided the total does not exceed the State's share of the CSP), Ohio's rule provides (1) an initial allocation reflecting early reductions, limited to the source's proportionate share of the CSP, with provision for (2) distribution of the remainder of the CSP according to the distribution of additional early reductions. Ohio's recent rulemaking did not significantly change these provisions, but the revised rule does clarify that Ohio will submit CSP allocations to the Administrator by

November 30, 2009, as EPA requested in its February 1, 2008, rulemaking notice. The revised rule continues to satisfy EPA requirements.

G. Individual Opt-In Units

The opt-in provisions of the CAIR SIP model trading rules allow certain non-EGUs (*i.e.,* boilers, combustion turbines, and other stationary fossil-fuel-fired devices) that do not meet the applicability criteria for a CAIR trading program to participate voluntarily in (*i.e.,* opt into) the CAIR trading program. A non-EGU may opt into one or more of the CAIR trading programs. In order to qualify to opt into a CAIR trading program, a unit must vent all emissions through a stack and be able to meet monitoring, recordkeeping, and recording requirements of 40 CFR part 75. The owners and operators seeking to opt a unit into a CAIR trading program must apply for a CAIR opt-in permit. If the unit is issued a CAIR opt-in permit, the unit becomes a CAIR unit, is allocated allowances, and must meet the same allowance-holding and emissions monitoring and reporting requirements as other units subject to the CAIR trading program. The opt-in provisions provide for two methodologies for allocating allowances for opt-in units, one methodology that applies to opt-in units in general and a second methodology that allocates allowances only to opt-in units that the owners and operators intend to repower before January 1, 2015.

States have several options concerning the opt-in provisions. States may adopt the CAIR opt-in provisions entirely or may adopt them but exclude one of the methodologies for allocating allowances. States may also decline to adopt the opt-in provisions at all.

Consistent with this flexibility, Ohio has chosen to allow non-EGUs meeting certain requirements to participate in the CAIR NO_X annual trading program, the CAIR NO_X ozone season trading program, and the CAIR SO_2 trading program. EPA approved Ohio's earlier version of rules authorizing these opt-ins (*see* 73 FR 6038 (February 1, 2008)), and Ohio's revised rules make only minor ministerial changes.

VII. Final Action

EPA is approving Ohio's full CAIR SIP revision, which includes rules submitted on July 15, 2009, and August 13, 2009. With these rules, Ohio is providing for continued participation in the EPA-administered CAIR cap-and-trade programs for SO_2, NO_X annual, and NO_X ozone season emissions. The requested SIP revision meets the applicable requirements of CAIR, which are set forth in 40 CFR 51.123(o) and (aa), with regard to NO_X annual and NO_X ozone season emissions, and 40 CFR 51.124(o), with regard to SO_2 emissions. In accordance with 40 CFR 52.35 and 52.36, as an automatic consequence of the approval of Ohio's full CAIR SIP revision, EPA is also amending the Ohio plan to withdraw the CAIR FIPs for SO_2, NO_X annual, and NO_X ozone season emissions for Ohio sources.

We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the State plan if relevant adverse written comments are filed. This rule will be effective November 24, 2009 without further notice unless we receive relevant adverse written comments by October 26, 2009. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. If we do not receive any comments, this action will be effective November 24, 2009.

VIII. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on Tribal governments or preempt Tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: August 19, 2009.

Walter W. Kovalick, Jr.,

Acting Regional Administrator, Region 5.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart KK—Ohio

■ 2. Section 52.35 is amended by:

■ a. In paragraph (d)(1), by removing ''[STATE NAME]'' and by adding ''Ohio'', in its place; and

■ b. In paragraph (d)(2), by removing ''[STATE NAME]'' and by adding, ''Ohio'', in its place.

■ 3. Section 52.36 is amended in paragraph (c) by removing ''[STATE NAME]'' and by adding, ''Ohio'', in its place.

■ 4. Section 52.1870 is amended by revising paragraph (c)(140) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(140) On July 15, 2009, and August 13, 2009, Ohio submitted rules addressing the requirements of the Clean Air Interstate Rule.

(i) *Incorporation by reference.*

(A) Ohio Administrative Code Rule 3745–109–01 ''CAIR NO_X annual, CAIR SO_2 and CAIR NO_X ozone season trading programs definitions and general provisions.'', Rule 3745–109–04 ''CAIR NO_X allowance allocations.'', Rule 3745–109–07 ''Monitoring and Reporting.'', Rule 3745–109–08 ''CAIR NO_X opt-in units.'', Rule 3745–109–11 ''CAIR SO_2 allowance tracking system.'', Rule 3745–109–12 ''CAIR SO_2 allowance transfers.'', Rule 3745–109–13 ''Monitoring and reporting.'', Rule 3745–109–14 ''CAIR SO_2 opt-in units.'', Rule 3745–109–17 ''CAIR NO_X ozone season allowance allocations.'', Rule 3745–109–18 ''CAIR NO_X ozone season allowance tracking system.'', Rule 3745–109–19 ''CAIR NO_X ozone season allowance transfers.'', Rule 3745–109–20 ''Monitoring and reporting.'', and Rule 3745–109–21 ''CAIR NO_X ozone season opt-in units.'', adopted on July 6, 2009, effective on July 16, 2009.

(B) July 6, 2009, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(C) Ohio Administrative Code Rule 3745–109–02 ''CAIR designated representative for CAIR NO_X sources.'', Rule 3745–109–03 ''Permits.'', Rule 3745–109–05 ''CAIR NO_X allowance tracking system.'', Rule 3745–109–06 ''CAIR NO_X allowance transfers.'', Rule 3745–109–09 ''CAIR designated representative for CAIR SO_2 sources.'', Rule 3745–109–10 ''Permits.'', Rule 3745–109–15 ''CAIR designated representative for CAIR NO_X ozone season sources.'', and Rule 3745–109–16 ''Permits.'', adopted on September 17, 2007, effective on September 27, 2007.

(D) September 17, 2007, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

■ 5. Section 52.1891 is removed.

■ 6. Section 52.1892 is removed.

[FR Doc. E9–23254 Filed 9–24–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2009–0506; FRL–8962–4]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Determination of Clean Data for the 1997 Fine Particulate Matter Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is determining that the Johnstown (Cambria and Indiana Counties), Lancaster (Lancaster County), Reading (Berks County), and York (York County), Pennsylvania nonattainment areas for the 1997 fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS) have clean data for the 1997 $PM_{2.5}$ NAAQS.

DATES: *Effective Date:* This final rule is effective on September 25, 2009.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2009–0506. All documents in the docket are listed in the *http://www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, *i.e.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 814–2182, or by e-mail at *quinto.rose@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Organization of this document. The following outline is provided to aid in locating information in this preamble.

I. What Action Is EPA Taking?
II. What Is the Effect of This Action?
III. When Is This Action Effective?
IV. What Is EPA's Final Action?
V. What Are the Statutory and Executive Order Reviews?

I. What Action Is EPA Taking?

EPA is determining that the Johnstown, Lancaster, Reading, and York nonattainment areas have clean data for the 1997 $PM_{2.5}$ NAAQS. This determination is based upon quality assured, quality controlled and certified ambient air monitoring data that show the area has monitored attainment of the 1997 $PM_{2.5}$ NAAQS based on the 2006–2008 data. In addition, quality controlled and quality assured monitoring data submitted during the calendar year 2009, which are available in the EPA Air Quality System (AQS) database, but not yet certified, show that these areas continue to meet the 1997 $PM_{2.5}$ NAAQS.

Other specific requirements of the determination and the rationale for EPA's proposed action are explained in the notice of proposed rulemaking (NPR) published on July 31, 2009 (74 FR 38158) and will not be restated here. No public comments were received in response to the NPR.

II. What Is the Effect of This Action?

This final action, in accordance with 40 CFR 51.1004(c), suspends the requirements for these areas to submit attainment demonstrations, associated reasonably available control measures, reasonable further progress plans, contingency measures, and other planning state implementation plans (SIPs) related to attainment of the 1997 $PM_{2.5}$ NAAQS for so long as these areas continue to meet the 1997 $PM_{2.5}$ NAAQS.

III. When Is the Action Effective?

EPA finds that there is good cause for this approval to become effective on the date of publication of this action in the **Federal Register**, because a delayed effective date is unnecessary due to the nature of the approval. The expedited effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rule actions may become effective less than 30 days after publication if the rule ''grants or recognizes an exemption or relieves a restriction'' and 5 U.S.C. 553(d)(3), which allows an effective date less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.'' As noted above, this determination of attainment suspends the requirements for the Johnstown, Lancaster, Reading, and York, Pennsylvania $PM_{2.5}$ nonattainment areas to submit an attainment demonstration, associated reasonably available measures, a reasonable further progress plan, contingency measures, and any

other planning SIPs related to attainment of the standard for so long as these areas continue to meet the 1997 $PM_{2.5}$ NAAQS. The suspension of these requirements is sufficient reason to allow an expedited effective date of this rule under 5 U.S.C. 553(d)(1). In addition, these nonattainment areas' suspension from these requirements provide good cause to make this rule effective on the date of publication of this action in the **Federal Register,** pursuant to 5 U.S.C. 553(d)(3). The purpose of the 30-day waiting period prescribed in 5 U.S.C. 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Where, as here, the final rule suspends requirements rather than imposing obligations, affected parties, such as the Commonwealth of Pennsylvania, do not need time to adjust and prepare before the rule takes effect.

IV. What Is EPA's Final Action?

EPA is determining that the Johnstown, Lancaster, Reading, and York, Pennsylvania nonattainment areas have clean data for the 1997 $PM_{2.5}$ NAAQS. This determination is based upon quality assured, quality controlled, and certified ambient air monitoring data showing that these areas have monitored attainment of the 1997 $PM_{2.5}$ NAAQS based on the 2006–2008 data. This final action, in accordance with 40 CFR 51.1004(c), will suspend the requirements for these areas to submit attainment demonstrations, associated reasonably available control measures, reasonable further progress plans, contingency measures, and other planning SIPs related to attainment of the 1997 $PM_{2.5}$ NAAQS for so long as each of these areas continue to meet the 1997 $PM_{2.5}$ NAAQS.

V. What Are Statutory and Executive Order Reviews?

A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 24, 2009. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action, pertaining to the determination of clean data for the 1997 fine particulate matter standard for the Johnstown, Lancaster, Reading, and York, Pennsylvania $PM_{2.5}$ nonattainment areas, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter.

Dated: September 15, 2009.

William C. Early,

Acting Regional Administrator, Region III.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart NN—Pennsylvania

■ 2. Section 52.2059 is amended by adding paragraph (d) to read as follows:

§ 52.2059 Control strategy: Particulate matter.

* * * * *

(d) Determination of Clean Data. EPA has determined, as of September 25, 2009, the Johnstown (Cambria and Indiana Counties), Lancaster (Lancaster County), Reading (Berks County) and York (York County), Pennsylvania nonattainment areas have clean data for the 1997 $PM_{2.5}$ NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for these areas to submit an attainment demonstration, associated reasonably available measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as these areas

continue to meet the 1997 $PM_{2.5}$ NAAQS.

[FR Doc. E9–23057 Filed 9–24–09; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1410–CN]

42 CFR Part 483

RIN 0938–AP46

Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule; correction.

SUMMARY: This document corrects technical errors that appeared in the final rule published in the **Federal Register** (74 FR 40288) on August 11, 2009 entitled, ''Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for FY 2010; Minimum Data Set, Version 3.0 for Skilled Nursing Facilities and Medicaid Nursing Facilities.''

DATES: *Effective Date:* This correction is effective October 1, 2009.

FOR FURTHER INFORMATION CONTACT: Bill Ullman, (410) 786–5667.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. E9–18662 of August 11, 2009 (74 FR 40288), there were three errors (two typographical errors and a technical error in the wage index values) that we are identifying and correcting in section III—''Correction of Errors''. The corrections in this notice are effective as if they were included in the final rule published on August 11, 2009. Accordingly, the corrections are effective October 1, 2009.

II. Summary of Errors

In the August 11, 2009 final rule, we made two typographical errors in the preamble that resulted in an incorrect date being cited. First, on page 40293, we stated that the ''* * * final rule sets forth a schedule of Federal prospective payment rates applicable to Medicare Part A SNF services beginning October 1, 2010.'' We are correcting the date that appears in this sentence so that it correctly reads ''October 1, 2009'' consistent with Tables 2 and 3 (''FY 2010 Unadjusted Federal Rate Per Diem Urban'' and ''FY 2010 Unadjusted Federal Rate Per Diem Rural''), and with the fiscal year (FY) 2010 effective date for the Federal rates specified throughout the preamble. In addition, on page 40297, we made a typographical error resulting in an incorrect date being cited in describing the prospective nature of the recalibration of the case-mix weights. The purpose of the paragraph where the date appears is to explain that in order to avoid possible negative consequences, the recalibration of the case-mix weights is being implemented on a prospective basis only, and does not include a retroactive recoupment of any overpayments already made. We are correcting the date that appears in the preamble, so that it correctly reads ''October 1, 2009'' rather than ''October 1, 2010'', consistent with the FY 2010 effective date specified for the recalibration throughout the final rule.

In addition, in the addendum to the August 11, 2009 final rule, we are revising an entry in Table B: ''FY 2010 Wage Index Based on CBSA Labor Market Areas for Rural Areas'' in order to correct a technical error arising from the revision of wage data for two inpatient prospective payment system (IPPS) providers. We inadvertently excluded the wage data for a hospital that should have been included in the wage index calculation, and included the wage data for a hospital that should have been excluded from the wage index. Accordingly, we are revising the wage index value displayed in Table B for rural California from ''1.2001'' to the corrected value of ''1.2051''. As this revision involves only a single entry in Table B, we are not republishing the table in its entirety in this notice; however, we note that the corrected version of this table is available on the SNF PPS Web site, which can be accessed online at *http://www.cms.hhs.gov/SNFPPS/*.

III. Correction of Errors

In FR Doc. E9–18662 (74 FR 40288), make the following corrections:

1. On page 40293, in column 2, in the first paragraph under Section III.B.1 (Federal Prospective Payment System), in the first sentence, the date ''October 1, 2010'' is corrected to read ''October 1, 2009''.

2. On page 40297, in column 2, in the last paragraph, in the first line from the bottom, the date ''October 1, 2010'' is corrected to read ''October 1, 2009''.

3. On page 40385, in Table B, in column 3 of the table, in line 5, the wage index ''1.2001'' is corrected to read ''1.2051''.

IV. Waiver of Proposed Rulemaking and Delayed Effective Date

We ordinarily publish a proposed rule in the **Federal Register** to provide a period for public comment before the provisions of a rule such as this take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). We also ordinarily provide a 30-day delay in the effective date of the provisions of a notice in accordance with section 553(d) of the APA (5 U.S.C. 553(d)). However, we can waive both the notice and comment procedure and the 30-day delay in effective date if the Secretary finds, for good cause, that a notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons for it in the notice.

We find for good cause that it is unnecessary to undertake notice and comment rulemaking because this notice merely provides technical corrections to the regulations. We are not making substantive changes to our payment methodologies or policies, but rather, are simply implementing correctly the payment methodologies and policies that we previously proposed, received comment on, and subsequently finalized. The public has already had the opportunity to comment on these payment methodologies and policies, and this correction notice is intended solely to ensure that the FY 2010 skilled nursing facility (SNF) prospective system (PPS) final rule accurately reflects them. Therefore, we believe that undertaking further notice and comment procedures to incorporate these corrections into the final rule is unnecessary and contrary to the public interest.

Further, we believe a delayed effective date is unnecessary because this correction notice merely corrects inadvertent technical errors. The changes noted above do not make any substantive changes to the SNF PPS payment methodologies or policies. Moreover, we regard imposing a delay in the effective date as being contrary to the public interest. We believe that it is in the public interest for providers to receive appropriate SNF PPS payments in as timely a manner as possible and to ensure that the FY 2010 SNF PPS final rule accurately reflects our payment methodologies, payment rates, and policies. Therefore, we find good cause to waive notice and comment procedures, as well as the 30-day delay in effective date.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 16, 2009.

Dawn L. Smalls,

Executive Secretary to the Department.

[FR Doc. E9–22958 Filed 9–24–09; 8:45 am]

BILLING CODE 4120–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Parts 2550 and 2552

RIN 3045–AA50

Serve America Act Amendments to the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973

AGENCY: Corporation for National and Community Service.

ACTION: Interim final rule with request for comments; correction.

SUMMARY: The Corporation for National and Community Service (the Corporation) is correcting an interim final rule implementing time-sensitive changes required by the Serve America Act to take effect on October 1, 2009, that appeared in the **Federal Register** of September 10, 2009. That document included amendments to two incorrectly listed paragraphs in two section, and inadvertently quoted incorrect language from another. This document corrects those errors.

DATES: Effective October 1, 2009.

FOR FURTHER INFORMATION CONTACT: Amy Borgstrom, Docket Manager, Corporation for National and Community Service, (202) 606–6930, TDD (202) 606–3472. Persons with visual impairments may request this document in an alternate format.

SUPPLEMENTARY INFORMATION: On September 10, 2009 (74 FR 46495), the Corporation published an interim final rule which included amendments to two incorrectly listed paragraphs in 45 CFR 2550.50 and 2550.80, and inadvertently quoted incorrect language from 45 CFR 2552.82. This document corrects the interim final rule by revising the instructions for 45 CFR 2550.50, 2550.80, and 2552.82.

■ In FR Doc. 2009–21671, appearing on page 46495 in the **Federal Register** of Thursday, September 10, 2009, the following corrections are made:

§ 2550.50 [Corrected]

■ 1. On page 46507, in the second column,, in instructions 38a, 38b and 38c, remove ''paragraph (a)'' and add ''paragraph (b)'' in its place.

■ 2. On page 46057, in the second column, after the section heading for § 2550.50, add five asterisks below the section heading and remove the paragraph designation ''(a)'' and add the paragraph designation ''(b)'' in its place.

§ 2550.80 [Corrected]

■ 3. On page 46057, in the second column, in instruction 39d, remove ''paragraph (i)'' and add ''paragraph (m)'' in its place.

■ 4. On page 46057, in the third column, in the 36th line, remove the paragraph designation ''(i)'' and add the paragraph designation ''(m)'' in its place.

§ 2552.82 [Corrected]

■ 5. On page 46509, in the first column, in instruction 55c, remove ''mentally retarded child'' and add ''mentally retarded individual'' in its place.

Dated: September 21, 2009.

Frank R. Trinity,

General Counsel.

[FR Doc. E9–23248 Filed 9–24–09; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 060418103–6181–02]

RIN 0648–XR84

Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Period 1 Quota Harvested

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure of spiny dogfish fishery.

SUMMARY: NMFS announces that the spiny dogfish commercial quota available to the coastal states from Maine through Florida for the first semi-annual quota period, May 1, 2009 - October 31, 2009, has been harvested. Therefore, effective 0001 hours, September 26, 2009, federally permitted spiny dogfish vessels may not fish for, possess, transfer, or land spiny dogfish until November 1, 2009, when the Period 2 quota becomes available. Regulations governing the spiny dogfish fishery require publication of this notification to advise the coastal states from Maine through Florida that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no Federal commercial quota is available for landing spiny dogfish in these states. This action is necessary to prevent the fishery from exceeding its Period 1 quota and to allow for effective management of this stock.

DATES: Quota Period 1 for the spiny dogfish fishery is closed effective at 0001 hr local time, September 26, 2009, through 2400 hr local time October 31, 2009. Effective September 26, 2009, federally permitted dealers are also advised that they may not purchase spiny dogfish from federally permitted spiny dogfish vessels.

FOR FURTHER INFORMATION CONTACT: Don Frei at (978) 281–9221, or *Don.Frei@noaa.gov*.

SUPPLEMENTARY INFORMATION: Regulations governing the spiny dogfish fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota, which is allocated into two quota periods based upon percentages specified in the fishery management plan. The commercial quota is distributed to the coastal states from Maine through Florida, as described in § 648.230.

The initial total commercial quota for spiny dogfish for the 2009 fishing year is 12 million lb (5,443.11 mt) (74 FR 20230, May 1, 2009). The commercial quota is allocated into two periods (May 1 through October 31, and November 1 through April 30). Vessel possession limits are intended to preclude directed fishing, and they are set at 3,000 lb (1.36 mt) for both Quota Periods 1 and 2. Quota Period 1 is allocated 6,948,000 lb (3,151.56 mt), and Quota Period 2 is allocated 5,052,000 lb (2,291.55 mt) of the commercial quota. The total quota cannot be exceeded, so landings in excess of the amount allocated to Period 1 have the effect of reducing the quota available to the fishery during Period 2.

The Administrator, Northeast Region, NMFS (Regional Administrator) monitors the commercial spiny dogfish quota for each quota period and, based upon dealer reports, state data, and other available information, determines when the total commercial quota will be harvested. NMFS is required to publish a notification in the **Federal Register** advising and notifying commercial vessels and dealer permit holders that, effective upon a specific date, the Federal spiny dogfish commercial quota has been harvested and no Federal commercial quota is available for landing spiny dogfish for the remainder of that quota period.

Section 648.4(b) provides that Federal spiny dogfish permit holders agree, as a condition of the permit, not to land spiny dogfish in any state after NMFS has published notification in the **Federal Register** that the commercial quota has been harvested and that no commercial quota for the spiny dogfish fishery is available. Therefore, effective 0001 hr local time, September 26, 2009, landings of spiny dogfish in coastal states from Maine through Florida by vessels holding commercial Federal fisheries permits will continue to be prohibited through October 31, 2009, 2400 hr local time. The 2009 Period 2 quota will be available for commercial spiny dogfish harvest on November 1, 2009. Effective September 26, 2009, federally permitted dealers are also advised that they may not purchase spiny dogfish from vessels issued Federal spiny dogfish permits that land in coastal states from Maine through Florida.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 22, 2009.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E9–23215 Filed 9–22–09; 4:15 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 74, No. 185
Friday, September 25, 2009

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1250

[Doc. No. AMS–PY–08–0032]

Amendment to Egg Research and Promotion Order and Regulations To Increase the Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the Egg Research and Promotion Order to increase the assessment rate on egg producers paying assessments to the American Egg Board (AEB) from 10 cents to 15 cents per 30-dozen case of commercial eggs, provided the increase is approved by egg producers voting in a referendum. This proposal would also make a conforming amendment to the regulations. AEB, which administers the Order, recommended this action to sustain and expand its national promotion, research, and consumer information program.

DATES: Comments must be received on or before November 24, 2009.

ADDRESSES: Interested persons are invited to submit written comments on the Internet at *http://www.regulations.gov* or to Angela C. Snyder; Research and Promotion; Standards, Promotion, & Technology Branch; Poultry Programs, AMS, U.S. Department of Agriculture; 1400 Independence Avenue, SW., Stop 0256; Washington, DC 20250–0259; fax (202) 720–2930. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk, Poultry Programs, AMS, USDA, Room 3953–S, 1400 Independence Avenue, SW., Washington, DC 20250–0259, during regular business hours or can be viewed at: *http://www.regulations.gov*. All comments received will be posted without change, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Angela C. Snyder; Research and Promotion; Standards, Promotion & Technology Branch; Poultry Programs, AMS, USDA, 1400 Independence Avenue, SW., Room 3932–S; Washington, DC 20250–0256; telephone: (202) 720–4476; fax (202) 720–2930; or e-mail: *Angie.Snyder@ams.usda.gov*.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

The Office of Management and Budget (OMB) has waived the review process required by Executive Order 12866 for this action.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. The rule is not intended to have a retroactive effect and will not affect or preempt any State or Federal law authorizing promotion or research relating to an agricultural commodity.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Section 14 of the Act allows those subject to the Order to file a written petition with the Secretary of Agriculture (Secretary) if they believe that the Order, any provision of the Order, or any obligation imposed in connection with the Order, is not in accordance with the law. In any petition, the person may request a modification of the Order or an exemption from the Order. The petitioner will have the opportunity for a hearing on the petition. Afterwards, an Administrative Law Judge (ALJ) will issue a decision. If the petitioner disagrees with the ALJ's ruling, the petitioner has 30 days to appeal to the Judicial Officer, who will issue a ruling on behalf of the Secretary. If the petitioner disagrees with the Secretary's ruling, the petitioner may file, within 20 days, an appeal in the U.S. District Court for the district where the petitioner resides or conducts business.

Initial Regulatory Flexibility Act Analysis and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has considered the economic impact of this action on the small producers that would be affected by this rule. The purpose of the RFA is to fit regulatory action to scale on businesses subject to such action so that small businesses will not be disproportionately burdened.

According to AEB, approximately 245 producers are subject to the provisions of the Order, including paying assessments. Under the current Order, producers in the 48 contiguous United States and the District of Columbia who own more than 75,000 laying hens each currently pay a mandatory assessment of 10 cents per 30-dozen case of eggs. Handlers are responsible for collecting and remitting assessments to the Board. There are approximately 160 egg handlers who collect assessments. Assessments under the program are used by AEB to finance promotion, research, and consumer information programs designed to increase consumer demand for eggs in domestic and international markets. At the current rate of 10 cents per case, assessments generate about $20 million in annual revenues. The Order is administered by AEB under supervision of the U.S. Department of Agriculture.

In 13 CFR part 121, the Small Business Administration (SBA) defines small agricultural producers as those having annual receipts of no more than $750,000 and small agricultural service firms as those having annual receipts of no more than $7 million. Under this definition, the vast majority of the egg producers that would be affected by this rule would not be considered small entities. Producers owning 75,000 or fewer laying hens are exempt from this program.

Given that a laying hen produces approximately 22 dozen eggs per year, production from 75,000 laying hens would result in 1.65 million dozen eggs. With a wholesale price of $0.965 per dozen, total annual receipts would be $1.59 million, which is well above the definition used to describe a small farm. The wholesale price of eggs would need to drop to approximately $0.45 per dozen before a producer with 75,000 hens could be classified as a small farm under the SBA definition.

The present 10-cent assessment is equivalent to approximately 0.28 percent of the wholesale price of a 30-dozen case of large eggs. An assessment rate of 15 cents per 30-dozen case would be equivalent to approximately 0.42 percent of the wholesale price of a 30-dozen case of large eggs. This wholesale

price is based on the price per dozen Grade A large egg price reported in the ''Weekly Combined Regional Shell Eggs'' report (WA_PY001) published by USDA's Poultry Market News and Analysis Branch.

According to AEB, additional revenue is required in order to sustain and expand its programs. This proposed increase is consistent with sections 8 and 9 of the Act (7 U.S.C. 2701–2718) that permit AEB to recommend an increase in the assessment rate up to 20 cents per case and request that a referendum be held if such an increase is supported by a scientific study, marketing analysis, or other similar competent evidence.

AEB conducted a marketing analysis demonstrating that a 5-cent increase in the assessment rate (to a total of 15 cents) is appropriate to effectively strengthen AEB's programs. The marketing analysis addressed the need for a funding increase due to the following factors: (1) Inflation, including the overall increases in all costs associated with doing business since the last increase in AEB's assessment rate in 1994; (2) AEB's advertising program, including the increased cost of advertising expenditures as well as new media outlets; (3) AEB's nutrition program, including additional research needed to examine both the nutritional benefits of eggs and the relationship between eggs and increased serum cholesterol levels and heart disease risk; and (4) AEB's food safety program, specifically expanding research to cover food safety as the public becomes more concerned about food safety issues.

With the proposed increased assessment, the financial commitment of the U.S. egg industry for generic research and promotion activity could increase by 50 percent, from approximately $20 million to an estimated $30 million annually.

AEB considered several alternatives, including the status quo of 10 cents per case, an increase to 20 cents per case, and an increase to 15 cents per case. AEB ultimately concluded that the status quo would not allow AEB even to sustain its programs effectively, and that an increase to 15 cents was sufficient to maintain and expand its promotion, research, and consumer information programs.

This rule does not impose additional recordkeeping requirements on egg producers or collecting handlers. There are no Federal rules that duplicate, overlap, or conflict with this rule.

In accordance with OMB regulation 5 CFR part 1320 which implements the Paperwork Reduction Act of 1995 [44 U.S.C. Chapter 35], the information collection and recordkeeping requirements that are imposed by the Order and Rules and Regulations have been approved previously under OMB control number 0581–0093. This rule does not result in a change to those information collection and recordkeeping requirements.

We have performed this Initial Regulatory Flexibility Analysis regarding the impact of these proposed amendments to the Order and Rules and Regulations on small entities, and we invite comments concerning potential effects of these amendments on small businesses.

Background

The Egg Research and Consumer Information Act (7 U.S.C. 2701–2718, hereinafter referred to as the ''Act'') established a national egg research and promotion program—administered by AEB—that is financed through industry assessments and subject to oversight by AMS. This program of promotion, research, and consumer information is designed to strengthen the position of eggs in the marketplace and to establish, maintain, and expand markets for eggs.

This program is financed by assessments on egg producers owning more than 75,000 laying hens. The Egg Research and Promotion Order specifies that handlers are responsible for collecting and remitting the producer assessments to AEB, reporting their handling of eggs, and maintaining records necessary to verify their reports.

This rule proposes to increase the assessment rate on egg producers from 10 cents to 15 cents per case of commercial eggs. Only producers in the contiguous United States are subject to the program, and producers owning 75,000 or fewer laying hens are exempt from paying assessments.

In order to sustain and expand the promotion, research, and consumer information programs at present levels, AEB believes that additional revenue is required. The proposed increase is estimated to generate $10 million in new revenue, depending upon production levels. Currently, AEB collects approximately $20 million per year. A 5-cent increase in the assessment rate is expected to increase the total to about $30 million per year.

Section 8 of the Act provides for an assessment rate up to 20 cents per case. Section 1250.347 currently provides for an assessment at a rate not to exceed 10 cents per 30-dozen case of eggs, or equivalents thereof. Any increase from the current 10-cent rate established in the Order must be approved by egg producers voting in a referendum. Section 9 of the Act provides that if AEB determines, based on a scientific study, marketing analysis, or other similar competent evidence, that an increase in the assessment rate is necessary to effectuate the declared policy of the Act, AEB may recommend the increase to the Secretary and request that a referendum be held to vote on the assessment increase.

Marketing Analysis and AEB Recommendation

Consequently, AEB conducted a marketing analysis demonstrating that a 5-cent increase in the assessment rate to a total of 15 cents was appropriate to effectively strengthen AEB's programs.

Because of inflation, AEB estimates that an estimated $14.7 million would be required to duplicate the same media program in 2008 as was conducted for $7.9 million in 1995, when the assessment rate was last increased.

Despite the success of the advertising program, AEB's media budget has not kept pace with media inflation. Over the last 10 years, the budget has remained relatively flat, averaging roughly $7.9 million annually. Meanwhile, the cost of media has steadily increased at the rate of 5 percent each year. If AEB's advertising budget matched inflation, it would be more than 50 percent larger today than it is, and it would reach $22 million in 2017. By not keeping up with inflation, each year AEB has been reaching fewer consumers and less often.

Ten years ago, AEB expanded its research to include studies on the nutritional benefits of eggs, including satiety and weight control; bioavailability of egg nutrients; egg protein and muscle retention in the elderly; egg lutein and eye health; egg choline and brain development, dietary choline requirements, and the relationship between choline and reduction of heart-disease risk; and eggs and school performance.

The expansion of the research programs over the past decade has been an essential component of AEB's mission. To continue to fund the best and most relevant research projects, AEB needs to increase its level of research funding to account for the rising cost of studies today compared to 10 years ago, the increased number of research topics, and publicizing research findings.

In addition to research into egg nutrients, AEB has also funded research and other programs related to food safety as the public's food security concerns have increased. AEB has funded research on Salmonella, avian influenza, transportation systems,

cooking methods, and statistical analyses. Not only do these studies deal with current food safety issues, but they also help the egg industry prepare for and address potential risks.

At the March 27, 2008, board meeting, AEB members voted unanimously to recommend that the assessment rate be increased from 10 cents to 15 cents per 30-dozen case of commercial eggs.

Proposed Changes and Referendum

This rule would amend the Order as well as the implementing Rules and Regulations. Section 1250.347 of the Order states that the assessment rate is not to exceed 10 cents per 30-dozen case of eggs, provided that no more than such assessment shall be made on any case of eggs. Section 1250.514 provides for an assessment rate of 10 cents per case of commercial eggs handled for the account of each producer, with each case being subject to assessment only once. Accordingly, section 1250.347 of the Order and section 1250.514 of the Rules and Regulations would be revised to reflect an assessment rate of 15 cents per case. In order to better reflect the provisions of the Act, section 1250.347 of the Order would be amended to reflect both the maximum assessment rate authorized under the Act as well as the assessment rate itself.

A 60-day comment period is provided to allow interested parties to respond to this proposal. All written comments received by the date specified in response to this rule will be considered prior to conducting the referendum.

After an opportunity for public comment, a referendum will be held among egg producers not exempt from the Act. Producers engaged in the production of commercial eggs during a representative period determined by the Secretary will be eligible to vote on the assessment rate change recommended by AEB.

All known eligible egg producers will receive information in the mail regarding the referendum.

The increase in the assessment rate shall become effective if the change is approved or favored by not less than two-thirds of the producers voting in the referendum, or a majority of such producers if they represent not less than two-thirds of the commercial eggs produced by those voting.

List of Subjects in 7 CFR Part 1250

Administrative practice and procedure, Advertising, Agricultural research, Eggs and egg products, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble 7 CFR part 1250 is proposed to be amended as follows:

PART 1250—EGG RESEARCH AND PROMOTION

1. The authority citation of part 1250 continues to read as follows:

Authority: 7 U.S.C. 2701–2718 and 7 U.S.C. 2401.

2. Section 1250.347 is revised to read as follows:

§ 1250.347 Assessments.

Each handler designated in § 1250.349 and pursuant to regulations issued by the Board shall collect from each producer, except for those producers specifically exempted in § 1250.348, and shall pay to the Board at such times and in such manner as prescribed by regulation issued by the Board an assessment at a rate of 15 cents per 30-dozen case of eggs, or the equivalent thereof, for such expenses and expenditures, including provisions for a reasonable reserve and those administrative costs incurred by the Department of Agriculture after this subpart is effective, as the Secretary finds are reasonable and likely to be incurred by the Board and the Secretary under this subpart, except that no more than one such assessment shall be made on any case of eggs. The assessment rate shall not exceed 20 cents per case (or the equivalent of a case) of commercial eggs.

3. In § 1250.514, the first sentence is revised to read as follows:

§ 1250.514 Levy of assessments.

An assessment rate of 15 cents per case of commercial eggs is levied on each case of commercial eggs handled for the account of each producer. * * *

Dated: September 21, 2009.

Rayne Pegg,

Administrator, Agricultural Marketing Service.

[FR Doc. E9–23150 Filed 9–24–09; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0776; Directorate Identifier 2009–NE–32–AD]

RIN 2120–AA64

Airworthiness Directives; Dowty Propellers R408/6–123–F/17 Model Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) issued 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: Friction or contact between a propeller de-ice bus bar and the backplate assembly can cause failure of the bus bar and a consequent intermittent short circuit. Such a short circuit can cause a dual AC generator shutdown that, particularly in conjunction with an engine failure in icing conditions, could result in reduced controllability of the airplane.

We are proposing this AD to prevent an in-flight double generator failure, which could result in reduced controllability of the airplane.

DATES: We must receive comments on this proposed AD by October 26, 2009.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

Contact Dowty Propellers, Anson Business Park, Cheltenham Road East, Gloucester GL 29QN, UK; telephone: 44 (0) 1452 716000; fax: 44 (0) 1452 716001, for the service information identified in this proposed AD.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://*

www.regulations.gov; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is the same as the Mail address provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT:

Terry Fahr, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: *terry.fahr@faa.gov*; telephone (781) 238–7155; fax (781) 238–7170.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2009–0776; Directorate Identifier 2009–NE–32–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of the Web site, anyone can find and read the comments in any of our dockets, including, if provided, the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, *etc.*). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive AD 2009–0114, dated May 28, 2009 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Friction or contact between a propeller de-ice bus bar and the backplate assembly can cause failure of the bus bar and a consequent intermittent short circuit. Such a short circuit can cause a dual AC generator shutdown that, particularly in conjunction with an engine failure in icing conditions, could result in reduced controllability of the airplane.
>
> For the reason described above, this AD requires initial and repetitive application of sealant between the propeller bus bar assemblies and the backplate assembly.

You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Dowty Propellers has issued Service Bulletin No. D8400–61–66, Revision 1, dated May 4, 2007. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

This propeller has been approved by the aviation authority of the United Kingdom and is approved for operation in the United States. Pursuant to our bilateral agreement with the United Kingdom, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other propellers of the same type design. This proposed AD would require initial applications of sealant between the bus bar assembly and the backplate assembly of line-replaceable units (LRU) serial numbers (SNs) below DAP0347, and repetitive applications of sealant on all R408/6–123–F/17 model propellers.

Differences Between This AD and the Service Information

We have reviewed the related service information and, in general, agree with its substance, which gives instructions on performing a one-time application of sealant for R408/6–123–F/17 model propellers with a hub, actuator, and backplate assembly LRU SNs below DAP0347. However, we have found it necessary to also require repetitive applications of sealant for all R408/6–123–F/17 model propellers, the same as the MCAI. This difference is described in a separate paragraph of the proposed AD.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 104 propellers installed on airplanes of U.S. registry. We also estimate that it would take about 2 work-hours per propeller to comply with this proposed AD. The average labor rate is $80 per work-hour. Required parts would cost about $20 per propeller. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $18,720.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new AD:

Dowty Propellers (formerly Dowty Aerospace; Dowty Rotol Limited; and Dowty Rotol): Docket No. FAA–2009–0776; Directorate Identifier 2009–NE–32–AD.

Comments Due Date

(a) We must receive comments by October 26, 2009.

Affected Airworthiness Directives (ADs)

(b) None.

Applicability

(c) This AD applies to Dowty Propellers R408/6–123–F/17 model propellers. These propellers are installed on, but not limited to, Bombardier, Inc. (formerly de Havilland Canada) models DHC–8–400, DHC–8–401, and DHC–8–402 series airplanes.

Reason

(d) This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. We are issuing this AD to prevent an in-flight double generator failure, which could result in reduced controllability of the airplane.

Actions and Compliance

(e) Unless already done, do the following actions.

(1) For R408/6–123–F/17 model propellers with a hub, actuator, and backplate assembly line-replaceable unit (LRU) SNs below DAP0347, do the following initial sealant application within 5,000 flight hours (FH) after the effective date of this AD:

(i) Apply sealant between the bus bar assemblies and the backplate assembly.

(ii) Use paragraph 3 of the Accomplishment Instructions of Dowty Propellers Service Bulletin No. D8400–61–66, Revision 1, dated May 4, 2007, to do the sealant application.

(2) Thereafter, for all R408/6–123–F/17 model propellers, re-apply sealant as specified in paragraphs (e)(1)(i) through (e)(1)(ii) within every additional 10,000 FH.

Installation Prohibition

(3) After modification of all propellers on an airplane as required by paragraph (e)(1) of this AD, do not install any Dowty R408/6–123–F/17 propeller on that airplane unless sealant has been applied between the bus bar assemblies and the backplate assembly of that propeller using the requirements of this AD.

FAA AD Differences

(f) Dowty Propellers Service Bulletin No. D8400–61–66, Revision 1, dated May 4, 2007, requires a one-time application of sealant for R408/6–123–F/17 model propellers with a hub, actuator, and backplate assembly LRU SNs below DAP0347. However, this AD and the MCAI require repetitive applications of sealant for all R408/6–123–F/17 model propellers.

Alternative Methods of Compliance (AMOCs)

(g) The Manager, Boston Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

Related Information

(h) Refer to EASA AD 2009–0114, dated May 28, 2009, and Dowty Propellers Service Bulletin No. D8400–61–66, Revision 1, dated May 4, 2007, for related information. Contact Dowty Propellers, Anson Business Park, Cheltenham Road East, Gloucester GL 29QN, UK; telephone: 44 (0) 1452 716000; fax: 44 (0) 1452 716001, for a copy of this service information.

(i) Contact Terry Fahr, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: *terry.fahr@faa.gov*; telephone (781) 238–7155; fax (781) 238–7170, for more information about this AD.

Issued in Burlington, MA, on September 21, 2009.

Peter A. White,

Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. E9–23209 Filed 9–24–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0790; Directorate Identifier 2008–NM–177–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330 and A340 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above that would supersede an existing AD. This proposed 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: Uncontained APU [auxiliary power unit] generator failures on ground have occurred on Airbus A330 aircraft in service. APU generator design is common to all A330 and A340 aircraft. Preliminary investigations confirmed that these failures have resulted in structural damage to the APU compartment and, in one case, to the stabiliser compartment. Loose APU generator parts can lead to damage to the APU firewall, reducing its fire extinguishing capability and potentially leading to a temporary uncontrolled fire.

Although the root cause has not yet been determined, the investigation showed a sequence of events where a collapse of the Drive End Bearing (DEB) leads to an uncontained failure. Evidence has also shown that the DEB failures are not instantaneous, and therefore, the detection of small debris could indicate early stage of a DEB failure.

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by November 9, 2009.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–40, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Airbus SAS—Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80, e-mail *airworthiness.A330–A340@airbus.com;* Internet *http://www.airbus.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221 or 425–227–1152.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://*

www.regulations.gov; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT:

Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1138; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2009–0790; Directorate Identifier 2008–NM–177–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We have lengthened the 30-day comment period for proposed ADs that address MCAI originated by aviation authorities of other countries to provide adequate time for interested parties to submit comments. The comment period for these proposed ADs is now typically 45 days, which is consistent with the comment period for domestic transport ADs.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

On August 21, 2007, we issued AD 2007–18–04, Amendment 39–15184 (72 FR 50042, August 30, 2007). That AD required actions intended to address an unsafe condition on the products listed above.

Since we issued AD 2007–18–04, a terminating modification has been developed. The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2008–0173, dated September 15, 2008 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

Uncontained APU [auxiliary power unit] generator failures on ground have occurred on Airbus A330 aircraft in service. APU generator design is common to all A330 and A340 aircraft.

Preliminary investigations confirmed that these failures have resulted in structural damage to the APU compartment and, in one case, to the stabiliser compartment. Loose APU generator parts can lead to damage to the APU firewall, reducing its fire extinguishing capability and potentially leading to a temporary uncontrolled fire.

Although the root cause has not yet been determined, the investigation showed a sequence of events where a collapse of the Drive End Bearing (DEB) leads to an uncontained failure. Evidence has also shown that the DEB failures are not instantaneous, and therefore, the detection of small debris could indicate early stage of a DEB failure.

To address this subject, EASA issued Emergency AD 2007–0188–E, requiring repetitive inspections of the APU generator Scavenge filter element and filter housing and of the APU generator Drain plug for signs of small debris coming from the APU generator, allowing detection of the early stage of APU generator failure. That AD was later revised to extend the compliance time and to provide another option for the repetitive inspection.

Subsequently, another uncontained APU generator failure occurred on ground on an A330 aircraft, operated within the provisions of MMEL [master minimum equipment list] item 36–11–01, with similar structural damages as the previous APU generator burst events. The investigation of this event revealed that the inspection required by paragraph 4 of AD 2007–0188R1 before the first flight under the MMEL rectification interval had not been performed and that the APU generator had not been properly installed (two seal plates instead of one).

Consequently, EASA issued AD 2008–0017, superseding AD 2007–0188R1 and requiring the following additional actions:

—A visual inspection of the APU generator seal plate fitting,—an inspection following MMEL item 36–11–01 or 24–22–01 rectification and

—An inspection each time a new or serviceable APU generator or APU is installed on an aircraft.

EASA issued AD 2008–0017R1 to cancel the inspection of paragraph 4 for A330 aircraft, when operated within the provisions of MMEL item 36–11–01 further to ETOPS (Extended-Range Twin-Engine Operations) certification of A330 APU.

Finally, Airbus has developed a secondary housing for the APU generator that is designed to contain APU generator parts in the event of an APU generator burst.

For the above described reasons, this AD retains the requirements of EASA AD 2008–0017R1, which is superseded, and adds the requirement to install a secondary housing on the APU generator. After installation of the secondary APU generator housing on an aircraft, the repetitive inspections of this AD are no longer required for that aircraft.

This AD retains the requirements of AD 2007–18–04. The new requirements include inspecting the APU generator scavenge oil filter element for contamination, the APU generator drain plug for contamination, and the APU generator scavenge filter housing for contamination, and a terminating action (installing a secondary housing line replaceable unit). Applicable corrective actions include, depending on the findings, replacing or reinstalling the APU generator scavenge oil filter and packing, replacing or reinstalling the APU generator drain plug, and replacing or reinstalling the APU generator scavenge filter housing. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Airbus has issued the service information in the following table.

Document	Revision	Date
Airbus Service Bulletin A330–24–3045	Original	June 13, 2008.
Airbus Service Bulletin A340–24–4058	Original	June 13, 2008.
Airbus Service Bulletin A340–24–5022	Original	June 23, 2008.
Airbus All Operators Telex (AOT) A330–24A3044	03	May 26, 2008.
Airbus AOT A340–24A4057	03	December 20, 2007.
Airbus AOT A340–24A5021	02	December 20, 2007.

The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between This AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a NOTE within the proposed AD.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 41 products of U.S. registry.

The actions that are required by AD 2007–18–04 and retained in this proposed AD take about 11 work-hours per product, at an average labor rate of $80 per work hour. Required parts cost about $0 per product. Based on these figures, the estimated cost of the currently required actions is $880 per product.

We estimate that it would take about 10 work-hours per product to comply with the new basic requirements of this proposed AD. The average labor rate is $80 per work-hour. Required parts would cost about $0 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $32,800, or $800 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The FAA amends § 39.13 by removing Amendment 39–15184 (72 FR 50042, August 30, 2007) and adding the following new AD:

Airbus: Docket No. FAA–2009–0790; Directorate Identifier 2008–NM–177–AD.

Comments Due Date

(a) We must receive comments by November 9, 2009.

Affected ADs

(b) The proposed AD supersedes AD 2007–18–04, Amendment 39–15184.

Applicability

(c) This AD applies to the airplanes certificated in any category, identified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Airbus Model A330–201, –202, –203, –223, –243, –301, –302, –303, –321, –322, –323, –341, –342, and –343 series airplanes, all serial numbers, except those on which Airbus modification 56985 has been embodied in production.

(2) Airbus Model A340–211, –212, –213, –311, –312, and –313 series airplanes; and Model A340–541 and A340–642 airplanes; all serial numbers, except those on which Airbus modification 56985 has been embodied in production.

Subject

(d) Air Transport Association (ATA) of America Code 24: Electrical power.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

Uncontained APU [auxiliary power unit] generator failures on ground have occurred on Airbus A330 aircraft in service. APU generator design is common to all A330 and A340 aircraft.

Preliminary investigations confirmed that these failures have resulted in structural damage to the APU compartment and, in one case, to the stabiliser compartment. Loose APU generator parts can lead to damage to the APU firewall, reducing its fire extinguishing capability and potentially leading to a temporary uncontrolled fire.

Although the root cause has not yet been determined, the investigation showed a sequence of events where a collapse of the Drive End Bearing (DEB) leads to an uncontained failure. Evidence has also shown that the DEB failures are not instantaneous, and therefore, the detection of small debris could indicate early stage of a DEB failure.

To address this subject, EASA issued Emergency AD 2007–0188–E, requiring repetitive inspections of the APU generator scavenge filter element and filter housing and of the APU generator Drain plug for signs of small debris coming from the APU generator,

allowing detection of the early stage of APU generator failure. That AD was later revised to extend the compliance time and to provide another option for the repetitive inspection.

Subsequently, another uncontained APU generator failure occurred on ground on an A330 aircraft, operated within the provisions of MMEL [master minimum equipment list] item 36–11–01, with similar structural damages as the previous APU generator burst events. The investigation of this event revealed that the inspection required by paragraph 4 of AD 2007–0188R1 before the first flight under the MMEL rectification interval had not been performed and that the APU generator had not been properly installed (two seal plates instead of one).

Consequently, EASA issued AD 2008–0017, superseding AD 2007–0188R1 and requiring the following additional actions:

—A visual inspection of the APU generator seal plate fitting,
—An inspection following MMEL item 36–11–01 or 24–22–01 rectification and
—An inspection each time a new or serviceable APU generator or APU is installed on an aircraft.

EASA issued AD 2008–0017R1 to cancel the inspection of paragraph 4 for A330 aircraft, when operated within the provisions of MMEL item 36–11–01 further to ETOPS [Extended-Range Twin-Engine Operational Performance Standards] certification of A330 APU.

Finally, Airbus has developed a secondary housing for the APU generator that is designed to contain APU generator parts in the event of an APU generator burst.

For the above described reasons, this AD retains the requirements of EASA AD 2008–0017R1, which is superseded, and adds the requirement to install a secondary housing on the APU generator. After installation of the secondary APU generator housing on an aircraft, the repetitive inspections of this AD are no longer required for that aircraft.

This AD retains the requirements of AD 2007–18–04, which superseded AD 2007–12–10, Amendment 39–15088. The new requirements include inspecting the APU generator scavenge oil filter element for contamination, the APU generator drain plug for contamination, and the APU generator scavenge filter housing for contamination, and a terminating action (installing a secondary housing line replaceable unit). Applicable corrective actions include, depending on the findings, replacing or reinstalling the APU generator scavenge oil filter and packing, replacing or reinstalling the APU generator drain plug, and replacing or reinstalling the APU generator scavenge filter housing.

Restatement of Requirements of AD 2007–12–10, With No Changes

Actions and Compliance

(f) Unless already done, do the following actions.

(1) For airplanes on which the date of issuance of the original French airworthiness certificate or the date of issuance of the original French or EASA export certificate of airworthiness is before March 1, 2007: Within 63 days after June 26, 2007 (the effective date of AD 2007–12–10), in accordance with the instructions of Airbus All Operators Telex (AOT) A330–24A3042, A340–24A4056, or A340–24A5020, all Revision 02, all dated April 12, 2007; as applicable, inspect the inlet screen (last chance filter) for the generator scavenge-oil pump for signs of debris and, as applicable, apply all associated corrective actions before further flight.

(2) For Model A330 aircraft operating under MMEL (master minimum equipment list) Item 24–22–01 'AC Main Generation' or MMEL Item 36–11–01 'Bleed Air Supply System Failure' and on which the date of issuance of the original French airworthiness certificate or the date of issuance of the original French or EASA export certificate of airworthiness is before March 1, 2007: As of June 26, 2007, before each flight, perform a check of the differential pressure indicator button on the lube filter and the generator scavenge filter in accordance with the instructions of Airbus AOT A330–24A3042, Revision 02, dated April 12, 2007, until accomplishment of paragraph (g)(5) of this AD.

Note 1: The repetitive checks before each flight specified in paragraph (f)(2) of this AD are not required for airplanes operated under MMEL Item 36–11–01, provided the APU generator has been removed or deactivated in accordance with the instructions of Airbus AOT A330–24A3042, Revision 02, dated April 12, 2007.

(3) Actions done before June 26, 2007, in accordance with the applicable Airbus service information in Table 1 of this AD are acceptable for compliance with the corresponding provisions of paragraph (f) of this AD.

TABLE 1—ACCEPTABLE EARLIER REVISIONS OF SERVICE INFORMATION

Airbus all operators telex	Revision level	Date
A330–24A3042	Original	March 22, 2007.
A330–24A3042	01	March 29, 2007.
A340–24A4056	Original	March 22, 2007.
A340–24A4056	01	March 29, 2007.
A340–24A5020	Original	March 22, 2007.
A340–24A5020	01	March 29, 2007.

Restatement of Requirements of AD 2007–18–04, With Revised Service Information

(g) Unless already done, do the following actions.

(1) For airplanes on which the date of issuance of the original French airworthiness certificate or the date of issuance of the original French or EASA export certificate of airworthiness is on or before July 1, 2007: Within 30 days after September 14, 2007 (the effective date of AD 2007–18–04), in accordance with the instructions of paragraph 4.2.1 of the applicable Airbus service information specified in Table 2 of this AD, clean and inspect the APU generator scavenge oil filter element and housing and inspect the APU generator drain plug to detect metallic debris, and apply all applicable associated corrective actions before further flight. After the effective date of this AD, use only the service information specified in Table 3 of this AD.

TABLE 2—SERVICE INFORMATION

Airbus all operators telex	Revision level	Date
A330–24A3044	01	July 20, 2007.
A330–24A3044	02	December 20, 2007.
A330–24A3044	03	May 26, 2008.
A340–24A4057	02	August 14, 2007.
A340–24A4057	03	December 20, 2007.
A340–24A5021	01	July 20, 2007.
A340–24A5021	02	December 20, 2007.

TABLE 3—SERVICE INFORMATION

Airbus all operators telex	Revision level	Date
A330–24A3044	03	May 26, 2008.
A340–24A4057	03	December 20, 2007.
A340–24A5021	02	December 20, 2007.

(2) Within 450 aircraft flight hours or 200 APU operating hours, whichever occurs later, after accomplishing the inspection required by paragraph (g)(1) of this AD, in accordance with the instructions of paragraph 4.2.2 of the applicable Airbus service information specified in Table 2 of this AD: Inspect the APU generator scavenge oil filter element and housing and the APU generator drain plug to detect metallic debris; and apply all applicable associated corrective actions before further flight. Repeat the inspections thereafter at intervals not to exceed 450 aircraft flight hours or 200 APU operating hours, whichever occurs later. After the effective date of this AD, use only the service information specified in Table 3 of this AD.

(3) For airplanes on which the date of issuance of the original French airworthiness certificate or the date of issuance of the original French or EASA export certificate of airworthiness is after July 1, 2007: Within 450 aircraft flight hours or 200 APU operating hours after September 14, 2007, whichever occurs later, in accordance with the instructions of paragraph 4.2.2 of the applicable Airbus service information specified in Table 2 of this AD: Inspect the APU generator scavenge oil filter element and housing and the APU generator drain plug to detect metallic debris; and apply all applicable associated corrective actions before further flight. Repeat the inspections thereafter at intervals not to exceed 450 aircraft flight hours or 200 APU operating hours, whichever occurs later. After the effective date of this AD, use only the service information specified in Table 3 of this AD.

(4) Actions done before September 14, 2007, in accordance with the applicable Airbus service information in Table 4 of this AD are acceptable for compliance with the corresponding provisions of paragraph (g) of this AD.

TABLE 4—ACCEPTABLE EARLIER REVISIONS OF SERVICE INFORMATION

Airbus all operators telex	Revision level	Date
A330–24A3044	Original	July 5, 2007.
A340–24A4057	Original	July 5, 2007.
A340–24A4057	01	July 20, 2007.
A340–24A5021	Original	July 5, 2007.

(5) For Model A330 aircraft operating under MMEL Item 24–22–01, ''AC Main Generation,'' or MMEL Item 36–11–01, ''Bleed Air Supply System Failure'': Unless the APU generator has been deferred in accordance with the MMEL by deactivation (quill shaft removed) or removal, the inspection required by paragraph (g)(2) or (g)(3), as applicable, of this AD must be performed prior to the first flight of the specified MMEL repair time interval. Accomplishing the actions in this paragraph terminates the actions required by paragraph (f)(2) of this AD.

Note 2: For A330 aircraft, MMEL Item 24–22–01 (AC Main Generation) and/or MMEL Item 36–11–01 (Bleed Air Supply System Failure) require that the APU be used during the entire flight.

New Requirements of This AD: Actions and Compliance

(h) Unless already done, do the following actions:

(1) As of the effective date of this AD, before further flight after an APU generator or an APU is installed on the airplane: Inspect the APU generator scavenge oil filter element for contamination (including metallic particles), the APU generator drain plug for contamination (including metallic particles), and the APU generator scavenge filter housing for contamination (including metallic particles), in accordance with paragraph 4.2 of the applicable service information specified in Table 3 of this AD. Do all applicable corrective actions before further flight in accordance with paragraph 4.2 of the applicable service information specified in Table 3 of this AD.

(2) Within 450 aircraft flight hours or 200 APU operating hours, whichever occurs later, after accomplishing the inspection required by paragraph (h)(1) of this AD, do the inspection as required by paragraph (g)(2) of this AD.

(3) For Model A330 airplanes operated within the provisions of MMEL Item 24–22–01, ''AC Main Generation,'' that are dispatched with the APU operating during the entire flight in accordance with the provisions of MMEL Item 24–22–01: Perform the inspection required by paragraph (g)(2) of this AD at the applicable time in paragraph (h)(3)(i) or (h)(3)(ii) of this AD, unless the APU generator is removed or deactivated (quill shaft removed as described in the MMEL item).

(i) Before the first flight of the MMEL rectification interval.

(ii) Before the first flight following MMEL rectification.

(4) Removing or deactivating the APU generator, or rendering the APU inoperative, in accordance with paragraph 4.3 of the applicable service information specified in Table 3 of this AD, defers the inspection required by paragraph (g)(2) of this AD. The deferred inspection must be performed before further flight after the system is reactivated.

(5) Within 6 months after the effective date of this AD, install a secondary housing line replaceable unit (LRU) over the end of the APU generator, in accordance with the Accomplishment Instructions of the applicable service information specified in Table 5 of this AD. Performing this modification terminates the repetitive inspections required by paragraphs (g)(2), (g)(3), and (h)(2) of this AD.

FAA AD Differences

Note 3: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

(i) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, 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: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1138; fax (425) 227–1149. 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.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

Related Information

(j) Refer to MCAI EASA Airworthiness Directive 2008–0173, dated September 15, 2008, and the service information identified in Table 5 of this AD for related information.

TABLE 5—SERVICE INFORMATION REQUIRED BY THIS AD

Airbus service information	Revision level	Date
AOT A340–24A5021	02	December 20, 2007.
AOT A330–24A3042	02	April 12, 2007.
AOT A330–24A3044	03	May 26, 2008.
AOT A340–24A4056	02	April 12, 2007.
AOT A340–24A4057	03	December 20, 2007.
AOT A340–24A5020	02	April 12, 2007.
Service Bulletin A330–24–3045	Original	June 13, 2008.
Service Bulletin A340–24–4058	Original	June 13, 2008.
Service Bulletin A340–24–5022	Original	June 23, 2008.

Issued in Renton, Washington, on September 16, 2009.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–23189 Filed 9–24–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–0083; Directorate Identifier 2006–NM–266–AD]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135BJ, –135ER, –135KE, –135KL, –135LR, –145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

SUMMARY: We are revising an earlier supplemental NPRM for the products listed above. This action revises the earlier supplemental NPRM by expanding the scope. This proposed 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 has been found the occurrence of engine anti-ice system valve failure, where the valve spring seat has broken and obstructed the anti-ice system venturi tube. Therefore, should the aircraft encounter icing conditions, ice may accrete in the engine inlet lip and be ingested through the air inlet, resulting in possible engine damage and flame-out. The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by October 15, 2009.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–40, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227–901 São Jose dos Campos—SP—BRASIL; telephone: +55 12 3927–5852 or +55 12 3309–0732; fax: +55 12 3927–7546; e-mail: *distrib@embraer.com.br*; Internet: *http://www.flyembraer.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221 or 425–227–1152.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov*; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527)) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2007–0083; Directorate Identifier 2006–NM–266–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

We proposed to amend 14 CFR part 39 with an earlier supplemental NPRM for the specified products, which was published in the **Federal Register** on

April 9, 2009 (74 FR 16154). That earlier supplemental NPRM proposed to require actions intended to address the unsafe condition for the products listed above.

Since that supplemental NPRM was issued, we have determined that the compliance times specified in that earlier supplemental NPRM must be reduced, for the reasons provided in the comments below.

Comments

We have considered the following comments received on the earlier supplemental NPRM.

Request To Reduce Compliance Times

Embraer requests that we reduce the compliance times specified in paragraphs (f)(5), (f)(7), and (f)(8) of the earlier supplemental NPRM.

Embraer recommends that the ''1,500 flight hours or 9 months'' compliance time specified in paragraph (f)(5) of the earlier supplemental NPRM be reduced to ''500 flight hours or 6 months.'' Embraer states that there were no reports of debris found in the engine anti-ice system during removal of part number (P/N) C146009–4 when the Brazilian AD 2006–09–03 was issued (October 30, 2006). However, Embraer states that now, as described in Embraer Service Newsletter (SNL) 145–30–0022, dated December 23, 2008, it has received six reports of debris found in the engine anti-ice system during removal of P/N C146009–4.

Embraer also recommends that the compliance time of ''12 months after the effective date of this AD'' specified in paragraph (f)(7) of the earlier supplemental NPRM and ''30 months after the effective date of this AD'' specified in paragraph (f)(8) of the earlier supplemental NPRM be reduced because the corresponding Brazilian AD 2006–09–03 was issued October 30, 2006, and the compliance time since the effective date of Brazilian AD 2006–09–03 has long since expired. Embraer states that in order to avoid the unsafe condition remaining for a period of time excessively higher than that foreseen in the Brazilian AD, the compliance times in paragraphs (f)(7) and (f)(8) of the earlier supplemental NPRM should be reduced.

We agree with the request to reduce the compliance times in paragraphs (f)(5), (f)(7), and (f)(8) of this second supplemental NPRM. We contacted Embraer for clarification on the reports it received. Embraer stated that it received in-service data showing that the additional cases of debris were found in the engine anti-ice system (EAIS) tubes of airplanes where engine anti-ice valve (EAIV) P/N C146009–2 or C146009–3 was removed and replaced with P/N C146009–4 in accordance with the illustrated parts catalog (IPC), and special detailed inspections (SDIs) (borescopic inspections) of the EAIS tubes to detect and clear debris were not performed.

Additional in-service data received by Embraer since the time the Brazilian AD was issued show that 86% of the U.S. fleet has installed the EAIV P/N C146009–4, replacing either P/N C146009–2 or P/N C146009–3; therefore, these airplanes with valves installed per the IPC and without performing SDIs may be exposed to risk of failure of the EAIS. Additionally, in case of partial blockage of the EAIS tubes, the system logic does not check or warn the flight crew regarding insufficient thermal energy (unobstructed hot air flow) being sent to the engine lip under icing conditions.

Therefore, based on this new information, we have reduced the compliance times in paragraph (f)(5) of this second supplemental NPRM from ''1,500 flight hours or 9 months'' to ''500 flight hours or 6 months,'' the compliance times in paragraph (f)(7) of this second supplemental NPRM from ''2,500 flight hours or 12 months'' to ''1,000 flight hours or 10 months,'' and the compliance times in paragraph (f)(8) of this second supplemental NPRM from ''6,000 flight hours or 30 months'' to ''1,000 flight hours or 10 months.''

In developing the new compliance times for this second supplemental NPRM, we considered not only the safety implications of the identified unsafe condition, but the average utilization rate of the affected fleet, the practical aspects of doing the actions during regular maintenance periods, the availability of required parts, and the time necessary for the rulemaking process.

Request To Allow Alternate Part Number

Aerospace Sealants requests that we add parts manufacturer approval (PMA) part number (P/N) 9–C146009–4 to the supplemental NPRM as an alternative to Embraer P/N C146009–4. The commenter adds that PMA approval PQ3886CE, dated January 3, 2008, is for Aerospace Sealants P/N 9–C146009–4. The commenter notes that the Aerospace Sealants part is the only FAA-approved alternative product to P/N C146009–4.

We disagree with adding the PMA part number to this AD. Whether an alternative part is ''equivalent'' in adequately resolving the unsafe condition can only be determined on a case-by-case basis based on a complete understanding of the unsafe condition. The commenter did not provide justification that the identified unsafe condition has been mitigated, and that an acceptable level of safety is maintained with the PMA part.

We have determined that an unsafe condition exists and that installation of Embraer P/N C146009–4 specified in paragraph (f) of this AD must be accomplished to ensure continued safety. As provided by paragraph (g)(1) of this AD, any person may request an AMOC if data are submitted to demonstrate that using P/N 9–C146009–4 would provide an acceptable level of safety. This is necessary so that we can make a specific determination that an alternative part is or is not susceptible to the same unsafe condition. Therefore, no change has been made to the second supplemental NPRM in this regard.

Request for Clarification of Paragraph (f) of the Supplemental NPRM

Embraer requests that we clarify paragraph (f) of the earlier supplemental NPRM by revising the wording at several locations.

For paragraphs (f)(1)(i), (f)(1)(ii), and (f)(1)(iii) of the earlier supplemental NPRM, Embraer requests that we revise the wording ''If any [engine] anti-ice system valve with P/N * * * is found * * *'' with the wording ''For engine anti-ice system valves with P/N * * *, '' to avoid the possibility of an engine anti-ice system not being inspected due to the existence of a valve with a different part number on the opposite engine anti-ice system.

We agree for the reason provided by the commenter. We have revised paragraphs (f)(1)(i), (f)(1)(ii), and (f)(1)(iii) of this second supplemental NPRM accordingly.

For paragraph (f)(1)(ii)(A) of the earlier supplemental NPRM, Embraer requests that we replace the wording ''remove the obstruction'' with ''remove all obstructions.''

We agree and have revised paragraph (f)(1)(ii)(A) of this second supplemental NPRM accordingly.

For paragraph (f)(3) of the earlier supplemental NPRM, Embraer requests that we remove the wording ''and any damage or obstruction repaired.'' Embraer states that the applicable service bulletins do not provide instructions for repairing the valves, and therefore the defective valves must be replaced. Embraer also states that eliminating obstructions is not applicable to the valves.

We agree for the reason provided by the commenter. We have revised

paragraph (f)(3) of this second supplemental NPRM accordingly.

For paragraph (f)(4) of the earlier supplemental NPRM, Embraer requests that we replace the wording ''any damage or obstruction repaired'' with ''all obstructions removed.''

We agree we should clarify the actions specified in paragraph (f)(4) of this second supplemental NPRM. The service information specified in this second supplemental NPRM refers to the airplane maintenance manuals (AMMs) for the inspection of the tubes, and the AMMs include procedures to remove obstructions. We have clarified paragraph (f)(4) of this second supplemental NPRM by replacing ''and any damage or obstruction repaired'' with ''and all obstructions removed.''

For paragraph (f)(6) of the earlier supplemental NPRM, Embraer proposes that we replace ''repair any damage or obstruction'' with ''remove any defective valve from service and remove all obstructions from the tubes.''

We agree we should clarify the actions specified in paragraph (f)(6) of this second supplemental NPRM. The service information specified in this AD specifies to replace the valves if damage is found. Therefore, we should have clarified that the ''repair'' is replacing the valves. We have clarified paragraph (f)(6) of this second supplemental NPRM by replacing ''and any damage or obstruction repaired'' with ''and replace all damaged valves and remove all obstructions.''

We have also clarified paragraph (f)(2)(ii) of this second supplemental by replacing ''or remove the obstruction'' with ''or re-install the tube.'' The condition for the actions in paragraph (f)(2)(ii) of this second supplemental NPRM is ''if the valve is not damaged, or the tube is not obstructed.'' Therefore, there is no obstruction to remove and the tube may be re-installed.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Certain changes described above expand the scope of the earlier supplemental NPRM. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this proposed AD.

Differences Between This AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a NOTE within the proposed AD.

Costs of Compliance

Based on the service information, we estimate that the inspection specified in this proposed AD would affect about 697 products of U.S. registry. We also estimate that it would take about 2 work-hours per airplane to comply with the inspection requirements of this proposed AD. The average labor rate is $80 per work-hour. Based on these figures, we estimate the cost of the inspection specified in the proposed AD on U.S. operators to be $111,520, or $160 per airplane.

We also estimated that the replacement specified in this proposed AD would affect up to 306 parts. We estimate that it would take about 5 work-hours per part to comply with the replacement requirements of this proposed AD (some airplanes have no affected parts and other airplanes have either one or two affected parts). Required parts would cost $27,507 per part. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the replacement specified in the proposed AD on U.S. operators to be $8,539,542, or $27,907 per part.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new AD:

Empresa Brasileira de Aeronautica S.A. (EMBRAER): Docket No. FAA–2007–

0083; Directorate Identifier 2006–NM–266–AD.

Comments Due Date

(a) We must receive comments by October 15, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to EMBRAER Model EMB–135BJ, –135ER, –135KE, –135KL, –135LR, –145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP airplanes, certificated in any category, except airplanes having serial numbers 14500921, 14500928, 14500932, 14500949, 14500958, 14500971, 14500973 and up, which will have in-factory modification incorporated.

Subject

(d) Air Transport Association of America Code 30: Ice and Rain Protection.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

It has been found the occurrence of engine anti-ice system valve failure, where the valve spring seat has broken and obstructed the anti-ice system venturi tube. Aircraft dispatch with that failure may be allowed by the operator Minimum Equipment List (MEL), [if] the engine anti-ice system valve [is] locked in the OPEN position. However, there is no readily available means to make sure the anti-ice system tubing is free of debris, allowing unrestricted hot airflow to the piccolo tube on the engine inlet lip. Therefore, should the aircraft encounter icing conditions, ice may accrete in the engine inlet lip and be ingested through the air inlet, resulting in possible engine damage and flame-out.

The required actions include an inspection to determine the part number of the engine anti-icing system valves; repetitive inspections of certain engine anti-icing system valves and tubes to detect damage, and replacement of the valves if damage is found; and eventual replacement of certain anti-icing system valves.

Actions and Compliance

(f) Unless already done, do the following actions.

(1) PART I—Within 500 flight hours or 3 months after the effective date of this AD, whichever occurs first, carry out a general visual inspection of both LH (left-hand) and RH (right-hand) engine anti-ice system valves to determine their P/N (part number).

(i) For engine anti-ice system valves with P/N C146009–2: No further action is required by paragraph (f)(1) of this AD.

(ii) For engine anti-ice system valves with P/N C146009–3: Before further flight, remove the valve and carry out a detailed inspection regarding its integrity; and carry out a special detailed inspection for an obstruction in the corresponding engine anti-ice system tubes; according to the detailed instructions and procedures described in Embraer Service Bulletin 145–30–0049, dated June 28, 2006, or Revision 01, dated October 19, 2006; or Embraer Service Bulletin 145LEG–30–0016, dated June 28, 2006, or Revision 01, dated February 5, 2007; as applicable.

(A) If the valve is damaged or the tube is obstructed, before further flight: Replace the valve with a serviceable or new valve bearing P/N C146009–2, C146009–3, or C146009–4; or remove all obstructions; as applicable; in accordance with the Accomplishment Instructions of Embraer Service Bulletin 145–30–0049, dated June 28, 2006, or Revision 01, dated October 19, 2006; or Embraer Service Bulletin 145LEG–30–0016, dated June 28, 2006, or Revision 01, dated February 5, 2007; as applicable.

(B) If the valve is not damaged or the tube is not obstructed, re-install the valve or install a serviceable or new valve bearing P/N C146009–2, C146009–3, or C146009–4; or re-install the tube; in accordance with the Accomplishment Instructions of Embraer Service Bulletin 145–30–0049, dated June 28, 2006, or Revision 01, dated October 19, 2006; or Embraer Service Bulletin 145LEG–30–0016, dated June 28, 2006, or Revision 01, dated February 5, 2007; as applicable.

(iii) For engine anti-ice system valves with P/N C146009–4: No further action is required by paragraph (f)(1) of this AD. In this case, paragraphs (f)(2), (f)(3), (f)(4), (f)(7), and (f)(8) of this AD are not applicable. However, paragraphs (f)(5) and (f)(6) of this AD must be accomplished.

(2) PART II—Within 1,500 flight hours or 9 months after the effective date of this AD, whichever occurs first, and thereafter at intervals that do not exceed 1,000 flight hours or 6 months, whichever occurs first, carry out a detailed inspection for damage of both LH and RH engine anti-ice system valves bearing P/N C146009–2 or C146009–3; and a special detailed inspection for obstruction of the corresponding engine anti-ice system tubes; according to the detailed instructions and procedures described in Embraer Service Bulletin 145–30–0049, dated June 28, 2006, or Revision 01, dated October 19, 2006; or Embraer Service Bulletin 145LEG–30–0016, dated June 28, 2006, or Revision 01, dated February 5, 2007; as applicable; and accomplish paragraphs (f)(2)(i) and (f)(2)(ii) of this AD, as applicable.

(i) If the valve is damaged or the tube is obstructed, before further flight: Replace the valve with a serviceable or new valve bearing P/N C146009–2, C146009–3, or C146009–4; or remove all obstructions; as applicable; in accordance with the Accomplishment Instructions of Embraer Service Bulletin 145–30–0049, dated June 28, 2006, or Revision 01, dated October 19, 2006; or Embraer Service Bulletin 145LEG–30–0016, dated June 28, 2006, or Revision 01, dated February 5, 2007; as applicable.

(ii) If the valve is not damaged, or the tube is not obstructed, before further flight: Re-install the valve or install a serviceable or new valve bearing P/N C146009–2 C146009–3, or C146009–4; or re-install the tube; as applicable; in accordance with the Accomplishment Instructions of Embraer Service Bulletin 145–30–0049, dated June 28, 2006, or Revision 01, dated October 19, 2006; or Embraer Service Bulletin 145LEG–30–0016, dated June 28, 2006, or Revision 01, dated February 5, 2007; as applicable.

(3) PART III—Any engine anti-ice system valve with P/N C146009–2 or C146009–3 that will be installed as a replacement, as provided for in paragraphs (f)(1) and (f)(2) of this AD, must undergo a detailed inspection for its integrity before installation, according to the detailed instructions and procedures described in Embraer Service Bulletin 145–30–0049, dated June 28, 2006, or Revision 01, dated October 19, 2006; or Embraer Service Bulletin 145LEG–30–0016, dated June 28, 2006, or Revision 01, dated February 5, 2007; as applicable; and additionally adhere to paragraphs (f)(3)(i) and (f)(3)(ii) of this AD, as applicable.

(i) If the valve is damaged, replace it with a serviceable or new valve bearing P/N C146009–2, C146009–3, or C146009–4; in accordance with the Accomplishment Instructions of Embraer Service Bulletin 145–30–0049, dated June 28, 2006, or Revision 01, dated October 19, 2006; or Embraer Service Bulletin 145LEG–30–0016, dated June 28, 2006, or Revision 01, dated February 5, 2007; as applicable.

(ii) If the valve is not damaged, installation is permitted.

(4) PART IV—Any engine anti-ice system tubes that will be installed on the airplane as a replacement, as provided for in paragraphs (f)(1) and (f)(2) of this AD, must undergo a special detailed inspection before installation, and all obstructions removed, according to the detailed instructions and procedures described in Embraer Service Bulletin 145–30–0049, dated June 28, 2006, or Revision 01, dated October 19, 2006; or Embraer Service Bulletin 145LEG–30–0016, dated June 28, 2006, or Revision 01, dated February 5, 2007; as applicable.

(5) PART V—If any engine anti-ice system valve with P/N C146009–4 has been found during the inspection required by paragraph (f)(1) of this AD, do paragraphs (f)(5)(i) or (f)(5)(ii) of this AD, as applicable, within 500 flight hours or 6 months after the effective date of this AD, whichever occurs first.

(i) If the valve was installed according to the detailed instructions and procedures described in Embraer Service Bulletin 145–30–0044, Revision 01, dated June 26, 2006, Revision 02, dated September 25, 2006, Revision 03, dated December 12, 2006, or Revision 04, dated May 14, 2008; or Embraer Service Bulletin 145LEG–30–0018, Revision 02, dated December 12, 2006, or Revision 03, dated May 14, 2008; as applicable: No further action is required by this AD.

(ii) If the valve was installed according to detailed instructions and procedures other than those specified in paragraph (f)(5)(i) of this AD: Carry out a special detailed inspection in the corresponding engine anti-ice system tubes, and repair all damage and remove all obstructions; according to the detailed instructions and procedures described in Embraer Service Bulletin 145–30–0049, dated June 28, 2006, or Revision 01, dated October 19, 2006; or Embraer Service Bulletin 145LEG–30–0016, dated June 28, 2006, or Revision 01, dated February 5, 2007; as applicable. After doing the actions specified in paragraph (f)(5)(ii) of this AD, no further action is required by this AD.

(6) PART VI—Before aircraft dispatch with one or two engine anti-ice system valves

inoperative (Master Minimum Equipment List (MMEL) 30–21–01), carry out a detailed inspection for damage of the affected engine anti-ice system valves; and a special detailed inspection for obstruction of the corresponding engine anti-ice system tubes; and replace all damaged valves and remove all obstructions before further flight. Do all actions according to the detailed instructions and procedures described in Embraer Service Bulletin 145–30–0049, dated June 28, 2006, or Revision 01, dated October 19, 2006; or Embraer Service Bulletin 145LEG–30–0016, dated June 28, 2006, or Revision 01, dated February 5, 2007; as applicable; by accomplishing paragraph (f)(2) of this AD, unless the condition specified in paragraph (f)(6)(i) or (f)(6)(ii) of this AD has been met:

(i) Valves with P/N C146009–4 have been previously installed according to the detailed instructions and procedures described in Embraer Service Bulletin 145–30–0044, dated October 31, 2005; Embraer Service Bulletin 145LEG–30–0018, dated June 26, 2006; or Embraer Service Bulletin 145LEG–30–0018, Revision 01, dated September 25, 2006; as applicable; and additionally, paragraph (f)(5)(ii) of this AD has been accomplished.

(ii) Valves with P/N C146009–4 have been previously installed according to the detailed instructions and procedures described in Embraer Service Bulletin 145–30–0044, Revision 01, dated June 26, 2006, Revision 02, dated September 25, 2006, Revision 03, dated December 12, 2006, or Revision 04, dated May 14, 2008; or Embraer Service Bulletin 145LEG–30–0018, Revision 02, dated December 12, 2006, or Revision 03, dated May 14, 2008; as applicable.

(7) PART VII—Within 1,000 flight hours or 10 months after the effective date of this AD, whichever occurs first, install engine anti-ice system valves bearing P/N C146009–4 in the LH and RH engine positions, replacing P/N C146009–3, according to the detailed instructions and procedures described in Embraer Service Bulletin 145–30–0044, Revision 01, dated June 26, 2006, Revision 02, dated September 25, 2006, Revision 03, dated December 12, 2006, or Revision 04, dated May 14, 2008; or Embraer Service Bulletin 145LEG–30–0018, Revision 02, dated December 12, 2006, or Revision 03, dated May 14, 2008; as applicable.

(8) PART VIII—Within 1,000 flight hours or 10 months after the effective date of this AD, whichever occurs first, install engine anti-ice system valves bearing P/N C146009–4 in the LH and RH engine positions, replacing P/N C146009–2, according to the detailed instructions and procedures described in Embraer Service Bulletin 145–30–0044, Revision 01, dated June 26, 2006; Revision 02, dated September 25, 2006, Revision 03, dated December 12, 2006, or Revision 04, dated May 14, 2008; or Embraer Service Bulletin 145LEG–30–0018, Revision 02, dated December 12, 2006, or Revision 03, dated May 14, 2008; as applicable.

(9) PART IX—The installation of engine anti-ice system valves bearing P/N C146009–4 according to the detailed instructions and procedures described in Embraer Service Bulletin 145–30–0044, Revision 01, dated June 26, 2006, Revision 02, dated September 25, 2006, Revision 03, dated December 12, 2006; or Revision 04, dated May 14, 2008; or Embraer Service Bulletin 145LEG–30–0018, Revision 02, dated December 12, 2006, or Revision 03, dated May 14, 2008; as applicable; constitutes terminating action for this AD.

Note 1: For the purposes of this AD, a general visual inspection is: ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to ensure visual access to all surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

Note 2: For the purposes of this AD, a detailed inspection is: ''An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required.''

Note 3: For the purposes of this AD, a special detailed inspection is: ''An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. The examination is likely to make extensive use of specialized inspection techniques and/or equipment. Intricate cleaning and substantial access or disassembly procedure may be required.''

FAA AD Differences

Note 4: This AD differs from the MCAI and/or service information as follows (we have coordinated these differences with Agência Nacional de Aviação Civil (ANAC)):

(1) ''Part V'' of the MCAI specifies a compliance time of within ''1,500 flight hours or 9 months.'' However, paragraph (f)(5) of this AD requires compliance ''within 500 flight hours or 6 months'' for the corresponding action.

(2) ''Part VII'' of the MCAI specifies a compliance time of ''within 2,500 flight hours or 12 months.'' However, paragraph (f)(7) of this AD requires compliance ''within 1,000 flight hours or 10 months'' for the corresponding action.

(3) ''Part VIII'' of the MCAI specifies a compliance time of ''within 6,000 flight hours or 30 months.'' However, paragraph (f)(8) of this AD requires compliance ''within 1,000 flight hours or 10 months'' for the corresponding action.

Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, ANM–116, International Branch, Transport Airplane Directorate, 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: 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. 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.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

Related Information

(h) Refer to Brazilian Airworthiness Directive 2006–09–03R1, effective January 4, 2007; and the service bulletins listed in Table 1 of this AD; for related information.

TABLE 1—RELATED SERVICE BULLETINS

Embraer Service Bulletin—	Revision—	Dated—
145–30–0044	01	June 26, 2006.
145–30–0044	02	September 25, 2006.
145–30–0044	03	December 12, 2006.
145–30–0044	04	May 14, 2008.
145-30-0049	Original	June 28, 2006.
145-30-0049	01	October 19, 2006.
145LEG-30-0016	Original	June 28, 2006.
145LEG-30-0016	01	February 5, 2007.

TABLE 1—RELATED SERVICE BULLETINS—Continued

Embraer Service Bulletin—	Revision—	Dated—
145LEG-30–0018	02	December 12, 2006.
145LEG-30–0018	03	May 14, 2008.

Issued in Renton, Washington, on September 16, 2009.

Ali Baharami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–23193 Filed 9–24–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0376; Directorate Identifier 2007–NM–322–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–100, 747–200B, 747–300, and 747SR Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

SUMMARY: We are revising an earlier proposed airworthiness directive (AD) for certain Boeing Model 747–100, 747–200B, 747–300, and 747SR series airplanes. The original NPRM proposed to require installation of a closeout panel and moisture curtains for the main equipment center. The original NPRM also proposed to require changing the drain tubes for the power drive units (PDU) and the pitot static tubes and installing larger moisture shrouds. The original NPRM resulted from a report of water contamination in the electrical and electronic units in the main equipment center. This action revises the original NPRM by adding airplanes to the applicability and removing certain others, and removing certain requirements. We are proposing this supplemental NPRM to prevent the malfunction of one or more electrical and electronic units in the main equipment center, which could adversely affect the airplane's continued safe flight.

DATES: We must receive comments on this supplemental NPRM by October 20, 2009.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; e-mail me.boecom@boeing.com; Internet *https://www.myboeingfleet.com*. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221 or 425–227–1152.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov*; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Marcia Smith, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6484; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2008–0376; Directorate Identifier 2007–NM–322–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

We issued a notice of proposed rulemaking (NPRM) (the ''original NPRM'') to amend 14 CFR part 39 to include an airworthiness directive (AD) that would apply to certain Boeing Model 747–100, 747–200B, 747–300, and 747SR series airplanes. That original NPRM was published in the **Federal Register** on April 1, 2008 (73 FR 17258). The original NPRM proposed to require installation of a closeout panel and moisture curtains for the main equipment center. The original NPRM also proposed to require changing the drain tubes for the power drive units and the pitot static tubes and installing larger moisture shrouds.

Actions Since Original NPRM Was Issued

Since we issued the original NPRM, we have reviewed a new revision of Boeing Alert Service Bulletin 747–25A3368. The original NPRM referred to Boeing Alert Service Bulletin 747–25A3368, Revision 1, dated June 25, 2007, as the appropriate source of service information for installing a closeout panel and moisture curtains. We have reviewed Boeing Service Bulletin 747–25A3368, Revision 2, dated June 12, 2008. Revision 2 adds instructions to fabricate parts. In addition, the effectivity of the service bulletin changed, adding 14 airplanes and removing 3 airplanes.

We have revised paragraph (f) of the original NPRM (which is now paragraph (g) of this supplemental NPRM) to refer

to Boeing Service Bulletin 747–25A3368, Revision 2, dated June 12, 2008. We have also revised paragraph (h) of this supplemental NPRM to clarify the additional work that must be done if actions have been accomplished in accordance with the original issue of the service bulletin. We have also added a new paragraph (i) to this supplemental NPRM to allow credit for actions accomplished in accordance with Revision 1 of the service bulletin. We have reidentified the subsequent paragraphs accordingly.

Removal of Requirement To Install Larger Moisture Shrouds and Additional Drain Lines

The original NPRM referred to Boeing Alert Service Bulletin 747–25A3346, dated September 13, 2007, as the source of information for changing the PDU drain tubes and pitot static tubes, and installing larger moisture shrouds. We have deleted all reference to Boeing Alert Service Bulletin 747–25A3346 because Boeing is currently revising that service bulletin, and waiting for the revision would prevent mandating the interim solution in a timely manner. Boeing Alert Service Bulletin 747–25A3346 currently provides instructions that do not work for installing some of the drain lines because the airplanes do not have the configuration that Boeing expected. Therefore, we deleted reference to Boeing Alert Service Bulletin 747–25A3346, dated September 13, 2007, from the applicability statement of the original NPRM. We also deleted the requirement to install the larger moisture shrouds and additional drain lines in paragraph (g) of the original NPRM, and we deleted Note 2 of the original NPRM. As a result, this proposed AD action is interim, and we may require a final action when we approve the revised service information.

Explanation of Additional Paragraph in the Supplemental NPRM

We have added a new paragraph (d) to this supplemental NPRM to provide Air Transport Association (ATA) of America subject code 25: Equipment/furnishings. This code is added to make the format of this supplemental NPRM parallel with other new AD actions. We have reidentified subsequent paragraphs accordingly.

FAA's Determination and Proposed Requirements of the Supplemental NPRM

We are proposing this supplemental NPRM because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design. Certain changes described above expand the scope of the original NPRM. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this supplemental NPRM.

Interim Action

We consider this supplemental NPRM interim action. The manufacturer is currently developing a modification that will address the unsafe condition identified in this AD. Once this modification is developed, approved, and available, we might consider additional rulemaking.

Costs of Compliance

We estimate that this proposed AD would affect 47 airplanes of U.S. registry. The following table provides the estimated costs, at an average labor rate of $80 per work hour, for U.S. operators to comply with this proposed AD.

ESTIMATED COSTS

Action	Work hours	Parts	Cost per product	Number of U.S.-registered airplanes	Fleet cost
Installation	Up to 10	Up to $11,672	Up to $12,472	47	Up to $586,184.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866,

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

You can find our regulatory evaluation and the estimated costs of compliance in the AD Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new AD:

Boeing: Docket No. FAA–2008–0376; Directorate Identifier 2007–NM–322–AD.

Comments Due Date

(a) We must receive comments by October 20, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 747–100, 747–200B, 747–300, and 747SR series airplanes, certificated in any category; as identified in Boeing Service Bulletin 747–25A3368, Revision 2, dated June 12, 2008.

Note 1: The affected airplanes are those that have been converted by Boeing to the Boeing Special Freighter configuration.

Subject

(d) Air Transport Association (ATA) of America Code 25: Equipment/furnishings.

Unsafe Condition

(e) This AD results from a report of water contamination in the electrical and electronic units in the main equipment center. We are issuing this AD to prevent the malfunction of one or more electrical and electronic units in the main equipment center, which could adversely affect the airplane's continued safe flight.

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.

Install the Closeout Panel and Moisture Curtains

(g) Within 24 months after the effective date of this AD, install the closeout panel and moisture curtains for the main equipment center, by accomplishing all of the applicable actions specified in the Accomplishment Instructions of Boeing Service Bulletin 747–25A3368, Revision 2, dated June 12, 2008.

Credit for Actions Done According to Previous Issue of the Service Bulletin

(h) Actions done before the effective date of this AD in accordance with the Accomplishment Instructions in Boeing Alert Service Bulletin 747–25A3368, dated August 25, 2005, are acceptable for compliance with the corresponding actions required by paragraph (g) of this AD, provided that the additional work specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 747–25A3368, Revision 1, dated June 25, 2007; or Revision 2, dated June 12, 2008; is accomplished. The additional work required is to cap seal all rivets fastening the mounting base assembly to the moisture shroud as given in Figure 10 in Boeing Alert Service Bulletin 747–25A3368, Revision 2, dated June 12, 2008, and to fill any unused pilot holes in the mounting base assembly in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–25A3368, Revision 2, dated June 12, 2008; or cap seal all rivets fastening the mounting base assembly to the moisture shroud as given in Figure 10 of Boeing Alert Service Bulletin 747–25A3368, Revision 1, dated June 25, 2007, and to fill any unused pilot holes in the mounting base assembly in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–25A3368, Revision 1, dated June 25, 2007.

(i) Actions done before the effective date of this AD in accordance with Boeing Alert Service Bulletin 747–25A3368, Revision 1, dated June 25, 2007, are acceptable for compliance with the corresponding actions required by paragraph (g) of this AD.

Alternative Methods of Compliance (AMOCs)

(j)(1) The Manager, Seattle Aircraft Certification Office, 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: Marcia Smith, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6484; fax (425) 917–6590. Or, e-mail information to *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(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.

Issued in Renton, Washington, on September 16, 2009.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–23190 Filed 9–24–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 366 and 367

[Docket No. RM09–21–000]

Revised Filing Requirements for Centralized Service Companies Under the Public Utility Holding Company Act of 2005, the Federal Power Act, and the Natural Gas Act

Issued September 17, 2009.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this Notice of Proposed Rulemaking, the Federal Energy Regulatory Commission proposes to revise the Commission's regulations to require every centralized service company that provides non-power services to any public utility, natural gas company, or both, to file Form No. 60 (Annual Report of Centralized Service Companies) annually and abide by the Uniform System of Accounts, unless exempted or granted a waiver pursuant to our regulations.

DATES: Comments are due October 26, 2009.

ADDRESSES: You may submit comments, identified by docket number RM09–21–000, by any of these methods:

- *Agency Web Site: http://www.ferc.gov.* Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.
- *Mail/Hand Delivery:* Commenters unable to file comments electronically must mail or hand deliver an original and 14 copies of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT:

Thomas Russo (Technical Information), Division of Financial Regulation, Office of Enforcement, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Telephone (202) 502–8792.

Lawrence Greenfield (Legal Information), Office of the General Counsel—Energy Markets, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Telephone (202) 502–6415.

Gary D. Cohen (Legal Information), Office of the General Counsel—Energy Markets, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Telephone (202) 502–8321.

SUPPLEMENTARY INFORMATION:

Notice of Proposed Rulemaking

I. Introduction

1. In this Notice of Proposed Rulemaking (Notice), the Federal Energy Regulatory Commission proposes to revise the Commission's regulations at 18 CFR 366.1, 366.23, 367.1 and 367.2 to require every centralized service company that provides non-power services to a public utility, a natural gas company, or both, to file FERC Form No. 60 (Annual Report of Centralized Service Companies) annually and abide by the Uniform System of Accounts, unless the holding company is exempted or granted a waiver pursuant to 18 CFR 366.3 or 366.4.[1]

2. The Commission believes that this proposed revision promotes

[1] A recent inquiry from the public alerted the Commission that greater clarity is needed on the scope of these filing requirements.

We are not proposing any revisions to the regulatory text of 18 CFR part 368 or 18 CFR 369.1, because the current text already is consistent with the proposals in this Notice.

transparency and is consistent with the Commission's regulatory obligation to regulate public utilities under the Federal Power Act (FPA)[2] and natural gas companies under the Natural Gas Act (NGA)[3] to ensure that rates are just and reasonable. It also better tracks the Commission's intent in prior orders directing the filing of FERC Form No. 60.

II. Background

3. On December 8, 2005, the Commission adopted Order No. 667,[4] a final rule that, among other matters, required centralized service companies to file ''a newly-created FERC Form No. 60 (Annual Report for Service Companies) which is based on a streamlined version of the [Securities and Exchange Commission's] Form U–13–60.''[5] The Commission adopted Order No. 667 in response to the repeal of the Public Utility Holding Company Act of 1935 (PUHCA 1935)[6] and the enactment of the Public Utility Holding Company Act of 2005 (PUHCA 2005).[7]

4. Pursuant to Order No. 667, the companies subject to the requirement to prepare and file FERC Form No. 60 were centralized service companies, i.e., those service companies that were ''not a special-purpose company * * * [and] that provide[d] non-power goods or services to a Commission-jurisdictional public utility or natural gas company.''[8] This language was intended to continue (albeit, as revised) the SEC requirement that centralized service companies of registered holding companies must file an annual report, regardless of whether the registered holding company included either (or both) a public utility or a natural gas company.

5. On April 24, 2006, the Commission adopted Order No. 667–A, which addressed issues raised in requests for rehearing of Order No. 667. Among other things, we stated that ''our regulatory concerns are with respect to allocation of costs to entities whose rates are regulated by the Commission under the [Federal Power Act (FPA),[9]] *and* [Natural Gas Act (NGA)[10]], *i.e.,* public utilities *and* natural gas companies.''[11]

6. On the same date that the Commission adopted Order No. 667–A, it also proposed to adopt a Uniform System of Accounts for centralized service companies.[12]

7. In addition, the Commission specifically invited comment,[13] on whether there was a regulatory gap under PUHCA 2005 that might restrict the Commission's ability to assert jurisdiction over holding companies with natural gas company affiliates and no public utility affiliates and what, if any, action the Commission might take under the NGA.[14] None of the comments filed in response to the April 2006 Notice raised any objection to the applicability of FERC Form No. 60 to service companies providing non-power goods and services to either public utilities or natural gas companies. In Order No. 684, in fact, the Commission noted that its authority extended to centralized service companies that served both public utilities and natural gas companies—referencing PUHCA 2005 as well as the FPA and NGA.[15]

8. As we explained in the April 2006 Notice, describing the development of the regulations:

> [w]e were guided by three overarching objectives: (1) The new accounting and records retention requirements should mirror the existing requirements contained in Parts 101, 201, 125 and 225 of the Commission's regulations for public utilities and licensees and natural gas companies to the maximum extent practicable, but should exclude provisions that are not relevant; (2) the new accounting requirements should allow for the consolidation of service company financial information with the financial information of associate public utilities and licensees and natural gas companies as needed for stockholder and SEC reporting; and (3) the new Uniform System of Accounts for centralized service companies should include requirements that reflect aspects of business operations that are unique to such service companies.[16]

We also explained in the April 2006 Notice that the proposed Uniform System of Accounts for Centralized Service Companies conformed, to the maximum extent practicable, to the Commission's existing Uniform Systems of Accounts for public utilities and licensees and for natural gas companies as set forth in parts 101 and 201, respectively, of the Commission's regulations.[17]

9. The Commission followed up the issuance of Order Nos. 667 and 667–A with Order No. 684,[18] a final rule that, among other matters, established a Uniform System of Accounts for centralized service companies in part 367. Order No. 684 also reiterated that centralized service companies providing non-power services must file FERC Form No. 60, Annual Report of Centralized Service Companies, unless exempted or granted a waiver pursuant to 18 CFR 366.3 or 366.4; this requirement was codified at 18 CFR 366.23 and 367.2.

10. It is also noteworthy that, when the Commission in Order No. 684 compared the final rule it was adopting there to the proposals in the April 2006 Notice, the Commission did not state that it was now excusing centralized service companies in those holding company systems with no public utilities from their obligations to file FERC Form No. 60 and to abide by the Uniform System of Accounts. Indeed, the Commission explained in Order No.

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[2] 16 U.S.C. 791a *et seq.*

[3] 15 U.S.C. 717 *et seq.*

[4] *Repeal of the Public Utility Holding Company Act of 1935 and Enactment of the Public Utility Holding Company Act of 2005,* Order No. 667, FERC Stats. & Regs. ¶ 31,197 (2005), *order on reh'g,* Order No. 667–A, FERC Stats. & Regs. ¶ 31,213 (2006), *order on reh'g,* Order No. 667–B, FERC Stats. & Regs. ¶ 31,224 (2006), *order on reh'g,* Order No. 667–C, 118 FERC ¶ 61,133 (2007).

[5] *Id.* P 12; *see also id.* P 38. Form U–13–60 was the Securities and Exchange Commission's (SEC's) annual report for service companies of registered holding companies. *Id.* P 78; *see* 17 CFR 250.94 (2005).

[6] 15 U.S.C. 79a *et seq.*

[7] 42 U.S.C. 16451 *et seq.*; *see* Energy Policy Act of 2005, Public Law 109–58, 1261–77, 119 Stat. 594, 972–78 (2005).

[8] Order No. 667, FERC Stats. & Regs. ¶ 31,197, at regulatory text for 18 CFR 366.23(a). The Commission subsequently explained: ''[i]n Order No. 667 * * *, the Commission announced its intention to modify the existing Uniform Systems of Accounts for public utilities and licensees and natural gas companies in Parts 101 and 201, respectively, of the Commission's regulations to accommodate centralized service companies' use of those systems''—which was, in fact, done in Order No. 684. *Financial Accounting, Reporting and Records Retention Requirements Under the Public Utility Holding Company Act of 2005,* Notice of Proposed Rulemaking, FERC Stats. & Regs. ¶ 32,600, at P 6 (2006) (April 2006 Notice); *accord Financial Accounting, Reporting and Records Retention Requirements Under the Public Utility Holding Company Act of 2005,* Order No. 684, FERC Stats. & Regs. ¶ 31,229, at P 5 (2006).

[9] 16 U.S.C. 791a *et seq.*; *see* Order No. 667–A, FERC Stats. & Regs. ¶ 31,213 at P 6, n.12.

[10] 15 U.S.C. 717 *et seq.*

[11] Order No. 667–A, FERC Stats. & Regs. ¶ 31,213 at P 46, n.64 (emphasis added). In both Order Nos. 667 and 667–A, the Commission noted its independent, broad authority under the FPA and NGA to obtain the books and records of regulated companies, and the FPA and NGA particularly provide that such authority extends to the books and records of any person that controls a public utility or a natural gas company and to the books and records of any other company controlled by such person. 15 U.S.C. 717g(c); 16 U.S.C. 825(c); *see* Order No. 667, FERC Stats. & Regs. ¶ 31,197 at P 3, 6, 107, 130 n.122; Order No. 667–A, FERC Stats. & Regs. ¶ 31,213 at P 4, 12; *cf.* Order No. 667, FERC Stats. & Regs. ¶ 31,197 at P 52 (discussing how books and records may be obtained).

[12] April 2006 Notice, FERC Stats. & Regs. ¶ 32,600 at P 1, 7, 9.

[13] *Id.* P 17.

[14] *Id.*

[15] Order No. 684, FERC Stats. & Regs. ¶ 31,229 at P 54.

[16] April 2006 Notice, FERC Stats. & Regs. ¶ 32,600 at P 8; *accord* Order No. 684, FERC Stats. & Regs. ¶ 31,229 at P 27, 100.

[17] April 2006 Notice, FERC Stats. & Regs. ¶ 32,600 at P 9; *accord* Order No. 684, FERC Stats. & Regs. ¶ 31,229 at P 9; *cf. id.* P 10 (referring to record retention requirements for public utilities and natural gas companies).

[18] *See supra* note 8.

684 that ''a structured USofA as proposed under new part 367 of the Commission's regulations is necessary to ensure consistency across the centralized service companies and, equally important, to ensure the Commission has the information necessary to carry out its obligations under PUHCA 2005, the Federal Power Act (FPA), and the Natural Gas Act (NGA).'' [19] We also explained in Order No. 684:

> Although flexibility in accounting rules may have enabled the SEC to meet its regulatory responsibilities, such flexibility will not allow the Commission to accomplish its regulatory mandate to ensure just and reasonable rates. There are hundreds of entities subject to the Commission's jurisdiction. The only way the Commission can efficiently carry out this mandate is by requiring these entities to account for transactions in a structured and uniform manner. That is why the Commission adopted and still maintains USofAs for public utilities and licensees and for natural gas companies. A structured USofA for centralized service companies is an equally essential tool that the Commission needs to carry out its regulatory responsibilities.[20]

The same reasoning applies equally to the filing of FERC Form No. 60.[21]

11. As currently written, 18 CFR 366.23(a)(1) provides that,

> [u]nless otherwise exempted or granted a waiver by Commission rule or order pursuant to § 366.3 and § 366.4, every centralized service company [22] (see § 367.2 of this chapter) in a holding company system must file an annual report, Form No. 60.

However, 18 CFR 367.2(a) currently states that, unless exempted or granted a waiver by Commission rule or order, the Uniform System of Accounts, on which FERC Form No. 60 is based ''applies to any centralized service company operating, or organized specifically to operate, within a holding company system for the purpose of providing non-power services to *any public utility* in the same holding company system.''

12. In Order Nos. 667, 667–A and 684, the Commission intended to require every centralized service company that provides non-power services to a public utility, a natural gas company, or both, to file FERC Form No. 60 (Annual Report of Centralized Service Companies) annually, unless the holding company is exempted or granted a waiver pursuant to 18 CFR 366.3 or 366.4. However, it has recently come to the Commission's attention that the regulatory text as currently drafted, particularly at 18 CFR 366.1 and 366.23 and 18 CFR 367.1 and 367.2, does not conform to the Commission's intention on these matters.

III. Discussion

13. As currently written, the reference in 18 CFR 366.23 to 18 CFR 367.2, and 18 CFR 367.2 itself, make both the requirement to file FERC Form No. 60 under 18 CFR 366.23 and the requirement to abide by the Uniform System of Accounts pursuant to 18 CFR 367.2 applicable only to a centralized holding company providing non-power goods or services to a ''public utility'' in the same holding company system, rather than to a ''public utility'' or a ''natural gas company'' or both.

14. It was our intention in Order Nos. 667, 667–A and 684 that every centralized service company providing non-power services either to any public utility or to any natural gas company (or to both) in the same holding company system file FERC Form No. 60 and comply with the Uniform System of Accounts, unless the holding company is exempted or granted a waiver. However, it has recently come to our attention that, as currently written, the regulatory text of 18 CFR 366.1, 366.23, 367.1 and 367.2 could be read to reach a different conclusion. As discussed above, this more narrow application was not intended.

15. Thus, we propose to apply the FERC Form No. 60 annual filing requirement, as well as the requirement to abide by the Uniform System of Accounts, to any centralized service company that provides non-power services to any public utility or any natural gas company, or both, in the same holding company system, so that the filing requirements will apply to all the entities that the Commission envisioned covering in its earlier orders, (*i.e.,* the public utilities and natural gas companies subject to the Commission's jurisdiction under the FPA and NGA).

16. Therefore, the Commission proposes to revise 18 CFR 366.1 and 18 CFR 367.1 to clarify that ''service companies'' include entities providing non-power goods or services to any public utility or any natural gas company in the same holding company system, and to revise 18 CFR 366.23 and 18 CFR 367.2 to clarify that every centralized service company that provides non-power services to a public utility, a natural gas company, or both, in the same holding company system, must file FERC Form No. 60 (Annual Report of Centralized Service Companies) annually and must abide by the Uniform System of Accounts, unless the holding company is exempted or granted a waiver pursuant to 18 CFR 366.3 or 366.4.

17. The Commission believes that these revisions will promote transparency and are consistent with the Commission's regulatory obligation to regulate public utilities under the FPA and natural gas companies under the NGA to ensure just and reasonable rates. It also better tracks the Commission's intent in prior orders directing the filing of FERC Form No. 60.[23]

18. In contrast to Order Nos. 667, 667–A and 684, in this rulemaking the Commission intends to rely explicitly on the Commission's authority under the FPA and NGA, in addition to our authority under PUHCA 2005. Accordingly, the Commission also proposes in this Notice to revise the name of subchapter U, and of parts 366 and 367, title 18, CFR, to better reflect the Commission's reliance on its statutory authority under the FPA and NGA, in addition to its authority under PUHCA 2005.

IV. Information Collection Statement

19. Office of Management and Budget (OMB) regulations require OMB to review and approve certain information collection requirements imposed by agency rule.[24] The Commission is submitting notification of the information collection requirements contained in this proposed rule to OMB for review and approval under section 3507(d) of the Paperwork Reduction Act of 1995.[25] The Commission solicits comments on the Commission's need for this information, whether the information will have practical utility, the accuracy of the provided burden

[19] Order No. 684, FERC Stats. & Regs. ¶ 31,229 at P 27.

[20] *Id.* P 29.

[21] Also notable is the fact that 18 CFR 367.2(b)(4) provides that the requirement to use the Uniform System of Accounts does not apply to a centralized service company that provides services ''exclusively to a local gas distribution company.'' This provision parallels the provision in 18 CFR 366.3(b)(2)(vi) that exempts a holding company that is a holding company solely with respect to local gas distribution companies that are not regulated as natural gas companies. Such an exemption would have been unnecessary if the requirements of that section only extended to services provided to public utilities. The regulations also provide, at 18 CFR 367.2(b)(2), that the new Uniform System of Accounts is not applicable to gas utility companies. If the requirement to file Form No. 60 was intended to only extend to non-power services provided by centralized service companies to public utilities, then this language likewise would be superfluous.

[22] A centralized service company is defined to include any service company providing services such as administrative, management, financial, accounting, and other services ''to other companies in the same holding company system.'' 18 CFR 367.1(a)(7).

[23] If commenters believe that revisions to 18 CFR part 368 or 18 CFR 369.1 are also needed, they may so state in their comments.

[24] 5 CFR 1320.11.

[25] 44 U.S.C. 3507(d).

estimates, ways to enhance the quality, utility, and clarity of the information to be collected, and any suggested methods for minimizing respondents' burden, including the use of automated information techniques.

20. In this Notice, we are proposing to require that FERC Form No. 60 as it currently exists now also be filed by centralized service companies in holding company systems that include natural gas companies (where there is not also a public utility), and that the Uniform System of Accounts as it currently exists now also apply to centralized service companies in holding company systems (where there is not also a public utility); in holding company systems where there already is a public utility, these requirements already apply. The number of companies that now would be subject to these requirements (that were not subject to these requirements before) is relatively small, since most holding companies include only public utilities or include both public utilities and natural gas companies and so would already be subject to these requirements.

Title: FERC Form No. 60, Annual Report of Centralized Service Companies.

Action: Proposed collections.

OMB Control No.: 1902–0215.

Respondents: Business or other for profit, Interstate natural gas pipelines and public utilities (not applicable to small businesses).

Frequency of Responses: Annually.

21. *Necessity of Information:* This proposed rule, if implemented, would explicitly require, absent an exemption or waiver, any centralized service company providing non-power services to any natural gas company or any public utility, or both, to file FERC Form No. 60 annually and to comply with the Uniform System of Accounts. This information is needed to promote transparency and to allow the Commission to determine whether rates of natural gas pipelines and public utilities are just and reasonable.

22. Implementation of these requirements also will help the Commission carry out its responsibilities under the FPA, NGA, and PUHCA 2005 to ensure that public utilities and natural gas companies do not engage in improper pricing and undue discrimination. The information collection requirements of this proposed rule will be reported to the Commission and posted on the Commission's Web site.

Internal Review: The Commission has reviewed the reporting and accounting requirements proposed in this Notice. These requirements conform to the Commission's plan for efficient information collection, communication, and management within the natural gas pipeline and electric power industries, and are necessary to meet the Commission's obligations under PUHCA, the FPA, and the NGA. The Commission has assured itself, by means of its internal review, that there is specific, objective support for the burden estimates associated with the information collection requirements.

23. Interested persons may obtain information on the reporting requirements by contacting the following: Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. [Attention: Michael Miller, Office of the Chief Information Officer. Phone: (202) 502–8415, fax: (202) 273–0873, e-mail: *michael.miller@ferc.gov*.]

24. Comments concerning the collection of information and the associated burden estimate, should be sent to the contact listed above and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503.

[Attention: Desk Officer for the Federal Energy Regulatory Commission, phone: (202) 395–7856, fax: (202) 395–7285].

V. Environmental Analysis

25. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[26] The Commission has categorically excluded certain actions from these requirements as not having a significant effect on the human environment.[27] The actions proposed here fall within categorical exclusions in the Commission's regulations for rules that are clarifying, corrective, or procedural, for information gathering, analysis, and dissemination, for accounting-related matters, and for rate-related matters.[28] Therefore, no environmental assessment is necessary.

VI. Regulatory Flexibility Act Certification

26. The Regulatory Flexibility Act of 1980 (RFA)[29] generally requires a description and analysis of rulemakings that will have a significant economic impact on a substantial number of small entities. The regulations proposed here impose requirements only on holding companies of public utilities and natural gas pipelines, the majority of which are not small businesses, and thus the regulations proposed here will not have a significant economic impact on a substantial number of small entities. These requirements are, in fact, designed to benefit all customers, including small businesses. Accordingly, the Commission hereby certifies that the regulations proposed here will not have a significant adverse impact on a substantial number of small entities.

VII. Comment Procedures

27. The Commission invites interested persons to submit written comments on the matters proposed to be adopted in this Notice, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due October 26, 2009. Comments must refer to Docket No. RM09–21–000, and must include the commenter's name, organization represented, if applicable, and address. Comments may be filed either in electronic or paper format.

28. Comments may be filed electronically via the eFiling link on the Commission's Web site at *http://www.ferc.gov*. The Commission accepts most standard word processing formats and commenters may attach additional files with supporting information in certain other file formats. Commenters filing electronically do not need to make a paper filing. Commenters that are not able to file comments electronically must submit an original and 14 copies of their comments to: Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

29. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters are not required to serve copies of their comments on other commenters.

VIII. Document Availability

30. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's Home Page (*http://www.ferc.gov*) and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

31. From the Commission's Home Page on the Internet, this information is

[26] *Regulations Implementing the National Environmental Policy Act,* Order No. 486, FERC Stats. & Regs. ¶ 30,783 (1987).

[27] 18 CFR 380.4.

[28] *See* 18 CFR 380.4(a)(2)(ii), 380.4(a)(5), 380.4(a)(15), 380.4(a)(25); *accord id.* 380.4(a)(27).

[29] 5 U.S.C. 601–12.

available in eLibrary. The full text of this document is available in eLibrary both in PDF and Microsoft Word formats for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

32. User assistance is available for eLibrary and the Commission's Web site during the Commission's normal business hours. For assistance, contact FERC Online Support by e-mail at *FERCOnlineSupport@ferc.gov*, or by telephone at 202–502–6652 (toll-free at (866) 208–3676) or for TTY, contact (202) 502–8659.

List of Subjects

18 CFR Part 366

Electric power, Natural gas, Reporting and recordkeeping requirements.

18 CFR Part 367

Electric power, Natural gas, Uniform System of Accounts, Reporting and recordkeeping requirements.

Kimberly D. Bose,

Secretary.

In consideration of the foregoing, the Commission proposes to amend parts 366 and 367, subchapter U, Chapter I, Title 18, Code of Federal Regulations, as follows:

1. Revise the heading to Subchapter U to read as follows:

Subchapter U—Regulations Under the Public Utility Holding Company Act of 2005, Federal Power Act and Natural Gas Act

2. Revise the heading to part 366 to read as follows:

PART 366—BOOKS AND RECORDS

3. The authority citation for part 366 is revised to read as follows:

Authority: 15 U.S.C. 717 *et seq.,* 16 U.S.C. 791a *et seq.,* and 42 U.S.C. 16451–16463.

4. Revise the heading to Subpart A of part 366 to read as follows:

Subpart A—Definitions and Provisions Under PUHCA 2005, the Federal Power Act and the Natural Gas Act

5. In § 366.1, the definition of ''service company'' is revised to read as follows:

§ 366.1 Definitions.

* * * * *

Service company. The term ''service company'' means any associate company within a holding company system organized specifically for the purpose of providing non-power goods or services or the sale of goods or construction work to any public utility or any natural gas company, or both, in the same holding company system.

* * * * *

6. Revise the heading to Subpart B to read as follows:

Subpart B—Accounting and Recordkeeping Under PUHCA 2005, the Federal Power Act and the Natural Gas Act

7. In § 366.23, paragraph (a) is revised to read as follows:

§ 366.23 FERC Form No. 60, Annual reports of centralized service companies, and FERC–61, Narrative description of service company functions.

(a) *General-* (1) *FERC Form No. 60.* Unless otherwise exempted or granted a waiver by Commission rule or order pursuant to §§ 366.3 and 366.4, every centralized service company (*see* § 367.2 of this chapter) in a holding company system, regardless of whether that service company is providing services to a public utility, a natural gas company, or both, must file an annual report, FERC Form No. 60, as provided in § 369.1 of this chapter. Every report must be submitted on the FERC Form No. 60 then in effect and must be prepared in accordance with the instructions incorporated in that form.

* * * * *

8. Revise the heading to part 367 to read as follows:

PART 367—UNIFORM SYSTEM OF ACCOUNTS FOR CENTRALIZED SERVICE COMPANIES SUBJECT TO THE PROVISIONS OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 2005, FEDERAL POWER ACT AND NATURAL GAS ACT

9. The authority citation for part 367 is revised to read as follows:

Authority: 15 U.S.C. 717 *et seq.,* 16 U.S.C. 791a *et seq.,* and 42 U.S.C. 16451–16463.

10. In § 367.1, paragraph (a)(45) is revised to read as follows:

§ 367.1 Definitions.

(a) * * *

(45) *Service company* means any associate company within a holding company system organized specifically for the purpose of providing non-power goods or services or the sale of goods or construction work to any public utility or any natural gas company, or both, in the same holding company system.

* * * * *

11. In § 367.2, paragraph (a) is revised to read as follows:

§ 367.2 Companies for which this system of accounts is prescribed.

(a) Unless otherwise exempted or granted a waiver by Commission rule or order pursuant to §§ 366.3 and 366.4 of this chapter, this Uniform System of Accounts applies to any centralized service company operating, or organized specifically to operate, within a holding company system for the purpose of providing non-power services to any public utility or any natural gas company, or both, in the same holding company system.

* * * * *

[FR Doc. E9–22851 Filed 9–24–09; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–113289–08]

RIN 1545–BH81

Contingent Fees Under Circular 230; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing.

SUMMARY: This document cancels a public hearing on notice of proposed rulemaking on modifications of the regulations governing practice before the Internal Revenue Service (Circular 230).

DATES: The public hearing, originally scheduled for November 20, 2009 at 10 a.m. is cancelled.

FOR FURTHER INFORMATION CONTACT: Regina Johnson of the Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration) at (202) 622–7180 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and a notice of public hearing that appeared in the **Federal Register** on Tuesday, July 28, 2009 (74 FR 37183) announced that a public hearing was scheduled for November 20, 2009, at 10 a.m. in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is under Circular 230 of the Internal Revenue Code.

The public comment period for these regulations expired on September 10, 2009. Outlines of topics to be discussed at the hearing were due on September 10, 2009. The notice of proposed

rulemaking and notice of public hearing instructed those interested in testifying at the public hearing to submit a request to speak, and an outline of the topics to be addressed. As of Monday, September 21, 2009, no one has requested to speak. Therefore, the public hearing scheduled for November 20, 2009, is cancelled.

LaNita VanDyke,

Branch Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. E9–23159 Filed 9–24–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2009–0796]

RIN 1625–AA09

Drawbridge Operation Regulation; Chester River, Chestertown, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the drawbridge operation regulations of the S213 Bridge, at mile 26.8, across Chester River at Chestertown MD. This proposal would allow the bridge to open on signal if at least six hours notice is given and would provide for the reasonable needs of navigation, due to the anticipated infrequency of requests for vessel openings of the drawbridge.

DATES: Comments and related material must reach the Coast Guard on or before November 9, 2009.

ADDRESSES: You may submit comments identified by Coast Guard docket number USCG–2009–0796 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulation.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 instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or e-mail Waverly W. Gregory, Bridge Administrator, Fifth Coast Guard District, at (757) 398–6222, *Waverly.W.Gregory@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–2009–0796), indicate the specific section of this document to which each comment and provide a 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 received by the Coast Guard when you successfully transmit the 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–2009–0796'' in the ''keyword'' box. Click ''Search'' then click on the balloon shape in the ''Actions'' column. If you submit them by mail or 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. We may change this proposed rule in view of them.

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–2009–0796'' and click ''Search.'' Click 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 a 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 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

Maryland Department of Transportation-State Highway Administration (MDOT) is responsible for the operation of the S213 Bridge, at mile 26.8, across Chester River at Chestertown MD. MDOT requested advance notification for vessel openings year-round due to the anticipated infrequency of requests for vessel openings of the drawbridge.

The S213 Bridge has a vertical clearance in the closed position to vessels of 12 feet, above mean high water.

The existing operating regulations set out in 33 CFR 117.551 require the draw to open on signal from April 1 through September 30 from 6 a.m. to 6 p.m. At all other times, the draw shall open on signal if at least six hours notice is given.

Bridge opening data, supplied by MDOT, revealed a small amount of yearly openings of the draw span. In the past five years from 2004 to 2008, the bridge opened for vessels 42, 38, 54, 34 and 34 times, respectively. Due to the anticipated infrequency of requests for vessel openings of the drawbridge, MDOT requested to change the current operating regulation by requiring the draw of the bridge to open on signal if at least six hours notice is given year-round.

Discussion of Proposed Rule

The Coast Guard proposes to amend 33 CFR 117.551, by revising the paragraph to read that the draw of the S213 Bridge mile 26.8 located in Chestertown MD, shall open on signal if at least six hours notice is given at all times.

These changes are proposed due to the anticipated infrequency of requests for vessel openings of the drawbridge.

Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary.

We reached this conclusion based on the fact that the proposed changes have only a minimal impact on maritime traffic transiting the bridge. Mariners can plan their trips in accordance with the proposed scheduled bridge openings, to minimize delays.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule would affect the following entities, some of which might be small entities: the owners and operators of vessels needing to transit the bridge who cannot clear the bridge at its closed position.

This proposed rule would not have a significant economic impact on a substantial number of small entities because any operator of an affected vessel may still transit the bridge if that operator provides the necessary notice six hours or more in advance of the scheduled transit.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Waverly W. Gregory, Jr., Bridge Administrator, Fifth Coast Guard District, (757) 398–6222. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because

it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01, and Commandant Instruction M16475.lD which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment because it simply promulgates the operating regulations or procedures for drawbridges. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

2. Revise § 117.551 to read as follows:

§ 117.551 Chester River.

The draw of the S213 Bridge, mile 26.8, at Chestertown MD shall open on signal if at least six hours notice is given.

Dated: September 3, 2009.

Wayne E. Justice,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. E9–23135 Filed 9–24–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 151, 155, and 160

[USCG–2008–1070]

RIN 1625–AB27

Nontank Vessel Response Plans and Other Vessel Response Plan Requirements

AGENCY: Coast Guard, DHS.

ACTION: Notice of public meetings; request for comments.

SUMMARY: The Coast Guard announces three public meetings to receive comments on a notice of proposed rulemaking that would require owners or operators of nontank vessels to prepare and submit oil spill response plans. The meetings will be held to allow for greater public involvement.

DATES: The public meetings will be held at the following locations:

- Washington, DC, October 28, 2009, from 1 p.m. to 3:30 p.m.
- Oakland, CA, November 3, 2009, from 1 p.m. to 3:30 p.m.
- New Orleans, LA, November 19, 2009, from 4:30 p.m. to 7 p.m.

Written comments and related material may also be submitted to Coast Guard personnel specified at that meeting. The comment period for the proposed rule closes November 30, 2009. All comments and related material submitted after the meeting must either be submitted to our online docket via *http://www.regulations.gov* on or before November 30, 2009, or reach the Docket Management Facility by that date.

ADDRESSES: The public meetings will be held at the following locations:

- Washington, DC—United States Coast Guard Headquarters Building, Room 4202, 2100 Second St, SW., Washington, DC 20593.
- Oakland, CA—Ronald V. Dellums Federal Building, Auditorium, 3rd Floor North Tower, 1301 Clay Street, Oakland, CA 94612.
- New Orleans, LA—Ernest N. Morial Convention Center, Room 208, Exhibit Hall A, 900 Convention Center Blvd, New Orleans, LA 70130.

You may submit written comments identified by docket number USCG–2008–1070 before or after the meeting using any 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 four methods. Our online docket for this rulemaking is available on the Internet at *http://www.regulations.gov* under docket number USCG–2008–1070.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, contact Lieutenant Jarrod DeWitz, U.S. Coast Guard, Office of Vessel Activities, Vessel Response Plan Review Team, telephone (202) 372–1219. You may also e-mail questions to *Jarrod.M.DeWitz@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Ms. Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Background and Purpose

We published a notice of proposed rulemaking (NPRM) in the **Federal Register** on August 31, 2009 (74 FR 44970), entitled ''Nontank Vessel Response Plans and Other Vessel Response Plan Requirements.'' In it, we stated our intention to hold one or more public meetings, and to publish a notice to announce the location and date of the public meetings. In this notice, we announce those public meetings to receive comments on this proposed rule.

In the NPRM, we proposed requiring owners or operators of nontank vessels to prepare and submit oil spill response plans. The Federal Water Pollution Control Act defines nontank vessels as self-propelled vessels of 400 gross tons or greater that operate on the navigable waters of the United States, carry oil of any kind as fuel for main propulsion,

and are not tank vessels. The proposed rule would specify the content of a response plan, and among other issues, address the requirement to plan for responding to a worst case discharge and a substantial threat of such a discharge. Additionally, the proposed rule would update the international Shipboard Oil Pollution Emergency Plan (SOPEP) requirements that apply to nontank vessels and certain tank vessels. Finally, the proposed rule would require vessel owners and operators to submit their vessel response plan control number as part of already required notice of arrival information.

You may view the NPRM in our online docket, in addition to supporting documents prepared by the Coast Guard (Regulatory Analysis & Initial Regulatory Flexibility Analysis), and comments submitted thus far by going to *http://www.regulations.gov.* Once there, select the Advanced Docket Search option on the right side of the screen, insert USCG–2008–1070 in the Docket ID box, press Enter, and then click on the item in the Docket ID column. If you do not have access to the Internet, you may view the docket by visiting 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.

We encourage you to participate in this rulemaking by submitting comments either orally at a meeting or in writing. If you bring written comments to a meeting, you may submit them to Coast Guard personnel specified at the meeting to receive written comments. These comments will be submitted to our online public docket. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

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

Information on Service for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact Lieutenant Jarrod DeWitz at the telephone number indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Public Meeting

The Coast Guard will hold three public meetings regarding this proposed rulemaking on the following dates and at the following locations:

- Washington, DC, October 15, 2009, from 1 p.m. to 3:30 p.m., at the United States Coast Guard Headquarters Building, Room 4202, 2100 Second Street SW., Washington, DC 20593. **Note:** A government-issued photo identification (for example, a driver's license) will be required for entrance to the building.
- Oakland, CA, November 3, 2009, from 1 p.m. to 3:30 p.m., at the Ronald V. Dellums Federal Building, Auditorium, 3rd Floor North Tower, 1301 Clay Street, Oakland, CA 94612. **Note:** A government-issued photo identification (for example, a driver's license) will be required for entrance to the building.
- New Orleans, LA, November 19, 2009, from 4:30 p.m. to 7 p.m., at the Ernest N. Morial Convention Center, Room 208, Exhibit Hall A, 900 Convention Center Blvd, New Orleans, LA 70130.

Members of the public may attend these meetings up to the seating capacity of the rooms. The meetings may conclude before the allotted time if all matters of concern have been addressed.

We plan to record each meeting using an audio-digital recorder and to make that audio recording available through a link in our online docket. A written summary of comments made and a list of attendees will be placed in the docket after each meeting concludes.

Dated: September 21, 2009.

J.G. Lantz,

Director of Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. E9–23161 Filed 9–24–09; 8:45 am]

BILLING CODE 4910–15–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1254

[FDMS Docket NARA–09–0004]

RIN 3095–AB59

Researcher Identification Card

AGENCY: National Archives and Records Administration (NARA).

ACTION: Proposed rule.

SUMMARY: The proposed rule will require researchers using original records, NARA microfilm, and public use computers at the National Archives Building in Washington, DC, to obtain a researcher identification card. Researchers at regional archives are also required to obtain a researcher identification card when there is no separate research room for the use of microfilm and public access computers. The proposed rule also updates our regulations to reflect changes in available technology and research room practices, such as abolishing the three-hour time limit for using microfilm readers. This proposed rule will affect the public.

DATES: Comments are due by November 24, 2009.

ADDRESSES: NARA invites interested persons to submit comments on this proposed rule. Comments may be submitted by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* Submit comments by facsimile transmission to 301–837–0319.
- *Mail:* Send comments to Regulations Comments Desk (NPOL), Room 4100, Policy and Planning Staff, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001.
- *Hand Delivery or Courier:* Deliver comments to 8601 Adelphi Road, College Park, MD.

FOR FURTHER INFORMATION CONTACT: Marilyn Redman at 301–837–1850; or, fax number 301–837–0319.

SUPPLEMENTARY INFORMATION: The proposed rule modifies our regulations relating to the public use of Federal records and donated historical materials. In particular, we are modifying the regulation addressing the issuance of researcher identification cards to enhance security in the National Archives Building in Washington, DC, and some other NARA facilities. For many years, we have not required researchers who use only

microfilm publications (*i.e.,* copies on microfilm of original records) to register for a researcher identification card in our facilities where microfilm research is conducted separately from research rooms servicing original records. We have registered researchers who use original records in order to better understand our researchers' needs and provide us with a way to contact them in case we need to follow up on their visit.

Over the last few years, we have determined that requiring our microfilm researchers in the National Archives Building to register for a researcher identification card will strengthen our security to protect buildings, people, and the records we hold. The electronic system that NARA uses to generate researcher identification cards in the Washington, DC, area, enables us to track the various research rooms that each person visits. Tracking researcher visits helps ensure more accurate counting of researchers to measure our performance in customer service delivery and to effectively allocate resources.

What changes are we making in this proposed rule?

We are proposing substantive changes by amending the following sections:

- § 1254.6(b): We are adding the requirement for researchers using the National Archives Building, even those only using microfilm publications or public use computers, to apply for and obtain a researcher identification card. This rule applies to regional archives facilities, as well, except where the microfilm research area is separate from the area where original records are used. We made other changes in the text to reflect that none of the affected facilities has more than one textual research room.
- § 1254.22(a): The term ''bar-coded'' is deleted and replaced with the broader term ''encoded.'' We no longer use bar-codes on researcher identification cards in the Washington, DC, area. The plastic cards we issue now have a magnetic strip and future cards may use other technology.
- § 1254.44(a): Because fewer researchers are using microfilm and there are no waits, the 3-hour limit on use and waiting lists are no longer needed for the use of microfilm readers. We are removing references to the 3-hour limit.
- § 1254.84: Since this section was last revised, the researcher identification card can be linked to a personal account established through the National Archives Trust Fund Cashier's Office and function as a debit card in Washington, DC, area research rooms. The regulation is being clarified to describe that capability. In addition, we are removing discussion of deposit accounts, which are no longer maintained by the Trust Fund.

We also are making non-substantive editorial changes in §§ 1254.6(c) and 1254.10(b).

Paperwork Reduction Act

The information collection in this regulation was previously approved by the Office of Management and Budget (OMB) under OMB control number 3095–0016, which expires on September 30, 2011.

This proposed rule is not a significant regulatory action for the purposes of Executive Order 12866 and has been reviewed by the Office of Management and Budget. As required by the Regulatory Flexibility Act, I certify that this rule will not have a significant impact on a substantial number of small entities because the regulation affects individual researchers. This regulation does not have any federalism implications.

List of Subjects in 36 CFR Part 1254

Archives and records.

For the reasons set forth in the preamble, NARA proposes to amend part 1254, in title 36 of the Code of Federal Regulations, as follows:

PART 1254—USING RECORDS AND DONATED HISTORICAL MATERIALS

1. The authority citation for part 1254 continues to read as follows:

Authority: 44 U.S.C. 2101–2118.

2. Amend § 1254.6 by revising paragraphs (b) and (c) to read as follows:

§ 1254.6 Do I need a researcher identification card to use archival materials at a NARA facility?

* * * * *

(b) You also need a researcher identification card if you wish to use only microfilm copies of documents at NARA's Washington, DC, area facilities and in any NARA facility where the microfilm research room is not separate from the textual research room.

(c) If you are using only microfilm copies of records in some regional archives where the microfilm research room is separate from the textual room, you do not need an identification card but you must register as described in § 1254.22.

3. Amend § 1254.10 by revising paragraph (b) to read as follows:

§ 1254.10 For how long and where is my researcher identification card valid?

* * * * *

(b) At NARA facilities in the Washington, DC, area and other NARA facilities that issue and use plastic researcher identification cards as part of their security systems, we issue a plastic card to replace the paper card issued at some NARA facilities at no charge. The plastic card is valid at all NARA facilities.

4. Amend § 1254.22 by revising paragraph (a) to read as follows:

§ 1254.22 Do I need to register when I visit a NARA facility for research?

(a) Yes, you must register each day you enter a NARA research facility by furnishing the information on the registration sheet or scanning an encoded researcher identification card. We may ask you for additional personal identification.

* * * * *

5. Amend § 1254.44 by revising paragraph (a) to read as follows:

§ 1254.44 How long may I use a microfilm reader?

(a) Use of the microfilm readers in the National Archives Building is on a first-come-first served basis.

* * * * *

8. Revise § 1254.84 to read as follows:

1254.84 How may I use a debit card for copiers in the Washington, DC, area?

Your research identification card can be used as a debit card if you arrange with the Cashier's Office to set up an account using cash, check, money order, debit card, or credit card. Your researcher identification card number as encoded on the card forms the basis of your account in the debit system. You may also purchase generic debit cards of values up to $20 each from the Cashier's Office using any of the above payment methods. When the Cashier's Office is closed or at any other time during the hours research rooms are open as cited in part 1253 of this chapter, you may use cash or credit card to purchase a debit card from the vending machines located in the research rooms. Inserting the debit card into a card reader connected to the copier enables you to make copies for the appropriate fee, which are found in § 1258.12 of this chapter. You can add value to your card using the vending machine in the research room or at the Cashier's Office. We do not make refunds.

Dated: September 21, 2009.

Adrienne C. Thomas,

Acting Archivist of the United States.

[FR Doc. E9–23225 Filed 9–24–09; 8:45 am]

BILLING CODE 7515–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2009–0368; FRL–8950–8]

Approval and Promulgation of Air Quality Implementation Plans; Ohio; Clean Air Interstate Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a revision to the Ohio State Implementation Plan (SIP), based on submittals dated July 15, 2009, and August 13, 2009, that would address the requirements of EPA's Clean Air Interstate Rule (CAIR). EPA previously approved an ''abbreviated SIP'' for Ohio, primarily consisting of rules governing allocation of allowances to electric generating units (EGUs) for use in the trading programs established pursuant to CAIR and providing for voluntary opt-in to these programs. The abbreviated SIP was implemented in conjunction with a Federal Implementation Plan (FIP) that specified requirements for emissions monitoring, permit provisions, and other elements of the CAIR programs. EPA is now proposing to approve the addition of non-EGUs to the CAIR nitrogen oxides (NO_X) Ozone Season Trading Program, and EPA is proposing to issue a ''full SIP'' approval under which the various CAIR implementation provisions would be governed by State rules rather than FIP rules. Final action would also cause the CAIR Federal Implementation Plans (CAIR FIPs) concerning sulfur dioxides (SO_2), NO_X annual, and NO_X ozone season emissions by Ohio sources to be automatically withdrawn.

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

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R05–OAR–2009–0368 by one of the following methods:

1. *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *E-mail: mooney.john@epa.gov.*
3. *Fax:* (312) 692–2551.
4. *Mail:* John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: John Summerhays, (312) 886–6067, or by e-mail at *summerhays.john@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: August 19, 2009.

Walter W. Kovalick Jr.,

Acting Regional Administrator, Region 5.

[FR Doc. E9–23256 Filed 9–24–09; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 523, 531, 533, 534, 536 and 537

[Docket No. NHTSA–2009–0059]

Notice of Availability of a Draft Environmental Impact Statement (DEIS) for New Corporate Average Fuel Economy Standards; Notice of Public Hearing

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

ACTION: Notice of Availability of a Draft Environmental Impact Statement (DEIS); notice of public hearing.

SUMMARY: NHTSA has prepared a DEIS to disclose and analyze the potential environmental impacts of proposed Corporate Average Fuel Economy (CAFE) standards for model year (MY) 2012–2016 passenger cars and light trucks, which NHTSA recently proposed pursuant to the Energy Independence and Security Act of 2007, and a reasonable range of alternative standards. To inform decisionmakers and the public, the DEIS compares the potential environmental impacts of the proposed standards and alternative standards reflecting a full range of stringencies, and it analyzes direct, indirect, and cumulative impacts in proportion to their significance. The DEIS provides a detailed analysis of potential impacts on energy resources, air quality, and climate. The DEIS uses climate modeling and NHTSA's own computer model (known as the ''Volpe model'') to provide quantitative estimates of potential impacts on air quality, carbon dioxide (CO_2) emissions, global mean surface temperature, precipitation, and sea level rise. The DEIS provides a qualitative analysis of resources that may be impacted by changes in climate, such as freshwater resources, terrestrial ecosystems, coastal ecosystems, land use, human health, and environmental justice. It examines these impacts on the U.S. and on a global scale. In addition, the DEIS analyzes potential environmental impacts unrelated to climate change.

DATES: *Public Hearing:* The public hearing will be held on Friday, October 30, 2009 from 9 a.m. to 5 p.m. at the National Transportation Safety Board Conference Center, 429 L'Enfant Plaza, SW., Washington, DC 20594. NHTSA recommends that all persons attending the hearing arrive at least 45 minutes early in order to facilitate entry into the

Conference Center. If you wish to attend or speak at the hearing, you must register in advance no later than Monday, October 19, 2009, by following the instructions in the Procedural Matters section of this notice. NHTSA will consider late registrants to the extent time and space allows, but NHTSA cannot ensure that late registrants will be able to speak at the hearing.

Comments: To ensure that NHTSA has an opportunity to consider comments on the DEIS, NHTSA must receive written comments within 45 days of the date the U.S. Environmental Protection Agency (EPA) publishes a Notice of Availability of the DEIS in the **Federal Register**. NHTSA anticipates that EPA will publish that Notice on Friday, September 25, 2009, in which case NHTSA must receive written comments on the DEIS by Monday, November 9, 2009. NHTSA will try to consider comments received after that date to the extent the NEPA and rulemaking schedules allow, but NHTSA cannot ensure that it will be able to do so.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Prout or Ms. Angel Jackson, Telephone: 1–202–366–0846, Fuel Economy Division, Office of International Vehicle, Fuel Economy and Consumer Standards, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. E-mail: *nhtsa.nepa@dot.gov.* Information about the CAFE rulemaking and the NEPA process is also available at *http://www.nhtsa.dot.gov.*

ADDRESSES: You may submit comments to the docket number identified in the heading of this document 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, M–30, U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery or Courier:* U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

Regardless of how you submit your comments, you should mention the docket number of this document.

You may call the Docket at 1–800–647–5527.

Note that all comments received, including any personal information, will be posted without change to *http://www.regulations.gov.*

SUPPLEMENTARY INFORMATION: NHTSA has prepared a DEIS to disclose and analyze the potential environmental impacts of proposed CAFE standards for MY 2012–2016 passenger cars and light trucks and a reasonable range of alternative standards.[1] NHTSA invites Federal, State, and local agencies, Indian tribes, and the public to submit written comments and participate in a public hearing on the DEIS using the instructions set forth in this notice. As described in the Procedural Matters section of this notice, each speaker should anticipate speaking for approximately ten minutes, although we may need to adjust the time for each speaker if there is a large turnout. To facilitate review of the DEIS, NHTSA has posted the DEIS on its Web site, and it will be available in the Docket identified by the docket number at the beginning of this notice.[2] Copies in hard copy or electronic (CD–ROM) form have been sent to all stakeholders on NHTSA's National Environmental Policy Act (NEPA) mailing list for the proposed CAFE standards, and NHTSA will mail a CD–ROM containing the DEIS and its Appendices to any other interested party who requests one. NHTSA will consider the public comments received on the DEIS in preparing final NEPA documents to support final CAFE standards for MY 2012–2016 passenger cars and light trucks, which NHTSA plans to issue early next year. The agency's NEPA analysis is informing NHTSA's development of those standards.

NHTSA is proposing standards pursuant to amendments made by the Energy Independence and Security Act of 2007 (EISA) to the Energy Policy and Conservation Act of 1975 (EPCA).[3] To inform decisionmakers and the public, the DEIS analyzes the potential environmental impacts of the proposed standards and alternative standards reflecting a range of stringencies, and it analyzes direct, indirect, and cumulative impacts in proportion to their significance. The DEIS provides a detailed analysis of potential impacts on energy resources, air quality, and climate. The DEIS uses climate modeling and NHTSA's Volpe model to provide quantitative estimates of potential impacts on air quality, CO_2 emissions, global mean surface temperature, precipitation, and sea level rise. The DEIS provides a qualitative analysis of resources that may be impacted by changes in climate, such as freshwater resources, terrestrial ecosystems, coastal ecosystems, land use, human health, and environmental justice. It examines impacts on the U.S. and on a global scale. In addition, the DEIS analyzes potential environmental impacts unrelated to climate change.

Background. EPCA sets forth extensive requirements concerning the rulemaking to establish MY 2012–2016 CAFE standards. It requires the Secretary of Transportation[4] to establish average fuel economy standards at least 18 months before the beginning of each model year and to set them at ''the maximum feasible average fuel economy level that the Secretary decides the manufacturers can achieve in that model year.'' When setting ''maximum feasible'' fuel economy standards, the Secretary is required to ''consider technological feasibility, economic practicability, the effect of other motor vehicle standards of the Government on fuel economy, and the need of the United States to conserve energy.''[5] NHTSA construes the statutory factors as including environmental and safety considerations.[6] NHTSA also considers environmental impacts under NEPA when setting CAFE standards.

As recently amended, EPCA further directs the Secretary, after consultation with the Secretary of Energy (DOE) and the EPA Administrator, to establish separate average fuel economy standards for passenger cars and for light trucks manufactured in each model year beginning with model year 2011 ''to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the total fleet of passenger and non-passenger automobiles manufactured for sale in the United States for that model year.''[7] In doing so, the Secretary of Transportation is required to increase average fuel economy standards for MY 2011–2020 vehicles through ''annual

[1] See National Environmental Policy Act (NEPA), 42 U.S.C. 4321–4347, and implementing regulations issued by the Council on Environmental Quality (CEQ), 40 CFR 1500–1508, and NHTSA, 49 CFR part 520.

[2] The DEIS is available at *http://www.nhtsa.dot.gov/.*

[3] EISA is Public Law 110–140, 121 Stat. 1492 (Dec. 19, 2007). EPCA is codified at 49 U.S.C. 32901 *et seq.*

[4] NHTSA is delegated responsibility for implementing the EPCA fuel economy requirements assigned to the Secretary of Transportation. 49 CFR 1.50, 501.2(a)(8).

[5] 49 U.S.C. 32902(a), 32902(f).

[6] *See, e.g., Competitive Enterprise Inst.* v. *NHTSA,* 956 F.2d 321, 322 (D.C. Cir. 1992) (citing *Competitive Enterprise Inst.* v. *NHTSA,* 901 F.2d 107, 120 n.11 (D.C. Cir. 1990)).

[7] 49 U.S.C.A. 32902(b)(1), 32902(b)(2)(A).

fuel economy standard increases.'' [8] The standards for passenger cars and light trucks must be ''based on 1 or more vehicle attributes related to fuel economy.'' In any single rulemaking, standards may be established for not more than five model years.[9] EPCA also mandates a minimum standard for domestically manufactured passenger cars.[10]

Pursuant to EISA, on April 22, 2008, NHTSA proposed CAFE standards for MY 2011–2015 passenger cars and light trucks in a Notice of Proposed Rulemaking (NPRM).[11] On March 21, 2008, NHTSA issued a Notice of Intent (NOI) to prepare an EIS for the MY 2011–2015 CAFE standards.[12] On October 10, 2008, NHTSA submitted to the EPA its Final Environmental Impact Statement, Corporate Average Fuel Economy Standards, Passenger Cars and Light Trucks, Model Years 2011–2015. EPA published a Notice of Availability of the Final Environmental Impact Statement (FEIS) in the **Federal Register** on October 17, 2008.[13] On January 7, 2009, the DOT announced that the Bush Administration would not issue the final rule.[14]

In the context of calls for the development of new national policies to prompt sustained domestic and international actions to address the closely intertwined issues of energy independence, energy security, and climate change, President Obama issued a memorandum on January 26, 2009 to the Secretary of Transportation and the NHTSA Administrator.[15] The memorandum requested that NHTSA divide the MY 2011–2015 rulemaking into two parts: (1) MY 2011 standards, and (2) standards for MY 2012 and beyond.

The request that the final rule establishing CAFE standards for MY 2011 passenger cars and light trucks be prescribed by March 30, 2009 was based on two factors. One was the requirement that the final rule regarding fuel economy standards for a given model year must be adopted at least 18 months before the beginning of that model year (49 U.S.C. 32902(g)(2)). The other was that the beginning of MY 2011 is considered for the purposes of CAFE standard setting to be October 1, 2010.

For MYs 2012 and beyond, the President requested that, before promulgating a final rule concerning the model years after model year 2011, NHTSA

> [C]onsider the appropriate legal factors under the EISA, the comments filed in response to the Notice of Proposed Rulemaking, the relevant technological and scientific considerations, and to the extent feasible, the forthcoming report by the National Academy of Sciences mandated under section 107 of EISA.

In addition, the President requested that NHTSA consider whether any provisions regarding preemption are appropriate under applicable law and policy.

On April 1, 2009, NHTSA published a NOI to prepare an EIS for the MY 2012–2016 CAFE standards. The NOI described the statutory requirements for the standards, provided initial information about the NEPA process, and initiated scoping [16] by requesting public input on the scope of the environmental analysis to be conducted.[17]

The Proposed Action and Possible Alternatives: Concurrent with this DEIS, NHTSA and EPA are each announcing joint proposed rules whose benefits would address the urgent and closely intertwined challenges of energy independence and security and global warming. These proposed rules call for a strong and coordinated federal greenhouse gas and fuel economy program for passenger cars, light-duty-trucks, and medium-duty passenger vehicles (hereafter light-duty vehicles), referred to as the National Program. The proposed rules can achieve substantial improvements in fuel economy and reductions of greenhouse gas (GHG) emissions from the light-duty vehicle part of the transportation sector, based on technology that is already being commercially applied in most cases and that can be incorporated at a reasonable cost.

The joint proposed standards are consistent with the President's announcement on May 19, 2009 of a National Fuel Efficiency Policy of establishing consistent, harmonized, and streamlined requirements that would improve fuel economy and reduce greenhouse gas emissions for all new passenger cars and light trucks sold in the United States.[18] The National Program holds out the promise of delivering additional environmental and energy benefits, cost savings, and administrative efficiencies on a nationwide basis that might not be available under a less coordinated approach. The proposed National Program also offers the prospect of regulatory convergence by making it possible for the standards of two different federal agencies and the standards of California and other states to act in a unified fashion in providing these benefits. This would allow automakers to produce and sell a single fleet nationally. Thus, it may also help to mitigate the additional costs that manufacturers would otherwise face in having to comply with multiple sets of federal and state standards. This joint notice is also consistent with the Notice of Upcoming Joint Rulemaking signed by DOT and EPA on May 19 [19] and responds to the President's January 26, 2009 memorandum on CAFE standards for model years 2011 and beyond.[20]

Under the proposed standards, each vehicle manufacturer's required level of CAFE would be based on target levels of average fuel economy set for vehicles of different sizes and on the distribution of that manufacturer's vehicles among those sizes. Size would be defined by vehicle footprint.[21] The level of the performance target for each footprint is intended to reflect the technological and economic capabilities of the industry.

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[8] 49 U.S.C.A. 32902(b)(2)(C).

[9] 49 U.S.C.A. 32902(b)(3)(A), 32902(b)(3)(B).

[10] 49 U.S.C.A.32902(b)(4).

[11] Notice of Proposed Rulemaking for Average Fuel Economy Standards, Passenger Cars and Light Trucks—Model Years 2011–2015, 73 FR 24352 (May 2, 2008). At the same time, NHTSA requested updated product plan information from the automobile manufacturers. *See* Request for Product Plan Information, Passenger Car Average Fuel Economy Standards—Model Years 2008–2020 and Light Truck Average Fuel Economy Standards—Model Years 2008–2020, 73 FR 21490 (May 2, 2008).

[12] 73 FR 16615 (Mar. 28, 2008).

[13] 73 FR 38204 (Jul. 3, 2008).

[14] The January 7, 2008 statement from the U.S. Department of Transportation can be found at: *http://www.dot.gov/affairs/dot0109.htm* (last accessed Jun. 9, 2009).

[15] Memorandum for the Secretary of Transportation and the Administrator of the National Highway Traffic Safety Administration, 74 FR 4907 (Jan. 26, 2009).

[16] Scoping, as defined under NEPA, is an early and open process for determining the scope of issues to be addressed in an EIS and for identifying the significant issues related to a proposed action. See 40 CFR 1501.7.

[17] See Notice of Intent to Prepare an Environmental Impact Statement for New Corporate Average Fuel Economy Standards, 74 FR 14857 (Apr. 1, 2009).

[18] President Obama Announces National Fuel Efficiency Policy, The White House, May 19, 2009. Available at: *http://www.whitehouse.gov/the_press_office/President-Obama-Announces-National-Fuel-Efficiency-Policy/* (last accessed August 18, 2009). Remarks by the President on National Fuel Efficiency Standards, The White House, May 19, 2009. Available at: *http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-on-national-fuel-efficiency-standards/* (Last accessed August 18, 2009).

[19] 74 FR 24007 (May 22, 2009).

[20] Available at: *http://www.whitehouse.gov/the_press_office/Presidential_Memorandum_Fuel_Economy/* (last accessed on August 18, 2009)

[21] A vehicle's ''footprint'' is generally defined as ''the product of track width [the lateral distance between the centerlines of the base tires at ground, including the camber angle] * * * times wheelbase [the longitudinal distance between front and rear wheel centerlines] * * * divided by 144 * * *.'' 49 CFR 523.2.

The specific target for each footprint is the same for all manufacturers, regardless of differences in their overall fleet mix. Compliance would be determined by comparing a manufacturer's harmonically averaged fleet fuel economy levels in a model year with a required fuel economy level calculated using the manufacturer's actual production levels and the targets for each footprint of the vehicles that it produces.

NEPA requires an agency to compare the potential environmental impacts of its proposed action and a reasonable range of alternatives. In developing the proposed standards and the alternatives, NHTSA considered the four EPCA factors underlying maximum feasibility (technological feasibility, economic practicability, the effect of other standards of the Government on fuel economy, and the need of the nation to conserve energy) as well as relevant environmental and safety considerations. NHTSA is also guided by President Obama's memorandum to DOT on January 26, 2009, as described in *Background.*

Section 1501.6 of the CEQ regulations emphasize agency cooperation early in the NEPA process and allow a lead agency (in this case, NHTSA) to request the assistance of other agencies that either have jurisdiction by law or have special expertise regarding issues considered in an EIS. NHTSA invited EPA to be a cooperating agency, pursuant to the CEQ regulations, because of its special expertise in the areas of climate change and air quality.[22] On May 12, 2009, the EPA accepted NHTSA's invitation and agreed to become a cooperating agency. NHTSA also consulted with DOE.

The Preferred Alternative requires approximately a 4.3-percent average annual increase in mpg, resulting in an estimated required MY 2016 fleetwide 38.0 mpg for passenger cars and 28.3 mpg for light trucks.[23] The Preferred Alternative also results in a combined estimated required fleetwide 34.1 mpg in MY 2016. The agency's Preferred Alternative represents the required fuel economy level that we have tentatively determined to be the maximum feasible under EPCA, based on our balancing of statutory considerations. A full discussion regarding the agency's tentative conclusion that Alternative 4 represents the ''maximum feasible'' average fuel economy level that the Secretary has decided the manufacturers can achieve, considering the statutory and other relevant factors, and is therefore the agency's Preferred Alternative, can be found in Section IV.F of the joint preamble of the Notice of Proposed Rulemaking.

This alternative, along with EPA's proposed standards, form the National Program and together are consistent with the National Fuel Efficiency Policy announced by President Obama on May 19, 2009. Under the National Program, the overall light-duty vehicle fleet would reach 35.5 mpg in MY 2016, if all reductions were made through fuel economy improvements. In considering further action on the proposed standards and reasonable alternatives, NHTSA also will consider its NEPA analysis.

In addition to the proposed standards, NHTSA has considered several regulatory alternatives for purposes of both Executive Order 12866[24] and its NEPA analysis, which includes a ''no action'' alternative as required by NEPA. The alternatives, in order of increasing stringency, are:

(1) A ''no action'' alternative, which assumes, strictly for purposes of NEPA analysis, that no action would occur under CAFE (or under the National Program). Under that alternative, NHTSA would not issue a rule regarding CAFE standards for MY 2012–2016. The No Action Alternative assumes that average fuel economy levels in the absence of CAFE standards beyond MY 2011 would equal the higher of the agencies' collective market forecast or the manufacturers' required level of average fuel economy for MY 2011. The MY 2011 fuel economy level represents the standard NHTSA believes manufacturers would continue to abide by, assuming NHTSA does not issue a rule. NEPA requires agencies to consider a ''no action'' alternative in their NEPA analyses and to compare the effects of not taking action with the effects of the reasonable action alternatives to demonstrate the different environmental effects of the action alternatives. The recent amendments to EPCA direct NHTSA to set new CAFE standards and do not permit the agency to take no action on fuel economy.[25] NHTSA refers to this as the ''No Action Alternative'' or as a ''no increase'' or ''baseline'' alternative.

(2) A 3-percent average annual increase in mpg, resulting in a required MY 2016 fleetwide 35.6 mpg for passenger cars and 26.6 mpg for light trucks. The 3-Percent Alternative results in a combined required fleetwide 32.0 mpg in MY 2016.

(3) A 4-percent average annual increase in mpg, resulting in a required MY 2016 fleetwide 37.4 mpg for passenger cars and 27.9 mpg for light trucks. The 4-Percent Alternative results in a combined required fleetwide 33.6 mpg in MY 2016.

(4) An approximately 4.3-percent average annual increase in mpg, resulting in an estimated required MY 2016 fleetwide 38.0 mpg for passenger cars and 28.3 mpg for light trucks. The Preferred Alternative results in a combined estimated required fleetwide 34.1 mpg in MY 2016.

(5) A 5-percent average annual increase in mpg, resulting in a required MY 2016 fleetwide 39.3 mpg for passenger cars and 29.3 mpg for light trucks. The 5-Percent Alternative results in a required achieved fleetwide 35.2 mpg in MY 2016.

(6) The ''MNB Alternative,'' in which the Volpe model applies technologies to the vehicle market forecast until marginal benefits are estimated to equal marginal costs and net benefits are maximized. In this case, the model continues to include technologies until the marginal cost of adding the next technology exceeds the marginal benefit. This alternative requires approximately a 5.9-percent average annual increase in mpg, resulting in a required MY 2016 fleetwide 40.9 mpg for passenger cars and 30.6 mpg for light trucks. The MNB Alternative results in a combined required fleetwide 36.8 mpg in MY 2016.

(7) A 6-percent average annual increase in mpg, resulting in a required MY 2016 fleetwide 41.1 mpg for passenger cars and 30.7 mpg for light trucks. The 6-Percent Alternative results in a combined required fleetwide 36.9 mpg in MY 2016.

(8) A 7-percent average annual increase, resulting in a required MY 2016 fleetwide 43.1 mpg for passenger cars and 32.2 mpg for light trucks. The

[22] 40 CFR 1501.6.

[23] NHTSA notes that it cannot set out the precise level of CAFE that each manufacturer would be required to meet for each model year under the proposed standards, because the level for each manufacturer would depend on that manufacturer's final production figures and fleet mix for a particular model year. That information will not be available until the end of each model year.

[24] Exec. Order 12,866, ''Regulatory Planning and Review,'' 58 FR 51735, Oct. 4, 1993, as amended.

[25] CEQ has explained that ''[T]he regulations require the analysis of the no action alternative *even if the agency is under a court order or legislative command to act.* This analysis provides a benchmark, enabling decisionmakers to compare the magnitude of environmental effects of the action alternatives. It is also an example of a reasonable alternative outside the jurisdiction of the agency which must be analyzed. [*See* 40 CFR 1502.14(c).] * * * Inclusion of such an analysis in the EIS is necessary to inform Congress, the public, and the President as intended by NEPA. [*See* 40 CFR 1500.1(a).]'' *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations,* 46 FR 18026 (1981) (emphasis added).

7-Percent Alternative results in a combined required fleetwide 38.7 mpg in MY 2016.

(9) The ''TCTB Alternative,'' in which the Volpe model applies technologies to the vehicle market forecast until total cost equals total benefit. In this case, the model increases the standard to a point where essentially total costs of the technologies added together over the baseline equals total benefits added over the baseline. This alternative requires approximately a 6.7-percent average annual increase in mpg, resulting in a required MY 2016 fleetwide 42.7 mpg for passenger cars and 31.5 mpg for light trucks. The TCTB Alternative results in a combined required fleetwide 38.1 mpg in MY 2016.

Of the eight action alternatives that NHTSA is proposing, Alternative 2 (3-Percent Alternative), Alternative 3 (4-Percent Alternative), Alternative 5 (5-Percent Alternative), Alternative 7 (6-Percent Alternative), and Alternative 8 (7-Percent Alternative), require the average fuel economy for the industry-wide combined passenger car and light truck fleet to increase, on average, by a specified percentage for each model year from 2012–2016. Because the percentage increases in stringency are ''average'' increases, they may either be constant throughout the period or may vary from year to year.

Three of the alternatives were added to the list of alternatives first proposed in the NOI to prepare an EIS for MY 2012–2016—the agency's Preferred Alternative (Alternative 4), an alternative that maximizes net benefits (MNB) (Alternative 6), and an alternative under which total costs equal total benefits (TCTB) (Alternative 9). The agency's Preferred Alternative represents the required fuel economy level that we have tentatively determined to be maximum feasible under EPCA, based on our balancing of statutory and other considerations. *See Background.* The other two alternatives, MNB and TCTB, represent fuel economy levels that are dependent on the agency's best estimate of relevant economic variables (e.g., gasoline prices, social cost of carbon, the discount rate, and rebound effect). The MNB Alternative and TCTB Alternative provide the decisionmaker and the public with useful information about where the standards would be set if costs and benefits were balanced in two different ways. All three alternatives (Preferred Alternative, MNB Alternative, and TCTB Alternative) are placed in context by identifying the approximate, on average annual percentage fuel economy increase, so that the public is able to see where they fall on the continuum of alternatives. See Section Three of NHTSA's Preliminary Regulatory Impact Analysis for a more detailed description of the MNB and TCTB Alternatives.

NHTSA's decision process must balance the four EPCA factors and be informed by the environmental considerations of NEPA. In developing its reasonable range of alternatives, NHTSA identified alternative stringencies that represent the full spectrum of potential environmental impacts and safety considerations.[26]

The NEPA Process and the DEIS. Under NEPA, a federal agency must analyze environmental impacts if the agency implements a proposed action, provides funding for an action, or issues a permit for that action. Specifically, NEPA directs that ''to the fullest extent possible,'' federal agencies proposing ''major federal actions significantly affecting the quality of the human environment'' must prepare ''a detailed statement'' on the environmental impacts of the proposed action (including alternatives to the proposed action). To inform its development of the new MY 2012–2016 CAFE standards required under EPCA, as amended by EISA, NHTSA prepared this draft EIS to analyze and disclose the potential environmental impacts of a proposed preferred alternative and other proposed alternative standards. To inform its development of the new MY 2012–2016 CAFE standards required under EPCA, as amended by EISA, NHTSA prepared the DEIS to analyze and disclose the potential environmental impacts of a proposed preferred alternative and other proposed alternative standards pursuant to CEQ NEPA implementing regulations, DOT Order 5610.1C, and NHTSA regulations.[27] The DEIS compares the potential environmental impacts among alternatives, including a no action alternative. It also analyzes direct, indirect, and cumulative impacts and discusses impacts in proportion to their significance.

In April 2009, NHTSA issued a NOI to prepare an EIS for the MY 2012–2016 CAFE standards and opened the NEPA ''scoping'' process.[28] The purpose of this notice was to request from the public its views and comments on the scope of the NEPA analysis, including the impacts and alternatives the DEIS should address, and to inform NHTSA of any available studies that would assist in the impact analysis for global climate-change issues. NHTSA mailed both **Federal Register** notices to hundreds of stakeholders and developed a mailing list of interested parties, including Federal agencies with environmental expertise, the Governors of every U.S. territory and State (or State NEPA contacts they identified), Indian tribes, organizations representing state and local governments and tribes, the automobile industry, environmental organizations, and other stakeholders interested in the CAFE program. NHTSA received seven responses to its scoping notice. Comments were provided by federal and state agencies, one automobile trade association, one environmental advocacy group, and three individuals. NHTSA reviewed and considered the public scoping comments and the studies commenters suggested. The predominant request by commenters during the scoping process was that NHTSA focus the DEIS on the standards' possible impacts on both air quality and global climate change.

NHTSA consulted with various federal agencies in the development of this DEIS, including the EPA, Bureau of Land Management, Centers for Disease Control and Prevention, Minerals Management Service, National Park Service, U.S. Army Corps of Engineers, U.S. Forest Service, Advisory Council on Historic Preservation. NHTSA is also currently exploring its Section 7 obligations under the Endangered Species Act with the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration Fisheries Service.

NHTSA used the scoping process to help determine ''the range of actions, alternatives, and impacts to be considered'' in the DEIS and to identify the most important issues for analysis.[29] The DEIS consists of a Summary and

[26] Given EPCA's mandate that NHTSA consider specific factors in setting CAFE standards and NEPA's instruction that agencies give effect to NEPA's policies ''to the fullest extent possible,'' NHTSA recognizes that a large number of alternative CAFE levels are potentially conceivable and that the alternatives described above essentially represent several of many points on a continuum of alternatives. Along the continuum, each alternative represents a different way in which NHTSA conceivably could assign weight to each of the four EPCA factors and NEPA's policies. CEQ guidance instructs that ''[w]hen there are potentially a very large number of alternatives, only a reasonable number of examples, covering the *full spectrum* of alternatives, must be analyzed and compared in the EIS.'' CEQ, *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations,* 46 FR 18026, 18027, Mar. 23, 1981 (emphasis original).

[27] NEPA is codified at 42 U.S.C. 4321–4347. CEQ NEPA implementing regulations are codified at 40 CFR Parts 1500–1508, and NHTSA's NEPA implementing regulations are codified at 49 CFR Part 520.

[28] *See* Notice of Intent to prepare an Environmental Impact Statement for New Corporate Average Fuel Economy Standards, 74 FR 14857 (Apr. 1, 2009).

[29] *See* 40 CFR 1500.5(d), 1501.7, 1508.25.

nine chapters: (1) Purpose and Need for the Proposed Action; (2) The Proposed Action and Alternatives; (3) Affected Environment and Consequences; (4) Cumulative Impacts; (5) Mitigation; (6) Preparers; (7) References; (8) Distribution List; and (9) Index. Five appendices include: sources identified in scoping comments (Appendix A); agency consultation letters (Appendix B); modeling data for air emissions and climate modeling (Appendix C); NHTSA's Preliminary Regulatory Impact Assessment (Appendix D); and EPA's Draft Regulatory Impact Assessment (Appendix E).

The DEIS devotes the most detailed analysis to direct, indirect and cumulative impacts of the proposed standards and the alternatives on energy, air quality, and climate. Key findings concerning estimated potential impacts on CO_2 emissions, global mean surface temperature, rainfall, and sea level rise include the following:

• *Global CO_2 Emissions Reductions.* Over the 2012 to 2100 timeframe, the range of alternatives NHTSA analyzed would reduce global CO_2 emissions (from all sources) by about 19 to 42 billion metric tons of CO_2 (based on global emissions of 5.29 trillion metric tons of CO_2) from the emissions projected under the No Action Alternative. The alternatives would slow the expected increase in GHG emissions from the transportation sector over this period. Under all of the alternatives analyzed, growth in the number of passenger cars and light trucks in use throughout the United States, combined with assumed increases in their average use (annual vehicle miles traveled per vehicle), is projected to result in growth in total passenger car and light truck travel. This growth in travel overwhelms improvements in fuel economy such that, despite increases in fuel economy, total fuel consumption by U.S. passenger cars and light trucks is projected to increase under each of the action alternatives. Because CO_2 emissions are a direct consequence of total fuel consumption, the same result is projected for total CO_2 emissions from passenger cars and light trucks.

• *CO_2 Concentration and Global Mean Surface Temperature:* Estimates for CO_2 atmospheric concentrations and global mean surface temperature vary considerably, depending on which global emissions scenario is used as a reference case. Temperature increases are sensitive to climate sensitivity. Yet, projected differences among the CAFE alternatives are small—i.e., CO_2 concentrations as of 2100 range from 779.0 ppm under the most stringent alternative (TCTB) to 783.0 ppm under the No Action Alternative. For 2030 and 2050, the range is even smaller. Temperatures are within 0.007 °C to 0.015 °C across alternatives—regardless of reference scenario and climate sensitivity.

• *Precipitation:* The CAFE alternatives reduce temperature increases slightly and thus reduce increases in precipitation slightly, compared to the No Action Alternative.

• *Impact on Sea Level Rise:* The impacts on sea level rise across the alternatives in 2100 range from 38.00 centimeters under the No Action Alternative to 37.86 centimeters under the TCTB Alternative, for a maximum reduction of 0.14 centimeters by 2100 from the No Action Alternative.

These conclusions are not meant to be interpreted as expressing NHTSA's views that CO_2 impacts on global mean surface temperature, precipitation, or sea-level rise are not areas of concern for policymakers. Under NEPA, the agency is obligated to discuss ''the environmental impact[s] of *the proposed action.''* 42 U.S.C. Sec. 4332(2)(C)(i) (emphasis added). The EIS analysis is intended to fulfill NHTSA's obligations in this regard. The DEIS provides a qualitative analysis of resources that may be impacted by changes in climate, such as freshwater resources, terrestrial ecosystems, coastal ecosystems, land use, human health, socioeconomics and environmental justice. It examines impacts on the U.S. and on a global scale. In addition, the DEIS qualitatively examines the alternatives' non-climate-change-related direct, indirect and cumulative impacts on potentially affected resources. Such resources include water resources, biological resources, land use, hazardous materials, safety, noise, historic and cultural resources, and environmental justice.

Throughout the DEIS, NHTSA's analysis relies extensively on findings of the United Nations Intergovernmental Panel on Climate Change (IPCC) and the U.S. Climate Change Science Program (USCCSP), including those presented in the IPCC's *Fourth Assessment Report: Climate Change 2007* and the USCCSP's *Scientific Assessments of the Effects of Global Change on the United States* and Synthesis and Assessment Products.[30] The DEIS also uses applicable CEQ regulations to acknowledge uncertainty and incomplete or unavailable information relevant to NHTSA's NEPA analysis.[31]

Procedural Matters: The hearing will be open to the public with advanced registration for seating on a space-available basis. Individuals wishing to register to assure a seat in the public seating area should provide their name, affiliation, phone number, and e-mail address to Mr. Peter Prout or Ms. Angel Jackson using the contact information in the **FOR FURTHER INFORMATION CONTACT** section at the beginning of this notice no later than Monday October 19, 2009. Should it be necessary to cancel the hearing due to an emergency or some other reason, NHTSA will take all available means to notify registered participants by e-mail or telephone.

The hearing will be held at a site accessible to individuals with disabilities. Individuals who require accommodations such as sign language interpreters should contact Mr. Peter Prout or Ms. Angel Jackson using the contact information in the **FOR FURTHER INFORMATION CONTACT** section above no later than Monday October 19, 2009. Any written materials NHTSA presents at the hearing will be available electronically on the day of the hearing to accommodate the needs of the visually impaired. A transcript of the hearing and information received by NHTSA at the hearing will be placed in the docket for this notice at a later date.

How long will I have to speak at the public hearing?

Once NHTSA learns how many people have registered to speak at the public hearing, NHTSA will allocate an appropriate amount of time to each participant, allowing time for lunch and necessary breaks throughout the day. For planning purposes, each speaker should anticipate speaking for approximately ten minutes, although we may need to adjust the time for each speaker if there is a large turnout. To accommodate as many speakers as possible, NHTSA prefers that speakers not use technological aids (e.g., audio-visuals, computer slideshows). However, if you plan to do so, you must let Mr. Peter Prout or Ms. Angel Jackson know by Monday October 19, 2009, using the contact information in the **FOR FURTHER INFORMATION CONTACT** section above. You also must make arrangements to provide your presentation or any other aids to NHTSA in advance of the hearing in order to facilitate set-up. During the week of October 19th, NHTSA will post information on its Web site (*http://www.nhtsa.dot.gov*) indicating the

[30] *See generally http://www.ipcc.ch/ipccreports/assessments-reports.htm* (last visited June 25, 2008) and *http://www.climatescience.gov* (last visited June 25, 2008).

[31] 40 CFR 1502.22; *see* 40 CFR 1502.21.

amount of time allocated for each speaker and each speaker's approximate order on the agenda for the hearing.

How can I get a copy of the DEIS?

The DEIS is available on NHTSA's Web site at *http://www.nhtsa.dot.gov/,* and it will be available in the Docket identified by the docket number at the beginning of this notice. To request a CD–ROM containing the DEIS and its Appendices, please contact Mr. Peter Prout or Ms. Angel Jackson using the contact information in the **FOR FURTHER INFORMATION CONTACT** section above.

How do I prepare and submit written comments?

It is not necessary to attend or to speak at the public hearing to be able to comment on the issues. NHTSA invites the submission of written comments on the DEIS, which the agency will consider in preparing the final NEPA documents to support the new CAFE standards for MY 2012–2016 passenger cars and light trucks. Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number at the beginning of this notice in your comments.

Your primary comments may not exceed 15 pages.[32] However, you may attach supporting documents to your primary comments. There is no limit to the length of the attachments.

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** at 65 FR 19477, April 11, 2000, or you may visit *http://www.regulations.gov.*

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, send three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Include a cover letter supplying the information specified in our confidential business information regulation (49 CFR part 512).

In addition, send two copies from which you have deleted the claimed confidential business information to Docket Management, 1200 New Jersey Avenue, SE., West Building, Room W12–140, Washington, DC 20590, or submit them electronically, in the manner described at the beginning of this notice.

Will the agency consider late comments?

NHTSA 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 the NEPA and rulemaking schedules allow, NHTSA will try to consider comments that Docket Management receives after that date, but we cannot ensure that we will be able to do so.[33]

Please note that even after the comment closing date, we will continue to file relevant information in the docket as it becomes available. Further, some commenters may submit late comments. Accordingly, we recommend that you periodically check the docket for new material.

Issued: September 22, 2009.

Ronald Medford,

Acting Deputy Administrator.

[FR Doc. E9–23199 Filed 9–22–09; 4:15 pm]

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[32] 49 CFR 553.21.

[33] See 49 CFR 553.23.

Notices

Federal Register

Vol. 74, No. 185

Friday, September 25, 2009

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Notice of Buy American Exception Under the American Recovery and Reinvestment Act of 2009

AGENCY: Rural Utilities Service, U.S. Department of Agriculture.

ACTION: Notice.

SUMMARY: The Rural Utilities Service (RUS) hereby gives notice of a nationwide exception to the Buy American requirements of Section 1605 of the American Recovery and Reinvestment Act of 2009 (''ARRA'') under the authority of Section 1605(b)(1) (public interest waiver) for *de minimis* incidental components of eligible water infrastructure projects using assistance provided under ARRA. This action permits the use of non-domestic iron, steel and manufactured goods when they occur in *de minimis* incidental components that may otherwise be prohibited under Section 1605(a). As used in this Notice, ''*de minimis* incidental components'' means those components otherwise prohibited under Section 1605(a) that cumulatively comprise no more than a total of 5 percent of the total cost of the materials used in a project funded in whole or in part with ARRA assistance.

DATES: *Effective Date:* September 25, 2009.

ADDRESSES: Send any correspondence regarding this notice to Jacqueline M. Ponti-Lazaruk, Assistant Administrator, Water and Environmental Programs, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC 20250–1548.

FOR FURTHER INFORMATION CONTACT: Benjamin Shuman, Senior Environmental Engineer, Engineering and Environmental Staff, (202) 720–1784, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC 20250–1571.

SUPPLEMENTARY INFORMATION: In accordance with section 1605(c) of ARRA and Section 176.80 of the rules of the Office of Management and Budget (OMB) (2 CFR 176.80), RUS hereby provides notice that it is granting a nationwide exception to Section 1605 of the Recovery Act with respect to *de minimis* incidental components of eligible water infrastructure projects funded under the ARRA. The basis for this waiver is a public interest determination pursuant to Section 1605(b)(1) of ARRA.

I. Background

The American Recovery and Reinvestment Act of 2009 made available $3,672,475,732 to RUS to make direct loans and grants for rural water, wastewater and waste disposal programs authorized by Sections 306 and 310B and described in Section 381E(d)(2) of the Consolidated Farm and Rural Development Act. Section 1605(a) of ARRA, the ''Buy American'' provision, states that ''none of the funds appropriated or otherwise made available by this Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel and manufactured goods used in the project are produced in the United States.''

Section 1605(b) of ARRA authorizes the head of a Federal department or agency to waive the Buy American provision by one of the following three determinations: (1) Applying the Buy American provision would be inconsistent with the public interest; (2) the iron, steel, and relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) the inclusion of the iron, steel, and manufactured goods produced in the United States will increase the cost of the project by more than 25 percent. If a determination is made to waive the requirements of Section 1605(a) based on a finding under Section 1605(b), then Section 1605(c) requires the head of the department or agency to publish a detailed justification in the **Federal Register** as to why the provision is being waived. Finally, Section 1605(d) requires that the Buy American provision must be applied in a manner consistent with the United States' obligations under international agreements.

II. Public Interest Finding

RUS has determined that, as applied to water and wastewater projects, the application of the Buy American restrictions to *de minimis* situations would be inconsistent with the public interest.

Water and wastewater infrastructure projects typically contain a relatively small number of high-cost components incorporated into the project that are iron, steel and manufactured goods, such as pipe, tanks, pumps, motors, instrumentation and control equipment, treatment process equipment, and relevant materials to build structures for facilities such as treatment plants, pumping stations and pipe networks. In bid solicitations for water and wastewater projects, these high-cost components are generally described in detail in project-specific technical specifications, and utility owners and their contractors are generally familiar with the conditions of availability, the potential alternatives for each detailed specification, the approximate cost and, most relevant to this Notice, the country of manufacture of such components.

Every water or wastewater infrastructure project also involves the use of thousands of miscellaneous, generally low-cost components that are essential for, but incidental to, construction of the project. During construction, these components (for example, nuts, bolts, fasteners, tubing, and gaskets), are incorporated into the physical structure of the project. For many of these incidental components, the country of manufacture and the availability of alternatives are not always readily or reasonably identifiable. More importantly, the miscellaneous character of these components, together with their low cost (both individually and when procured in bulk), characterize them as incidental to the facility or project.

RUS finds that it would be inconsistent with the public interest to apply the Buy American requirement to incidental components when they in total comprise no more than 5 percent of the total cost of the materials used in and incorporated into a project. While individual components may have the

same function (*e.g.*, brackets), the specific manufacturer and configuration may vary from project to project, making the analysis and consideration of individual waiver requests for them, including determining whether or not U.S. made products exist, is expected to be time-consuming and labor intensive far out of proportion to the percentage of total project materials they comprise. Further, since the specific use of these low-cost components can be expected to be widely varied, formulating categorical waivers for specific types of components would be impractical. Because the situations described above, *i.e.* a high number of low-cost, miscellaneous components, can be effectively addressed by a comprehensive application of a nationwide *de minimis* waiver, RUS finds that it would be inconsistent with the public interest to apply the Buy American requirement to incidental components when they in total comprise no more that 5 percent of the total cost of the materials used in and incorporated into a project.

In some instances, the Rural Utilities Service and the Environmental Protection Agency's (EPA) Clean Drinking Water State Revolving Funds (SRF) program jointly fund water infrastructure projects. The EPA undertook inquiries to identify the approximate scope of incidental components within its SRF water infrastructure projects. The responses were consistent and indicated that the percentage of total costs for drinking water or wastewater treatment infrastructure projects represented by these incidental components is generally not in excess of 5 percent of the total costs of the materials used in and incorporated into a project.

As a result of its research and analysis, EPA published two **Federal Register** notices of *de minimis* waivers. The first was published on Tuesday, June 2, 2009 (FR Vol. 74, No. 104, pp. 26398 and 26399), and set forth the EPA's determination with respect to a public interest finding on *de minimis*. The second notice, which revised the first, was published on Monday, August 10, 2009 (FR Vol. 74, No. 152, pp. 39959 and 39960). By these waivers the EPA has also determined that imposing ARRA's Buy American requirements for the category of *de minimis* incidental components is not in the public interest.

While the authorizing statutes and funding sources for the EPA and RUS borrowers are different, the types of projects that EPA finances under its SRF program are substantially similar in size, scope and purpose as those funded by RUS and, as stated above, some projects are jointly funded by RUS and EPA. The Rural Utilities Service has decades of experience in financing water and wastewater projects in rural America and shares the EPA's rationale with respect to incidental components used in similar projects. With respect to jointly-funded projects, it is desirable to avoid disparate treatment of components based on whether or not ARRA funds come from EPA or RUS. Section 1605 should be administered consistently, both within a particular Federal agency and, to the extent possible, between agencies. Promoting consistent treatment and avoiding unnecessary delays in committing ARRA financing to projects around the country are crucial to the success of ARRA. Requiring individual waivers for incidental components would be time prohibitive and overly burdensome for applicants and RUS. The purpose of ARRA is to stimulate economic recovery by funding current infrastructure construction, not to delay projects that are ''shovel ready.'' Therefore, a *de minimis* waiver of incidental components totaling no more that 5 percent of total project costs is in the public interest.

III. Waiver

Based on the public interest finding discussed above and pursuant to Section 1605(c), USDA hereby issues a national waiver from the requirements of ARRA Section 1605 for any incidental components of the type described above that comprise in total a *de minimis* amount of the project, specifically, for any such incidental components up to a limit of no more than 5 percent of the total cost of the materials used in and incorporated into a project.

Assistance recipients who elect to use this waiver shall, in consultation with their contractors, determine the items to be covered by this waiver, retain relevant documentation as to those items in their project files, and be able to summarize in reports to RUS, if so requested, the types and/or categories of items to which this waiver is applied, the total cost of incidental components covered by the waiver for each type or category, and the calculations by which they determined the total cost of materials used in and incorporated into the project.

In using this waiver, assistance recipients must consider that there may be circumstances where there are multiple types of low-cost components which, when combined with the incidental components described above, may total more than 5 percent.

Assistance recipients in such cases will have to choose which of these incidental components will be covered by the waiver and which will not. Components that the recipient is unable to include within the 5 percent limit of this waiver must comply with the requirements of section 1605 of ARRA by appropriate means other than reliance on this waiver.

Further, as described above, in some cases RUS and EPA jointly fund projects. Both RUS and EPA have issued *de minimis* waivers that have a cap of a total of 5 percent of project costs. In the case of a jointly funded project, these waivers shall not be combined to create a waiver of greater than 5 percent of total project costs.

This supplementary information constitutes the ''detailed written justification'' required by Section 1605(c) of ARRA and Section 176.80 of the Office of Management and Budget's rules for waivers of the Buy American provisions.

Authority: Public Law 111–5, Section 1605.

Dated: September 21, 2009.

Thomas J. Vilsack,

Secretary.

[FR Doc. E9–23202 Filed 9–24–09; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Prop Canyon Watershed, Site 1 (Big Draw Dam), Cibola County, NM

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102 (2) (C) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations (40 CFR part 1500); and the Natural Resources Conservation Service Regulations (7 CFR part 650); the Natural Resources Conservation Service, U. S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Prop Canyon Watershed, Site 1, Grant County, New Mexico.

FOR FURTHER INFORMATION CONTACT: Roger Ford, State Conservation Engineer, Natural Resources Conservation Service, 6200 Jefferson Street, NE., Albuquerque, New Mexico 87109, Telephone 505–761–4430, E-mail *roger.ford@nm.usda.gov*.

SUPPLEMENTARY INFORMATION: The Environmental Assessment of the federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Dennis Alexander, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project purpose is to improve public safety by reducing the threat of dam failure. The planned works include the installation of a filter, confining berm, restoration of the original dam cross-sectional shape, and the addition of a gravel shell over the dam's slope and crest. The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency; various Federal, state, and local agencies; and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address. Basic data developed during the EA are on file and may be reviewed by contacting Roger Ford. No administrative action on implementation of the proposed action will be taken until 30 days after the date of this publication in the **Federal Register**.

Rosabeth Garcia-Sais,

State Administrative Officer.

[FR Doc. E9–23204 Filed 9–24–09; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Forest Service

Fresno County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Fresno County Resource Advisory Committee will be meeting in Prather, California on October 2l and Clovis, California on November 18th. The purpose of these meetings will be to accept project proposals for the next funding cycle as authorized under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 110–343) for expenditure of Payments to States Fresno County Title II funds.

DATES: The meetings will be held on October 21, 2009 from 6 p.m. to 8 p.m. in Prather, CA and November 18, 2009 from 6 p.m. to 8 p.m. in Clovis, CA.

ADDRESSES: The meeting on October 21st will be held at the High Sierra Ranger District, 29688 Auberry Rd. Prather, CA and the meeting on November 18th will be held at the Sierra National Forest Supervisor's Office, 1600 Tollhouse Rd. Clovis, CA. Send written comments to Robbin Ekman, Fresno County Resource Advisory Committee Coordinator, c/o Sierra National Forest, High Sierra Ranger District, 29688 Auberry Road, Prather, CA 93651 or electronically to *rekman@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Robbin Ekman, Fresno County Resource Advisory Committee Coordinator, (559) 855–5355 ext. 3341.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Committee discussion is limited to Forest Service staff and Committee members. However, persons who I wish to bring Payments to States Fresno County Title II project matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Agenda items to be covered include: (1) Accept Project Proposals, (2) Discuss Member Recruitment.

Dated: September 18, 2009.

Ray Porter,

District Ranger.

[FR Doc. E9–23036 Filed 9–24–09; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Deschutes Provincial Advisory Committee (DPAC)

AGENCY: Forest Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The Deschutes Provincial Advisory Committee will meet on October 8, 2009, to review the PAC Recommendation from the Restoration Subcommittee, Update members on Travel Management Subcommittee and the DEIS), and then visit the field on the Bend-Ft. Rock Ranger District to discuss fire in ponderosa pine ecosystems. The meeting will start at 8:30 a.m. at the Bend-Ft.Rock Ranger District at Red Oaks Square, 1230 NE 3 St, Suite A–262, Bend, Oregon in the East/West Conference Room.

Members will be updated on the Winter Recreation Sustainability Analysis. Following an Open Public Forum, members will travel to the field to have lunch and visit examples of prescribed burning. The trip is scheduled to end at 4:30 p.m. in Bend. All Deschutes Province Advisory Committee Meetings are open to the public.

FOR FURTHER INFORMATION CONTACT: Chris Mickle, Province Liaison, Crescent Ranger District, Highway 97, Crescent, Oregon 97733, Phone (541) 433–3216.

John Allen,

Deschutes National Forest Supervisor.

[FR Doc. E9–22891 Filed 9–24–09; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Alabama Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the Alabama Advisory Committee (Committee) to the Commission will convene by conference call at 1:30 p.m. and adjourn at approximately 2:30 p.m. on Thursday, November 19, 2009. The purpose of this meeting is to discuss the Committee's civil rights project.

This meeting is available to the public through the following toll-free call-in number: (866) 364–7584, conference call access code number 30830452. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and contact name Farella E. Robinson.

To ensure that the Commission secures an appropriate number of lines for the public, persons are asked to register by contacting Corrine Sanders of the Central Regional Office and TTY/TDD telephone number, by 4:00 p.m. on November 13, 2009.

Members of the public are entitled to submit written comments. The comments must be received in the regional office by December 19, 2009. The address is U.S. Commission on Civil Rights, 400 State Avenue, Suite 908, Kansas City, Kansas 66101. Comments may be e-mailed to *frobinson@usccr.gov.* Records generated by this meeting may be inspected and reproduced at the Central Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory

committee are advised to go to the Commission's Web site, *http://www.usccr.gov,* or to contact the Central Regional Office at the above e-mail or street address.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated in Washington, DC, September 22, 2009.

Peter Minarik,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. E9–23197 Filed 9–24–09; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–832]

Pure Magnesium From the People's Republic of China: Extension of Time for the Final Results of the Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* September 25, 2009.

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4243.

Background

On June 8, 2009, the Department of Commerce (''Department'') published the preliminary results of this administrative review for the period May 1, 2007 to April 30, 2008. *See Pure Magnesium from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review,* 74 FR 27090 (June 8, 2009). The final results of review are currently due on October 6, 2009.

Extension of Time Limits for the Final Results of Review

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (''Act''), requires the Department to issue final results within 120 days after the date on which the preliminary results are published. However, if it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Act allows the Department to extend the time period to a maximum of 180 days. Completion of the final results of the administrative review within the 120-day period is not practicable because the Department requires additional time to analyze information obtained at verification; issue detailed verification reports; analyze extensive surrogate value information, case and rebuttal briefs; and to hold a public hearing.

Because it is not practicable to complete this review within the time specified under the Act, we are extending the time period for issuing the final results of the administrative review to 180 days, until December 5, 2009, in accordance with section 751(a)(3)(A) of the Act. Because December 5, 2009, falls on a Saturday, the new deadline for the final results will be the next business day, Monday, December 7, 2009, pursuant to 19 CFR 351.303(b).

We are publishing this notice pursuant to sections 751(a) and 777(i) of the Act.

Dated: September 18, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9–23264 Filed 9–24–09; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

C–423–809

Stainless Steel Plate in Coils From Belgium: Extension of Time Limit for the Final Results of the Ninth Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT: Alexander Montoro at (202) 482–0238 or Mary Kolberg at (202) 482–1785; AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On June 4, 2009, the Department of Commerce (''Department'') published the preliminary results of the administrative review of the countervailing duty order on stainless steel plate in coils from Belgium, covering the period January 1, 2007, through December 31, 2007. *See Stainless Steel Plate in Coils from Belgium: Preliminary Results of Countervailing Duty Administrative Review*, 74 FR 26844 (June 4, 2009) (''*Preliminary Results*''). In the *Preliminary Results* we stated that we would issue our final results for the countervailing duty administrative review no later than 120 days after the date of publication of the *Preliminary Results (i.e.*, October 2, 2009).

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (''the Act''), requires the Department to issue the final results of an administrative review within 120 days of the publication of the *Preliminary Results*. If it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend this deadline to a maximum of 180 days.

Extension of Time Limits for Preliminary Results

The Department has determined that completion of the final results of this review within the original time period is not practicable because we issued an interim analysis of a research and development program administered by the Institute for the Promotion of Innovation by Science and Technology in Flanders on September 16, 2009, and need to allow adequate time for interested parties to file case and rebuttal briefs. *See Preliminary Results*, 74 FR at 26846. Consequently, it is not practicable to complete this review within the original 120-day time limit (*i.e.*, by October 2, 2009). Therefore, the Department is extending the time limit for completion of the final results to not later than November 2, 2009, which is 151 days from the date of publication of the *Preliminary Results*, in accordance with section 751(a)(3)(A) of the Act.

We are issuing and publishing this notice in accordance with sections 751(a) and 777(i)(1) of the Act.

Dated: September 18, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9–23260 Filed 9–24–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

A–552–801

Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Extension of Time Limits for the Preliminary Results of the New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: September 25, 2009.

FOR FURTHER INFORMATION CONTACT: Javier Barrientos, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–2243.

Background

The antidumping duty order on certain frozen fish fillets from the Socialist Republic of Vietnam (''Vietnam'') was published in the **Federal Register** on August 12, 2003. *See Notice of Antidumping Duty Order: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam*, 68 FR 47909 (August 12, 2003). On February 6, 2009, we received a timely request for a new shipper review from NTSF Seafoods Joint Stock Company (''NTSF'') in accordance with 19 CFR 351.214(c) and 351.214(d)(2). On March 24, 2009, the Department issued a notice of initiation of new shipper review of certain frozen fish fillets from Vietnam covering the period of August 1, 2008, - January 31, 2009. *See Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Initiation of Antidumping Duty New Shipper Review*, 74 FR 57058, (March 27, 2009). The preliminary results are currently due no later than September 20, 2009.

Statutory Time Limits

Section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended (the ''Act''), provides that the Department will issue the preliminary results of a new shipper review of an antidumping duty order within 180 days after the day on which the review was initiated. *See also* 19 CFR 351.214 (i)(1). The Act further provides that the Department may extend that 180–day period to 300 days if it determines that the case is extraordinarily complicated. *See also* 19 CFR 351.214 (i)(2).

Extension of Time Limit of Preliminary Results

The Department determines that this new shipper review involves extraordinarily complicated methodological issues such as the examination of importer information and the evaluation of the *bona fide* nature of NTSF's sales. In addition, the Department needs additional time to evaluate the affiliations amongst NTSF and other entities. Therefore, in accordance with section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(i)(2), the Department is extending the time limit for these preliminary results by 120 days, until no later than January 18, 2010. The final results continue to be due 90 days after the publication of the preliminary results.

We are issuing and publishing this notice in accordance with sections 751(a)(2)(B)(iv) and 777(i) of the Act.

Dated: September 17, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. E9–23261 Filed 9–24–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

A–570–890

Wooden Bedroom Furniture From the People's Republic of China: Final Results of New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: September 25, 2009.

SUMMARY: On June 30, 2009, the Department of Commerce (''Department'') published the preliminary results of the new shipper review (''NSR'') of the antidumping duty order on wooden bedroom furniture from the People's Republic of China (''PRC'') covering sales of subject merchandise made by Shanghai Fangjia Industry Co., Ltd. (''Fangjia''). *See Wooden Bedroom Furniture from the People's Republic of China: Preliminary Results of New Shipper Review*, 74 FR 31244 (June 30, 2009) (''*Preliminary Results*''). In accordance with 19 CFR 351.309(c)(ii), we gave interested parties an opportunity to comment on the *Preliminary Results* and received none. Accordingly, we have not made changes to the *Preliminary Results* and continue to determine that Fangjia has not made sales at less than normal value (''NV'').

FOR FURTHER INFORMATION CONTACT: Paul Stolz or Lori Apodaca, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4474 and (202) 482–4551, respectively.

SUPPLEMENTARY INFORMATION: We published the *Preliminary Results* for this new shipper review on June 30, 2009. In the *Preliminary Results*, the Department stated that interested parties were to submit case briefs within 30 days of publication of the *Preliminary Results* and rebuttal briefs within five days after the due date for filing case briefs. *See Preliminary Results*, at 74 FR 31249. No interested party submitted a case or rebuttal brief.

Period of Review

The period of review (''POR'') is January 1, 2008, through June 30, 2008.

Scope of the Order

The product covered by the order is wooden bedroom furniture. Wooden bedroom furniture is generally, but not exclusively, designed, manufactured, and offered for sale in coordinated groups, or bedrooms, in which all of the individual pieces are of approximately the same style and approximately the same material and/or finish. The subject merchandise is made substantially of wood products, including both solid wood and also engineered wood products made from wood particles, fibers, or other wooden materials such as plywood, strand board, particle board, and fiberboard, with or without wood veneers, wood overlays, or laminates, with or without non–wood components or trim such as metal, marble, leather, glass, plastic, or other resins, and whether or not assembled, completed, or finished.

The subject merchandise includes the following items: (1) wooden beds such as loft beds, bunk beds, and other beds; (2) wooden headboards for beds (whether stand–alone or attached to side rails), wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds; (3) night tables, night stands, dressers, commodes, bureaus, mule chests, gentlemen's chests, bachelor's chests, lingerie chests, wardrobes, vanities, chessers, chifforobes, and wardrobe–type cabinets; (4) dressers with framed glass mirrors that are attached to, incorporated in, sit on, or hang over the dresser; (5) chests–on-chests,[1]

[1] A chest-on-chest is typically a tall chest-of-drawers in two or more sections (or appearing to be in two or more sections), with one or two sections

Continued

highboys,[2] lowboys,[3] chests of drawers,[4] chests,[5] door chests,[6] chiffoniers,[7] hutches,[8] and armoires;[9] (6) desks, computer stands, filing cabinets, book cases, or writing tables that are attached to or incorporated in the subject merchandise; and (7) other bedroom furniture consistent with the above list.

The scope of the order excludes the following items: (1) seats, chairs, benches, couches, sofas, sofa beds, stools, and other seating furniture; (2) mattresses, mattress supports (including box springs), infant cribs, water beds, and futon frames; (3) office furniture, such as desks, stand–up desks, computer cabinets, filing cabinets, credenzas, and bookcases; (4) dining room or kitchen furniture such as dining tables, chairs, servers, sideboards, buffets, corner cabinets, china cabinets, and china hutches; (5) other non–bedroom furniture, such as television cabinets, cocktail tables, end tables, occasional tables, wall systems, book cases, and entertainment systems; (6) bedroom furniture made primarily of wicker, cane, osier, bamboo or rattan; (7) side rails for beds made of metal if sold separately from the headboard and footboard; (8) bedroom furniture in which bentwood parts predominate;[10] (9) jewelry armories;[11] (10) cheval mirrors;[12] (11) certain metal parts;[13] (12) mirrors that do not attach to, incorporate in, sit on, or hang over a dresser if they are not designed and marketed to be sold in conjunction with a dresser as part of a dresser–mirror set; (13) upholstered beds[14] and (14) toy boxes.[15]

Imports of subject merchandise are classified under subheading 9403.50.9040 of the HTSUS as ''wooden . . . beds'' and under subheading 9403.50.9080 of the HTSUS as ''other . . . wooden furniture of a kind used in the bedroom.'' In addition, wooden headboards for beds, wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds may also be entered under subheading 9403.50.9040 of the HTSUS as ''parts of wood'' and framed glass mirrors may also be entered under subheading 7009.92.5000 of the HTSUS as ''glass mirrors . . . framed.'' This order covers all wooden bedroom furniture meeting the above description, regardless of tariff classification. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

New Shipper Status

No party has contested the *bona fide* nature of Fangjia's sale(s) during the POR. Therefore, for these final results we find, as in the *Preliminary Results*, that the new shipper sale made by Fangjia was made on a *bona fide* basis.

Changes Since the Preliminary Results

Based on our analysis of information on the record of the instant NSR and because we did not receive comments from the interested parties, we have not made changes to the *Preliminary Results* margin calculations.

Surrogate Country

Since the *Preliminary Results*, no additional information has been placed on the record of this segment of the proceeding and no interested party has commented on the selection of the Philippines as the surrogate country. Therefore, we continue to determine that the Philippines is the appropriate surrogate country for the final results of this NSR.

Separate Rates

The Department found in the *Preliminary Results* that Fangjia demonstrated a lack of *de jure* and *de facto* government control with respect to its export activities, and preliminarily determined that it was eligible for a

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mounted (or appearing to be mounted) on a slightly larger chest; also known as a tallboy.

[2] A highboy is typically a tall chest of drawers usually composed of a base and a top section with drawers, and supported on four legs or a small chest (often 15 inches or more in height).

[3] A lowboy is typically a short chest of drawers, not more than four feet high, normally set on short legs.

[4] A chest of drawers is typically a case containing drawers for storing clothing.

[5] A chest is typically a case piece taller than it is wide featuring a series of drawers and with or without one or more doors for storing clothing. The piece can either include drawers or be designed as a large box incorporating a lid.

[6] A door chest is typically a chest with hinged doors to store clothing, whether or not containing drawers. The piece may also include shelves for televisions and other entertainment electronics.

[7] A chiffonier is typically a tall and narrow chest of drawers normally used for storing undergarments and lingerie, often with mirror(s) attached.

[8] A hutch is typically an open case of furniture with shelves that typically sits on another piece of furniture and provides storage for clothes.

[9] An armoire is typically a tall cabinet or wardrobe (typically 50 inches or taller), with doors, and with one or more drawers (either exterior below or above the doors or interior behind the doors), shelves, and/or garment rods or other apparatus for storing clothes. Bedroom armoires may also be used to hold television receivers and/or other audio-visual entertainment systems.

[10] As used herein, bentwood means solid wood made pliable. Bentwood is wood that is brought to a curved shape by bending it while made pliable with moist heat or other agency and then set by cooling or drying. *See* Customs' Headquarters' Ruling Letter 043859, dated May 17, 1976.

[11] Any armoire, cabinet or other accent item for the purpose of storing jewelry, not to exceed 24″ in width, 18″ in depth, and 49″ in height, including a minimum of 5 lined drawers lined with felt or felt-like material, at least one side door (whether or not the door is lined with felt or felt-like material), with necklace hangers, and a flip-top lid with inset mirror. *See* Issues and Decision Memorandum from Laurel LaCivita to Laurie Parkhill, Office Director, Concerning Jewelry Armoires and Cheval Mirrors in the Antidumping Duty Investigation of Wooden Bedroom Furniture from the People's Republic of China, dated August 31, 2004. *See also Wooden Bedroom Furniture from the People's Republic of China: Notice of Final Results of Changed Circumstances Review and Revocation in Part*, 71 FR 38621 (July 7, 2006).

[12] Cheval mirrors are any framed, tiltable mirror with a height in excess of 50″ that is mounted on a floor-standing, hinged base. Additionally, the scope of the order excludes combination cheval mirror/jewelry cabinets. The excluded merchandise is an integrated piece consisting of a cheval mirror, *i.e.*, a framed tiltable mirror with a height in excess of 50 inches, mounted on a floor-standing, hinged base, the cheval mirror serving as a door to a cabinet back that is integral to the structure of the mirror and which constitutes a jewelry cabinet line with fabric, having necklace and bracelet hooks, mountings for rings and shelves, with or iwthout a owrking lock and key to secure the contents of the jewelry cabinet back to the cheval mirror, and no drawers anywhere on the integrated piece. The fully assembled piece must be at least 50 inches in height, 14.5 inches in width, and 3 inches in depth. *See Wooden Bedroom Furniture From the People's Republic of China: Final Results of Changed Circumstances Review and Determination to Revoke Order in Part*, 72 FR 948 (January 9, 2007).

[13] Metal furniture parts and unfinished furniture parts made of wood products (as defined above) that are not otherwise specifically named in this scope (*i.e.*, wooden headboards for beds, wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds) and that do not possess the essential character of wooden bedroom furniture in an unassembled, incomplete, or unfinished form. Such parts are usually classified under the Harmonized Tariff Schedule of the United States (''HTSUS'') subheading 9403.90.7000.

[14] Upholstered beds that are completely upholstered, *i.e.*, containing filling material and completely covered in sewn genuine leather, synthetic leather, or natural or synthetic decorative fabric. To be excluded, the entire bed (headboards, footboards, and side rails) must be upholstered except for bed feet, which may be of wood, metal, or any other material and which are no more than nine inches in height from the floor. *See Wooden Bedroom Furniture from the People's Republic of China: Final Results of Changed Circumstances Review and Determination to Revoke Order in Part*, 72 FR 7013 (February 14, 2007).

[15] To be excluded the toy box must: (1) Be wider than it is tall; (2) have dimensions within 16 inches to 27 inches in height, 15 inches to 18 inches in depth, and 21 inches to 30 inches in width; (3) have a hinged lid that encompasses the entire top of the box; (4) not incorporate any doors or drawers; (5) have slow-closing safety hinges; (6) have air vents; (7) have no locking mechanism; and (8) comply with American Society for Testing and Materials (ASTM) standard F963-03. Toy boxes are boxes generally designed for the purpose of storing children's items such as toys, books, and playthings. *See Wooden Bedroom Furniture from the People's Republic of China: Final Results of Changed Circumstances Review and Determination to Revoke Order in Part*, 74 FR 8506 (February 25, 2009). Further, as determined in the scope ruling memorandum ''Wooden Bedroom Furniture from the People's Republic of China: Scope Ruling on a White Toy Box,'' dated July 6, 2009, the dimensional ranges used to identify the toy boxes that are excluded from the wooden bedroom furniture order apply to the box itself rather than the lid.

separate rate. *See Preliminary Results*, at 74 FR at 31247. No information has been placed on the record of this segment of the proceeding since the *Preliminary Results* to contradict our preliminary separate–rate determination. Therefore, for the final results, we continue to determine that Fangjia is eligible for a separate rate.

Final Results of the New Shipper Review

The Department has determined that the following final dumping margin exists for the period January 1, 2008, through June 30, 2008:

WOODEN BEDROOM FURNITURE FROM THE PRC

Exporter/Producer	Weighted–Average Margin (Percent)
Shanghai Fangjia Industry Co., Ltd./Jiangsu Danyang Brilliant Furniture Co., Ltd.	0.00

Assessment

The Department will determine, and U.S. Customs and Border Protection (''CBP'') shall assess, antidumping duties on all appropriate entries. For importers/customers of the respondent where the respondent did not report entered values, we have calculated importer/customer–specific antidumping duty assessment amounts based on the ratio of the total amount of antidumping duties calculated for the examined sales of subject merchandise to the total quantity of subject merchandise sold in those transactions. For importers/customers of the respondent where the respondent reported entered values, we have calculated an *ad valorem* rate for that importer/customer by dividing the total amount of antidumping duties calculated in the examined sales of subject merchandise by the total entered value of those transactions. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of NSR.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of these final results of NSR for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: 1) for the exporter/producer combination listed above, the cash deposit rate will be the rates shown for these companies; 2) for previously investigated or reviewed PRC and non–PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter–specific rate or combination rate published for the most recent period; 3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC–wide rate of 216.01 percent; and 4) for all non–PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporters that supplied that non–PRC exporter. These deposit requirements shall remain in effect until further notice.

Notification of Interested Parties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (''APOs'') of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Disclosure

We will disclose the calculations performed for these final results within five days of the date of publication of this notice to interested parties in accordance with 19 CFR 351.224(b).

We are issuing and publishing these final results and notice in accordance with sections 751(a)(2)(B), 751(a)(2)(C), and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: September 16, 2009.

Carole A. Showers,

Acting Deputy Assistant Secretary for Policy and Negotiations.

[FR Doc. E9–23234 Filed 9–24–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

A–570–909

Certain Steel Nails From the People's Republic of China: Initiation of Antidumping Duty New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: September 25, 2009.

SUMMARY: The Department of Commerce (''Department'') has determined that a request for a new shipper review of the antidumping duty order on certain steel nails from the People's Republic of China (''PRC''), received on August 24, 2009, meets the statutory and regulatory requirements for initiation. The period of review (''POR'') of this new shipper review is January 23, 2008, - July 31, 2009.

FOR FURTHER INFORMATION CONTACT: Matthew Renkey, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–2312.

SUPPLEMENTARY INFORMATION:

Background

The antidumping duty order on certain steel nails from the PRC was published in the **Federal Register** on August 1, 2008. *See Notice of Antidumping Duty Order: Certain Steel Nails From the People's Republic of China*, 73 FR 44961 (August 1, 2008) (''*Order*''). On August 24, 2009, we received a timely request for a new shipper review from Maanshan Leader Metal Products Co., Ltd. (''Maanshan Leader'') in accordance with 19 CFR 351.214(c) and 351.214(d)(2). Maanshan Leader has certified that it is both the producer and exporter of the subject merchandise upon which the request for the new shipper review is based.

Initiation of New Shipper Review

Pursuant to section 751(a)(2)(B)(i)(I) of the Tariff Act of 1930, as amended (''Act''), and 19 CFR 351.214(b)(2)(i), Maanshan Leader certified that it did not export certain steel nails to the

United States during the period of investigation (''POI''). Pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), Maanshan Leader certified that, since the initiation of the investigation, it has never been affiliated with any exporter or producer who exported certain steel nails to the United States during the POI, including those not individually examined during the investigation. As required by 19 CFR 351.214(b)(2)(iii)(B), Maanshan Leader has also certified that its export activities are not controlled by the central government of the PRC.

In addition to the certifications described above, Maanshan Leader submitted documentation establishing the following: (1) the date on which it first shipped certain steel nails for export to the United States and the date on which the certain steel nails first entered, or withdrawn from warehouse, for consumption; (2) the volume of its first shipment; and (3) the date of its first sales to an unaffiliated customer in the United States.

Pursuant to section 751(a)(2)(B)(ii) of the Act and 19 CFR 351.214(d)(1), we are initiating this new shipper review for shipments of certain steel nails from the PRC produced and exported by Maanshan Leader.

We intend to issue preliminary results of this review no later than 180 days from the date of initiation, and final results of these reviews no later than 270 days from the date of initiation. *See* section 751(a)(2)(B)(iv) of the Act.

We will instruct U.S. Customs and Border Protection to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the subject merchandise from Maanshan Leader in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e). Because Maanshan Leader certified that it both produced and exported the subject merchandise, the sale of which is the basis for this new shipper review request, we will apply the bonding privilege to Maanshan Leader only for subject merchandise which Maanshan Leader both produced and exported.

Interested parties requiring access to proprietary information in this new shipper review should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306. This initiation and notice are in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: September 21, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9–23246 Filed 9–24–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

A–552–801

Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Initiation of New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: September 25, 2009.

SUMMARY: The Department of Commerce (''Department'') has determined that a request for a new shipper review of the antidumping duty order on certain frozen fish fillets from the Socialist Republic of Vietnam, received on July 31, 2009, meets the statutory and regulatory requirements for initiation. The period of review (''POR'') of this new shipper review is August 1, 2008, - July 31, 2009.

FOR FURTHER INFORMATION CONTACT: Javier Barrientos AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–2243.

SUPPLEMENTARY INFORMATION:

Background

The antidumping duty order on certain frozen fish fillets from the Socialist Republic of Vietnam was published in the **Federal Register** on August 12, 2003. *See Notice of Antidumping Duty Order: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam*, 68 FR 47909 (August 12, 2003). On July 31, 2009, we received a timely request for a new shipper review from CUU Long Fish Joint Stock Company (''CL–Fish'') in accordance with 19 CFR 351.214(c) and 351.214(d)(2). CL–Fish has certified that it is both the producer and exporter of the subject merchandise upon which the request for the new shipper review is based.

Initiation of New Shipper Reviews

Pursuant to section 751(a)(2)(B)(i)(I) of the Tariff Act of 1930, as amended (''Act''), and 19 CFR 351.214(b)(2), CL–Fish certified that it did not export certain frozen fish fillets to the United States during the period of investigation (''POI''). Pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), CL–Fish certified that, since the initiation of the less–than-fair–value investigation, it has never been affiliated with any exporter or producer who exported certain frozen fish fillets to the United States during the POI, including those not individually examined during the less–than-fair–value investigation. As required by 19 CFR 351.214(b)(2)(iii)(B), CL–Fish has also certified that its export activities are not controlled by the central government of Vietnam.

In addition to the certifications described above, CL–Fish submitted documentation establishing the following: (1) the date on which it first shipped certain frozen fish fillets for export to the United States and the date on which the certain frozen fish fillets first entered, or withdrawn from warehouse, for consumption; (2) the volume of its first shipment; and (3) the date of its first sales to an unaffiliated customer in the United States.

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(d)(1), we are initiating this new shipper review for shipments of certain frozen fish fillets from Vietnam produced and exported by CL–Fish.

We intend to issue preliminary results of this review no later than 180 days from the date of initiation, and final results of these reviews no later than 270 days from the date of initiation. *See* section 751(a)(2)(B)(iv) of the Act.

We will instruct the United States Customs and Border Protection (''CBP'') to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the subject merchandise from CL–Fish in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e). Because CL–Fish certified that it both produced and exported the subject merchandise, the sale of which is the basis for this new shipper review request, we will apply the bonding privilege to CL–Fish only for subject merchandise which the respondent both produced and exported.

Interested parties requiring access to proprietary information in this new shipper review should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306. This initiation and notice are in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: September 17, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. E9–23258 Filed 9–24–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XR83

Marine Mammals; File No. 358–1787

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; receipt of application for permit amendment.

SUMMARY: Notice is hereby given that the Alaska Department of Fish and Game, Division of Wildlife Conservation, 1255 West 8th Street, Juneau, AK 99802 (Principal Investigator: Robert Small, Ph.D.), has applied for an amendment to Scientific Research Permit No. 358–1787–01.

DATES: Written, telefaxed, or e-mail comments must be received on or before October 26, 2009.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the Features box on the Applications and Permits for Protected Species home page, *https://apps.nmfs.noaa.gov*, and then selecting File No. 358–1787 from the list of available applications.

These documents are also available upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)713–0376; and

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668; phone (907)586–7221; fax (907)586–7249.

Written comments on this application should be submitted to the Chief, Permits, Conservation and Education Division, at the address listed above. Comments may also be submitted by facsimile to (301)713–0376, or by email to *NMFS.Pr1Comments@noaa.gov*. Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits, Conservation and Education Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Tammy Adams or Amy Sloan, (301)713–2289.

SUPPLEMENTARY INFORMATION: The subject amendment is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Permit No. 358–1787, issued on March 10, 2006 (71 FR 14503; March 22, 2006), authorizes the permit holder to conduct surveys of, capture of, tissue sampling of, and attachment of tags and scientific instruments to harbor seals (*Phoca vitulina*), spotted seals (*P. largha*), ringed seals (*P. hispida*), ribbon seals (*P. fasciata*), and bearded seals (*Erignathus barbatus*) in Alaska. The purpose of the permitted research is to allow studies to describe the ecology and behavior of these pinnipeds in Alaska. The permit was modified on June 12, 2006, by minor amendment (Permit No. 358–1787–01) to extend the expiration date to December 31, 2011, and adjust the annual reporting period to accommodate the timing of field seasons. A second minor amendment (Permit No. 358–1787–02) was issued on April 4, 2008, to include within the existing allowance for incidental harassment ''planned vessel approaches'' of harbor seals that have been instrumented with heart-rate monitors and time-depth recorders. That minor amendment did not result in takes of more harbor seals than were already permitted; and the objective was to examine the potential effects of vessel traffic on the metabolic rate and energetic budgets of harbor seals.

The permit holder now requests to increase the number of ringed, bearded, spotted, and ribbon seals that may be captured, from 50 per year to 100 per year, to allow for selection of animals of specific age, sex, and molt condition. For these four species, the holder also requests to include permission to (1) administer diazepam as needed to sedate seals acting aggressively, (2) pull a whisker for stable isotope analyses of diet; and (3) include using a dip net from a boat as an additional capture method. The amendment would be valid for the duration of the permit, which expires on December 31, 2011.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: September 21, 2009.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E9–23249 Filed 9–24–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XR65

Advisory Committee to the U.S. Section to the International Commission for the Conservation of Atlantic Tunas; Second Fall Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: In preparation for the 2009 ICCAT meeting, the Advisory Committee to the U.S. Section to International Commission for the Conservation of Atlantic Tunas (ICCAT) will convene its second and final fall meeting in October 2009.

DATES: The meeting will be held October 15–16, 2009. There will be an open session the morning of Thursday, October 15, 2009, from 9 a.m. to 1 p.m. The remainder of the meeting will be closed to the public. Oral and written comments can be presented during the public comment session on October 15, 2009. Written comments on issues being considered at the meeting should be received no later than October 8, 2009.

ADDRESSES: The meeting will be held at the Hilton Hotel, 8727 Colesville Road, Silver Spring, MD 20910. Written comments should be sent to Melanie King at NOAA Fisheries, Office of International Affairs, Room 12641, 1315 East-West Highway, Silver Spring, MD 20910. Written comments can also be provided via fax (301–713–2313) or email (*melanie.king@noaa.gov*).

FOR FURTHER INFORMATION CONTACT: Melanie King, (301) 713–9090.

SUPPLEMENTARY INFORMATION: The Advisory Committee to the U.S. Section to ICCAT will meet in open session on October 15, 2009. The Advisory

Committee will receive and consider management and scientific information concerning highly migratory species, including the management recommendations of ICCAT's Standing Committee on Research and Statistics and an overview of implementation of the Committee's species working group recommendations. There will be an opportunity for oral public comment during the October 15, 2009, open session and the submission of written comments during that session is welcome. Written comments may also be submitted in advance by mail, fax, or email. Written comments submitted in advance should be received by October 8, 2009 (see **ADDRESSES**).

During its second fall meeting, the Advisory Committee will also meet in two executive sessions to discuss sensitive information relating to upcoming international negotiations regarding the conservation and management of Atlantic highly migratory species, including monitoring, control, and compliance matters and non-member fishing issues. These sessions are closed to the public. The first executive session will be held from 2 p.m. to 5:30 p.m. on October 15, 2009, and the second executive session will be held from 9 a.m. to 12:45 p.m. on October 16, 2009.

NMFS expects members of the public to conduct themselves appropriately for the duration of the meeting. At the beginning of the public comment session, an explanation of the ground rules will be provided (e.g., alcohol in the meeting room is prohibited, speakers will be called to give their comments in the order in which they registered to speak, each speaker will have an equal amount of time to speak, and speakers should not interrupt one another). The session will be structured so that all attending members of the public are able to comment, if they so choose, regardless of the degree of controversy of the subject(s). Those not respecting the ground rules will be asked to leave the meeting.

Special Accommodations

The meeting location is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Melanie King at (301) 713–9090 at least five days prior to the meeting date.

Dated: September 22, 2009.

Rebecca J. Lent,

Director, Office of International Affairs, National Marine Fisheries Service.

[FR Doc. E9–23251 Filed 9–24–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Announcing a Meeting of the Information Security and Privacy Advisory Board

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Meeting notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the Information Security and Privacy Advisory Board (ISPAB) will meet Wednesday, October 7, 2009, from 9 a.m. until 4 p.m. All sessions will be open to the public. The ISPAB was established by the Computer Security Act of 1987 (Pub. L. 100–235) and amended by the Federal Information Security Management Act of 2002 (Pub. L. 107–347) to advise the Secretary of Commerce and the Director of NIST on security and privacy issues pertaining to federal computer systems. Details regarding the ISPAB's activities are available at *http://csrc.nist.gov/groups/SMA/ispab/index.html/.*

DATES: The meeting will be held on October 7, 2009, from 9 a.m. until 4 p.m.

ADDRESSES: The meeting will take place at NTSB Board Room/Conference Center, located at 429 L'Enfant Plaza, SW., Washington, DC 20024, on October 7, 2009.

FOR FURTHER INFORMATION CONTACT: Ms. Pauline Bowen, ISPAB Secretariat, Information Technology Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8930, Gaithersburg, MD 20899–8930, telephone: (301) 975–2938.

SUPPLEMENTARY INFORMATION:

Agenda

—Board Discussion.
—Public Participation.
—Board Discussion.
—NIST ITL Future Directions.

Note that agenda items may change without notice because of possible unexpected schedule conflicts of presenters. The final agenda will be posted on the website indicated above.

Public Participation: The ISPAB agenda will include a period of time, not to exceed thirty minutes, for oral comments from the public (Wednesday, October 7, 2009, at 10:30–11 a.m.). Each speaker will be limited to five minutes. Members of the public who are interested in speaking are asked to contact the ISPAB Secretariat at the telephone number indicated above. In addition, written statements are invited and may be submitted to the ISPAB at any time. Written statements should be directed to the ISPAB Secretariat, Information Technology Laboratory, 100 Bureau Drive, Stop 8930, National Institute of Standards and Technology, Gaithersburg, MD 20899–8930. Approximately 15 seats will be available for the public and media on October 7, 2009.

Dated: September 17, 2009.

Patrick Gallagher,

Deputy Director.

[FR Doc. E9–23237 Filed 9–24–09; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

Economics and Statistics Administration

Bureau of Economic Analysis Advisory Committee; Notice of Public Meeting

AGENCY: Bureau of Economic Analysis, Economics and Statistics Administration, Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463 as amended by Pub. L. 94–409, Pub. L. 96–523, Pub. L. 97–375 and Pub. L. 105–153), we are announcing a meeting of the Bureau of Economic Analysis Advisory Committee. The meeting will address ways in which the national economic accounts can be presented more effectively for current economic analysis and recent statistical developments in national accounting.

DATES: Friday, November 6, 2009, the meeting will begin at 9 a.m. and adjourn at 3:30 p.m.

ADDRESSES: The meeting will take place at the Bureau of Economic Analysis at 1441 L St., NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jeffrey Newman, Media and Outreach Lead, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; telephone number: (202) 606–9265.

Public Participation: This meeting is open to the public. Because of security procedures, anyone planning to attend the meeting must contact Jeffrey Newman of BEA at (202) 606–9265 in advance. The meeting is physically accessible to people with disabilities. Requests for foreign language interpretation or other auxiliary aids should be directed to Jeffrey Newman at (202) 606–9265.

SUPPLEMENTARY INFORMATION: The Committee was established September 2, 1999. The Committee advises the

Director of BEA on matters related to the development and improvement of BEA's national, regional, industry, and international economic accounts, especially in areas of new and rapidly growing economic activities arising from innovative and advancing technologies, and provides recommendations from the perspectives of the economics profession, business, and government. This will be the Committee's twentieth meeting.

Dated: September 14, 2009.

Rosemary D. Marcuss,

Deputy Director, Bureau of Economic Analysis.

[FR Doc. E9–23069 Filed 9–24–09; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XR82

Catch Share Workshop; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (NEFMC) will hold a Catch Share Workshop for Council members, staff, its Advisory Panel Chairmen, the Science and Statistical Committee Chairman and Mid-Atlantic Council members. The intent of this meeting is to share information and concerns about the use of catch shares in NEFMC managed fisheries; help decision makers learn from successes, failures and challenges in other regions and place catch shares in context with what has already been approved in New England with an eye toward future direction and action.

DATES: The workshop will be held on October 20 and October 21, 2009. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The workshop will be held at the Mount Washington Resort, 310 Mount Washington Road, Route 302, Bretton Woods, NH 03575; telephone: (603) 278–8854; fax: (603) 278–7907.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The workshop will begin at 9 a.m. on Tuesday, October 20, 2009 and recess at 5 p.m., or when business is complete; reconvene at 8:30 a.m. on Wednesday, October 21, 2009 and recess at 5 p.m., or when business is complete.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 22, 2009.

William D. Chappell,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E9–23210 Filed 9–24–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 09–50]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(h)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 09–50 with attached transmittal, and policy justification.

Dated: September 15, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

SEP 8 2009

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515-6501

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 09-50, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Singapore for defense articles and services estimated to cost $250 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Beth M. McCormick

Beth M. McCormick
Deputy Director

Enclosures:
1. **Transmittal**
2. **Policy Justification**

Same ltr to:

House	Senate
Committee on Foreign Affairs	Committee on Foreign Relations
Committee on Armed Services	Committee on Armed Services
Committee on Appropriations	Committee on Appropriations

Transmittal No. 09-50

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) **Prospective Purchaser:** Singapore

(ii) **Total Estimated Value:**

Major Defense Equipment*	$ 0 million
Other	$250 million
TOTAL	$250 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** continuation of the Continental United States (CONUS) pilot proficiency training program for PEACE CARVIN II and munitions, services and support for F-16C/D aircraft which includes: 35,000 20mm cartridges, aircraft modification kits, maintenance, participation in joint training exercises, fuel and fueling services, supply support, flight training, spare and repair parts, support equipment, program support, publications and technical documentation, personnel training and training equipment, U.S. government and contractor engineering, technical, and logistics support services, and other related elements of logistical and program support.

(iv) **Military Department:** Air Force (NCY)

(v) **Prior Related Cases, if any:**
FMS case NCV - $68 million – 01Oct03
FMS case NCX - $104 million - 20Sep06

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** None

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** None

(viii) **Date Report Delivered to Congress:** SEP 8 2009

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Singapore – F-16 Pilot Training and Logistics Support

The Government of Singapore has requested a possible sale for the continuation of the Continental United States (CONUS) pilot proficiency training program for PEACE CARVIN II and munitions, services and support for F-16C/D aircraft which includes: 35,000 20mm cartridges, aircraft modification kits, maintenance, participation in joint training exercises, fuel and fueling services, supply support, flight training, spare and repair parts, support equipment, program support, publications and technical documentation, personnel training and training equipment, U.S. government and contractor engineering, technical, and logistics support services, and other related elements of logistical and program support. The estimated cost is $250 million.

This proposed sale will contribute to the foreign policy and national security of the U.S. by helping to improve the security of a critical regional partner which has been, and continues to be, an important force for economic progress in Southeast Asia. This proposed sale will help augment the Republic of Singapore's self-defense capability and will ensure interoperability with U.S. forces for coalition operations. Singapore is a firm supporter of U.S. overseas contingency operations.

Singapore needs these munitions, services and equipment to continue a long-term pilot proficiency-training program at Luke Air Force Base, Arizona. This program will enable Singapore to develop mission-ready and experienced pilots through its CONUS training program to support Singapore's current and future F-16 aircraft inventory. The long-term pilot training program in CONUS continues a professional interaction and enhances operational interoperability with U.S. forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

There is no prime contractor involved in this program. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Singapore.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. E9–22942 Filed 9–24–09; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 09–32]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 09–32 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: September 15, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

SEP 8 2009

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515-6501

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 09-32, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the Hashemite Kingdom of Jordan for defense articles and services estimated to cost $220 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Jeffrey A. Wieringa
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified Document Provided Under Separate Cover)

Same ltr to:

House	Senate
Committee on Foreign Affairs	Committee on Foreign Relations
Committee on Armed Services	Committee on Armed Services
Committee on Appropriations	Committee on Appropriations

Transmittal No. 09-32

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) **Prospective Purchaser:** Jordan

(ii) **Total Estimated Value:**

Major Defense Equipment*	$143 million
Other	$ 77 million
TOTAL	$220 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** 12 M142 High-Mobility Artillery Rocket Systems (HIMARS); 72 M31 Unitary Guided Multiple Launch Rocket Systems (GMLRS) Rocket Pods; 36 Multiple Launcher Rocket Systems (MLRS) Practice Rocket Pods; 12 M1084A1P2 Family of Medium Tactical Vehicle Trucks (FMTV); 1 Advanced Field Artillery Tactical Data System (AFATDS); 3 M108A1P2 Wreckers; 3 M1151A1 High-Mobility Multipurpose Wheeled Vehicles (HMMWVs); 27 AN/VRC-92E Single Channel Ground and Airborne Radio Systems (SINCGARS); and 18 AN/VRC-90E SINCGARS. Also included are support equipment, communications equipment, spare and repair parts, test sets, batteries, laptop computers, publications and technical data, facility design, personnel training and equipment, systems integration support, U.S. Government and contractor engineering and logistics personnel services, and other related elements of logistics support.

(iv) **Military Department:** Army (WYB)

(v) **Prior Related Cases, if any:** none

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** none

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** See Annex attached.

(viii) **Date Report Delivered to Congress:** SEP 8 2009

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Jordan – HIMARS, GMLRS, AFATDS, SINCGARS

The Hashemite Kingdom of Jordan has requested a possible sale of 12 M142 High-Mobility Artillery Rocket Systems (HIMARS) Launchers; 72 M31 Unitary Guided Multiple Launch Rocket Systems (GMLRS) Rocket Pods; 36 Multiple Launcher Rocket Systems (MLRS) Practice Rocket Pods; 12 M1084A1P2 Family of Medium Tactical Vehicle Trucks (FMTV); 1 Advanced Field Artillery Tactical Data System (AFATDS); 3 M108A1P2 Wreckers; 3 M1151A1 High-Mobility Multipurpose Wheeled Vehicles (HMMWVs); 27 AN/VRC-92E Single Channel Ground and Airborne Radio Systems (SINCGARS); and 18 AN/VRC-90E SINCGARS. Also included are support equipment, communications equipment, spare and repair parts, test sets, batteries, laptop computers, publications and technical data, facility design, personnel training and equipment, systems integration support, U.S. Government and contractor engineering and logistics personnel services, and other related elements of logistics support. The estimated cost is $220 million.

This proposed sale will contribute to the foreign policy and national security of the U.S. by helping to improve the security of a friendly country that has been and continues to be an important force for political stability and economic progress in the Middle East.

Jordan will use the above noted systems for its national security and protecting its borders. The upgrade will provide Jordan Armed Forces (JAF) a long-range precision artillery support capability that will significantly improve U.S.-JAF interoperability and provide for the defense of vital installations. Jordan will have no difficulty absorbing and integrating this system into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be: Lockheed Martin Missile and Fire Control in Dallas, Texas, BAE Systems in Sealy, Texas, ITT in Fort Wayne, IN, and Raytheon in Fort Wayne, IN. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this sale will require the assignment of up to five contractor representatives to Jordan for a period of 14 days to assist in the delivery and deployment of the HIMARS.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 09-32

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The High Mobility Artillery Rocket System (HIMARS) is a highly mobile, all-weather indirect area fire artillery system. The HIMARS mission is to supplement cannon artillery to deliver a large volume of firepower within a short time against critical time-sensitive targets. At shorter ranges, HIMARS complements tube artillery with heavy barrages against assaulting forces as well as in the counter-fire, or defense suppression roles.

2. The Global Positioning System Precise Positioning Service (GPS PPS) component of the HIMARS munitions (Guided Multiple Launch Rocket Systems (GMLRS) and ATACMS) is also contained in the Fire Direction System, is classified Secret, and is considered sensitive. To that end, no GPS PPS design information, including GPS software algorithms, will be disclosed in the course of this proposed sale to Jordan. Susceptibility of GMLRS to diversion or exploitation is considered low risk. The GMLRS employs an inertial navigational system that is aided by a Selective Availability Anti-Spoofing Module (SAASM) equipped GPS receiver.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software, the information could be used to develop countermeasures, which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

[FR Doc. E9–22950 Filed 9–24–09; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 09–51]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 09–51 with attached transmittal, and policy justification.

Dated: September 15, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

SEP 8 2009

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515-6501

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 09-51, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Singapore for defense articles and services estimated to cost $75 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Beth M. McCormick

Beth M. McCormick
Deputy Director

Enclosures:
1. Transmittal
2. Policy Justification

Same ltr to:

House
Committee on Foreign Affairs
Committee on Armed Services
Committee on Appropriations

Senate
Committee on Foreign Relations
Committee on Armed Services
Committee on Appropriations

Transmittal No. 09-51

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) **Prospective Purchaser:** Singapore

(ii) **Total Estimated Value:**

Major Defense Equipment*	$ 0 million
Other	$ 75 million
TOTAL	$ 75 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** Continental United States (CONUS) pilot proficiency training program at Springfield Air National Guard Base, Ohio with U.S.A.F. leased F-16 aircraft. Also included: services and support, training munitions, maintenance, fuel and fueling services, supply support, flight training, spare and repair parts, support equipment, program support, publications and technical documentation, personnel training and training equipment, U.S. government and contractor engineering, technical, and logistics support services, and other related elements of logistical and program support.

(iv) **Military Department:** Air Force (NZA)

(v) **Prior Related Cases, if any:** None

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** None

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** None

(viii) **Date Report Delivered to Congress:** SEP 8 2009

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Singapore – F-16 Pilot Training and Logistics Support

The Government of Singapore has requested a possible sale of a Continental United States (CONUS) pilot proficiency training program at Springfield Air National Guard Base (ANGB), Ohio with U.S.A.F. leased F-16 aircraft. Also included: services and support, training munitions, maintenance, fuel and fueling services, supply support, flight training, spare and repair parts, support equipment, program support, publications and technical documentation, personnel training and training equipment, U.S. government and contractor engineering, technical, and logistics support services, and other related elements of logistical and program support. The estimated cost is $75 million.

This proposed sale will contribute to the foreign policy and national security of the U.S. by helping to improve the security of a critical regional partner which has been, and continues to be, an important force for economic progress in Southeast Asia. This proposed sale will help augment the Republic of Singapore's self-defense capability and will ensure interoperability with U.S. forces coalition operations. Singapore is a firm supporter of U.S. overseas contingency operations.

Singapore needs these training munitions, services and equipment to continue to train its F-16 pilots in a well-established pilot proficiency-training program at Springfield ANGB, Ohio. This program will enable Singapore to develop mission-ready and experienced pilots through a CONUS training program to support Singapore's current and future F-16 aircraft inventory. The long-term pilot training program in CONUS continues a professional interaction and enhances operational interoperability with U.S. forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

There is no prime contractor involved in this program. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Singapore.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. E9–22945 Filed 9–24–09; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 09–47]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 09–47 with attached transmittal, and policy justification.

Dated: September 15, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

SEP 8 2009

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515-6501

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 09-47, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Ghana for defense articles and services estimated to cost $680 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Beth M. McCormick

Beth M. McCormick
Deputy Director

Enclosures:
1. **Transmittal**
2. **Policy Justification**

Same ltr to:

House	Senate
Committee on Foreign Affairs	Committee on Foreign Relations
Committee on Armed Services	Committee on Armed Services
Committee on Appropriations	Committee on Appropriations

Transmittal No. 09-47

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) **Prospective Purchaser:** Ghana

(ii) **Total Estimated Value:**

Major Defense Equipment*	$280 Million
Other	$400 Million
TOTAL	$680 Million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** 4 C-27J Joint Cargo aircraft, 10 AE-2100 engines, 4 AN/ALE-47 Countermeasures Dispensing Systems, 4 AN/ARC-210 Very High Frequency/Ultra High Frequency (VHF/UHF) Multimode Integrated Communication Systems without COMSEC, 4 AN/APX-119 Identification Friend or Foe Digital Transponders with mode 1,2,3a,3c, commercial GPS navigation, VIP module and observation windows, spare and repair parts, support and test equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering, technical and logistics support services, and other related elements of logistical and program support.

(iv) **Military Department:** Air Force (SAB)

(v) **Prior Related Cases, if any:** None.

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** None

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** None.

(viii) **Date Report Delivered to Congress:** SEP 8 2009

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

The Government of Ghana – C-27J Aircraft and Related Support

The Government of Ghana has requested a possible sale of 4 C-27J Joint Cargo aircraft, 10 AE-2100 engines, 4 AN/ALE-47 Countermeasures Dispensing Systems, 4 AN/ARC-210 Very High Frequency/Ultra High Frequency (VHF/UHF) Multimode Integrated Communication Systems without COMSEC, 4 AN/APX-119 Identification Friend or Foe Digital Transponders with mode 1,2,3a,3c, commercial GPS navigation, VIP module and observation windows, spare and repair parts, support and test equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering, technical and logistics support services, and other related elements of logistical and program support. The estimated cost is $680 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a U.S. Government partner which has been, and continues to be, an important force for political stability and democracy in Africa.

The proposed sale will allow Ghana to strengthen its homeland defense by improving its capability to deploy troops to protect its borders against turmoil spreading from neighboring countries. These aircraft will enhance Ghana's ability to participate in peacekeeping operations by increasing its cargo, material, and troop transport, maritime patrol, tactical operations, and medical evacuation capabilities.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be L-3 Communications Integrated Systems of Greenville, TX. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require up to 14 U.S. government and contractor representatives to participate in bi-annual Program Management Reviews (PMR) in Ghana and the U.S.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. E9–22948 Filed 9–24–09; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 09–44]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 09–44 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: September 15, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

SEP 8 2009

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515-6501

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 09-44, concerning the Department of the Army's proposed Letters(s) of Offer and Acceptance to Turkey for defense articles and services estimated to cost $7.8 billion. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

You will also find attached a certification as required by Section 620C(d) of the Foreign Assistance Act of 1961, as amended, that this action is consistent with the principles set forth in subsection 620C(b) of that Act as codified in section 2373 of title 22, United States Code.

Sincerely,

Beth M. McCormick

Beth M. McCormick
Deputy Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Section 620C(d)

Same ltr to:

House	Senate
Committee on Foreign Affairs	Committee on Foreign Relations
Committee on Armed Services	Committee on Armed Services
Committee on Appropriations	Committee on Appropriations

Transmittal No. 09-44

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) **Prospective Purchaser:** Turkey

(ii) **Total Estimated Value:**

Major Defense Equipment*	$4.6 billion
Other	$3.2 billion
TOTAL	$7.8 billion

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** 13 PATRIOT Fire Units, 72 PATRIOT Advanced Capability (PAC-3) missiles, 4 PAC-3 Lot Validation Missiles, 197 MIM-104E PATRIOT Guidance Enhanced Missiles-T (GEM-T), 4 MIM-104E GEM-T Lot Validation Missiles, PATRIOT Digital Missiles, 5 Anti-Tactical Missiles, 8 AN/USQ-140(V)(2)(c) (RT-1785) or AN/USQ-140(V)(11)(c) Multifunctional Information Distribution Systems/Low Volume Terminals (MIDS/LVT-2),13 AN/MPQ-65 Radar Sets, 4 Tactical Command Systems, 13 Battery Command Posts, 6 Communication Relay Groups, 13 Engagement Control Stations, 48 M902 Launching Stations, 52 Antenna Mast Groups, 13 Electronic Power Plant III (EPP), 100 THALES 9310C Very High Frequency (VHF) Voice Radios, 150 THALES 9310C VHF Data Radios, containers, battery and battalion maintenance equipment, prime movers, generators, electrical power units, personnel training and training equipment, trailers, communication equipment, tool and test sets, spare and repair parts, publications and technical documentation, U.S. Government and contractor technical, engineering, and logistics support services, and other related elements of logistics support.

(iv) **Military Department:** Army (VCP)

(v) **Prior Related Cases, if any:** none

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** None.

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** See Annex Attached.

(viii) **Date Report Delivered to Congress:** SEP 08 2009

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

TURKEY - PATRIOT Advanced Capability-3 Guided Missiles

The Government of Turkey has requested a possible sale of 13 PATRIOT Fire Units, 72 PATRIOT Advanced Capability (PAC-3) missiles, 4 PAC-3 Lot Validation Missiles, 197 MIM-104E PATRIOT Guidance Enhanced Missiles-T (GEM-T), 4 MIM-104E GEM-T Lot Validation Missiles, 5 PATRIOT Digital Missiles, 5 Anti-Tactical Missiles, 8 AN/USQ-140(V)(2)(c) (RT-1785) or AN/USQ-140(V)(11)(c) Multifunctional Information Distribution Systems/Low Volume Terminals (MIDS/LVT-2), 13 AN/MPQ-65 Radar Sets, 4 Tactical Command Systems, 13 Battery Command Posts, 6 Communication Relay Groups, 13 Engagement Control Stations, 48 M902 Launching Stations, 52 Antenna Mast Groups, 13 Electronic Power Plant III (EPP), 100 THALES 9310C Very High Frequency (VHF) Voice Radios, 150 THALES 9310C VHF Data Radios, containers, battery and battalion maintenance equipment, prime movers, generators, electrical power units, personnel training and training equipment, trailers, communication equipment, tool and test sets, spare and repair parts, publications and technical documentation, U.S. Government and contractor technical, engineering, and logistics support services, and other related elements of logistics support. The estimated cost is $7.8 billion.

Turkey is a partner of the United States in ensuring peace and stability in the region. It is vital to the U.S. national interest to assist our North Atlantic Treaty Organization (NATO) Ally in developing and maintaining a strong and ready self-defense capability that will contribute to an acceptable military balance in the area. This proposed sale is consistent with those objectives.

Turkey will use the PAC-3 missiles to improve its missile defense capability, strengthen its homeland defense, and deter regional threats. Turkey has not previously purchased PAC-3 missiles, but will be able to absorb and effectively utilize these missiles.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Raytheon Corporation in Andover, MA, and Lockheed-Martin in Dallas, TX. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of 26 contractor representatives in Turkey for training for a period of 24 months and major item repair for approximately 12 months. Several U.S. Government representatives will participate in program management and technical reviews in Turkey for 2-week intervals twice annually.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 09-44

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

Annex
Item No. vii

(vii) **Sensitivity of Technology:**

1. The PATRIOT Air Defense System contains classified Secret components and critical/sensitive technology. The PATRIOT Advanced Capability-3 (PAC-3) Missile Four-Pack is classified Confidential. With the incorporation of the PAC-3 missile, the PATRIOT System will continue to hold a significant technology lead over other surface-to-air missile systems in the world. The PATRIOT Air Defense System contains components and critical/sensitive technology that is classified Confidential. The PATRIOT Advanced Capability-3 (PAC-3) Configuration 3 Missile System is classified Secret. With the incorporation of the PAC-3 Missile, the PATRIOT System will continue to hold a significant technology lead over other surface-to-air missile systems in the world.

2. The PAC-3 Missile sensitive/critical technology is in the area of design and production know-how and primarily inherent in the design, development and/or manufacturing data related to certain components. Information on system performance capabilities and effectiveness, select software documentation, and test data are classified up to Secret.

3. The PATRIOT (Phased Array Tracking Intercept of Target) Missile system is a long range, lower tier, all altitude, all weather air defense system fielded to counter advanced aircraft, Tactical Ballistic Missiles (TBMs), and Cruise Missiles. The PATRIOT system has multiple engagement capability to counter saturation air attacks in an advance electronic countermeasures environment. The PATRIOT Advanced Capability-3 (PAC-3) Configuration 3 upgrade program incorporates significant upgrades to the phased array radar and Engagement Control Station and adds the new PAC-3 Missile.

4. A PATRIOT fire unit consists of a phased array Radar Set (RS), Engagement Control Station (ECS), an Electric Power Plant (EPP), an Antenna Mast Group (AMG), a Communications Relay Group (CRG), and Launching Stations (LS). The Phased Array Radar provides all tactical functions of airspace surveillance, target detection, identification, classification, tracking, missile guidance and engagement support. The ESC provides the human interface for command and control of

operations. The ECS contains weapons control computer, human-machine interface and data and communication terminals. The EPP provides prime power for the ECS and RS. It consists of two 150Kw 400 Hz diesel-driven generators interconnected through power distribution units. The Antenna Mast Group (AMG) is a mobile antenna system associated with UHF communication equipment. The AMG has the capacity to extend the mast with pneumatic extension to heights of 94 feet. The Communications Relay Group (CRG) provides a radio relay (UHF) for the PATRIOT Battalions and interfaces directly with co-located AMGs. The Launching Station (LS) is a remotely controlled, self-contained unit that can transport, point, and launch the PATRIOT Missiles.

5. The Guidance Enhanced Missile (GEM) is an enhancement to the PAC-2 Missile that provides improved system effectiveness and lethality against both high speed Tactical Ballistic Missiles (TBMs) and also reduced radar cross section (RCS) and low-flying air breathing targets (ABTs). The GEM hardware change consists of modifying the seeker assembly and radio frequency (RF) receiver by incorporating a low noise C-Band amplifier in the receiver's front-end to improve signal sensitivity, which provides an improved signal to noise ratio. This results in increased acquisition range and longer terminal guidance periods against very fast and/or reduced RCS targets. The GEM improvement reduces boresight error, miss distance, and reaction time. The GEM-T Missile incorporates a new fuze design to further improve reaction time.

6. The Multifunctional Information Distribution Low Volume Terminals (MIDS/LVT-2) hardware, publications, performance specifications, operational capability, parameters, vulnerabilities to countermeasures, and software documentation are classified Confidential. The classified information to be provided consists of that which is necessary for the operation, maintenance, and repair of the data link terminal, installed systems, and related software.

7. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

[FR Doc. E9–22947 Filed 9–24–09; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Public Hearing of the Draft Environmental Impact Statement (EIS) on Basewide Utility Infrastructure at Marine Corps Base Camp Pendleton, CA

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to Section (102)(2)(c) of the National Environmental Policy Act of 1969 (NEPA) (42 United States Code [U.S.C.] 4231); the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA (Title 40 Code of Federal Regulations (CFR) Parts 1500–1508); Department of the Navy Procedures for Implementing NEPA (32 CFR Part 775); and Marine Corps NEPA directives (Marine Corps Order P5090.2A), the Marine Corps has prepared and filed with the U.S. Environmental Protection Agency a Draft Environmental Impact Statement (EIS) that evaluates the potential environmental consequences that may result from implementing the Basewide Utility Infrastructure project at Camp Pendleton.

The project would expand, update, repair, and improve, sewer, water, electrical, communication, roadway, and natural gas infrastructure in support of current and future expanded training operations on Camp Pendleton in support of the installation's mission, which is to "operate an amphibious training base that promotes the combat readiness of operating forces by providing facilities, services, and support responsive to the needs of Marines, Sailors, and their families." A Notice of Intent to prepare this EIS was published in the **Federal Register** on November 12, 2008 (73 FR 66879).

The Marine Corps will conduct a public meeting to receive oral and written comments on the Draft EIS. Federal, State, and local agencies and interested individuals are invited to be present or represented at the public meeting. This notice announces the date and location of the public meeting, and supplementary information about the environmental planning effort is also included in this notice.

DATES: The public meeting will be conducted as an informational open house. Individuals will be allowed to review the information presented in the Draft EIS and Marine Corps and Navy representatives will be available to clarify information related to the Draft EIS. The meeting will be held from 6 p.m. to 8 p.m. in the Ole Hanson Fireside Room at the San Clemente Community Center, 100 North Calle Seville, San Clemente, California 92672 on October 27, 2009.

The Draft EIS was distributed to Federal, State, and local agencies, elected officials, and other interested parties and individuals on September 25, 2009. The public comment period will end on November 9, 2009. The document can be viewed online and downloaded from *http://www.marines.mil/units/hqmc/logistics/Pages/LFL/LFL–1/EnvironmentalPlanningInProgress.aspx.* Copies of the Draft EIS are available for public review at the following public libraries: Oceanside Civic Center Library, 330 North Coast Highway, Oceanside, CA 92054; San Clemente Library, 242 Avenida del Mar, San Clemente, CA 92672; and Fallbrook Branch, San Diego County Public Library, Fallbrook, CA 92028. A hard copy of the Draft EIS will be made available upon written request to Mr. Jesse Martinez, NAVFAC Southwest, 1220 Pacific Highway, San Diego, CA 92132–5190.

Comments: Attendees will be able to submit written comments at the public meeting; a stenographer will be present to transcribe oral comments, but to ensure the accuracy of the record, all statements should be submitted in writing. Equal weight will be given to oral and written statements. Comments may be mailed to Mr. Jesse Martinez at NAVFAC Southwest, 1220 Pacific Highway, San Diego, CA, 92132–5190. All mailed or e-mailed comments must be postmarked or electronically dated on or before November 9, 2009, to be sure they become part of the public record. All statements, oral transcription and written, submitted during the public review period will become part of the public record on the Draft EIS and will be responded to in the Final EIS.

FOR FURTHER INFORMATION CONTACT: Mr. Jesse Martinez, NAVFAC Southwest, 1220 Pacific Highway, San Diego, CA 92132–5190; *jesse.w.martinez1@navy.mil*; fax: 619.532.2060; telephone: 619.532.3844. Please submit requests for special assistance, sign language interpretation for the hearing impaired, or other auxiliary aids at the public meeting to Mr. Martinez.

SUPPLEMENTARY INFORMATION: The proposed action and subject of the Draft EIS is the construction and operation, including maintenance, of utility infrastructure upgrades, expansions, and improvements to water, wastewater, electrical, communication, and natural gas systems within MCBCP. Full environmental analyses for a Preferred Alternative (Alternative 1), two other action alternatives (Alternatives 2 and 3), and a No Action Alternative are presented in the Draft EIS.

Each action alternative, including the Preferred Alternative, includes six construction projects to construct and operate six utility infrastructure projects entirely within Marine Corps Base Camp Pendleton (MCBCP) funded by Military Construction (MILCON) program appropriation. Each alternative would include upgrades to the northern wastewater system, including a Northern Regional Tertiary Treatment Plant (MILCON P–1043/P–1046); upgrades to the Base electrical systems and associated facilities (MILCONs P–1048 and P–1094); upgrades to the Basewide communication systems (MILCON P–1093); upgrades to the Basewide natural gas systems (P–1099); and water, wastewater, and road improvements to serve Range 130 and Range 131.

Many infrastructure elements at MCBCP date back to the 1940s and 1950s and are now outdated, undersized, and deteriorating. Because of this worsening condition, maintenance costs are high and will continue to mount. The situation will be further exacerbated by future growth of the Base. A lack of adequate infrastructure is currently impeding, and will continue to impede, the mission of the Base without significant upgrades. The purpose of the three action alternatives is to provide new or upgraded, reliable, and compliant utility systems to support military training and operations throughout MCBCP and quality of life services; and to provide system redundancy that would enable the delivery of utility services during periods of scheduled, unscheduled, and emergency outages.

Each action alternative contains six projects intended to accomplish this purpose. Some of the projects have more than one means of doing so, referred to as ''Options'' for that MILCON. Alternatives 1, 2, and 3 consist of different suites of those Options. Some Options are common to all three action alternatives. The alternatives do not present all possible combinations of Options, but it is intended that the decision maker could choose to approve any of the alternatives or a combination of Options different from the three action alternatives, since the EIS fully assesses the environmental consequences of each Option.

All of the three action alternatives would achieve the purpose of and fulfill the need for the proposed action. Alternative 1, the Preferred Alternative, contains the Options for each project that are most desirable from the standpoint of cost, engineering efficiency, and environmental consequences. Options in Alternatives 2 and 3 that differ from Alternative 1 are feasible but less desirable.

The No Action Alternative would not meet the purpose of and need for the proposed action. The current inadequacies of the infrastructure systems would persist and increase with age. The growth in personnel and training programs at MCBCP that is already planned and has started would be impeded and possibly curtailed.

Environmental resources addressed in the Draft EIS are geology and soils, water resources, biological resources, cultural resources, land use, visual resources, socioeconomics and environmental justice, traffic, air quality, noise, public health and safety, infrastructure and utilities, and coastal zone management. The Draft EIS also examines cumulative impacts from past, present, and reasonably foreseeable future projects on and near MCBCP.

Environmental consequences of the proposed action would principally arise from construction; impacts from operation and maintenance of the infrastructure systems would be relatively minor. The Draft EIS enumerates an array of conservation and construction measures and features of project design and planning that would avoid and minimize most potential impacts. The proposed action would fully comply with regulatory requirements for the protection of environmental resources. Mitigation for potential impacts to biological resources would be accomplished at accepted restoration or enhancement ratios, and mitigation for potential impacts to

Federally-listed threatened or endangered species would be developed in consultation with the U.S. Fish and Wildlife Service. Mitigation for potential impacts to cultural resources would comply with a Programmatic Agreement with the State Historic Preservation Office and Native Americans.

Schedule: A Notice of Availability will be published in the **Federal Register** and local print media to start the 45-day public comment period for the Draft EIS. The Marine Corps will consider and respond to all written comments, including e-mail, in preparing the Final EIS. The Department of the Navy intends to issue the Final EIS in April 2010, at which time an NOA will be published in the **Federal Register** and local print media. A Record of Decision is expected in June 2010.

Dated: September 17, 2009.

A. M. Vallandingham,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E9–23184 Filed 9–24–09; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare an Environmental Impact Statement for Pine Mountain Dam, Arkansas, General Reevaluation Report

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (USACE), Little Rock District will prepare an Environmental Impact Statement (EIS) for the Pine Mountain Dam, Arkansas, General Reevaluation Report.

The purpose of the EIS will be to present alternatives and assess the impacts to the human environment associated with providing water supply to the surrounding areas in Arkansas from the proposed project. The study area includes the entire Lee Creek watershed together with the lower Lee Creek reservoir near Van Buren, AR. The proposed project could affect agriculture, recreation, flood control, water supply and natural resources within the study area.

The EIS will evaluate potential impacts (positive and negative) to the natural, physical, and human environment as a result of implementing any of the proposed project alternatives that may be developed during the EIS process.

This notice replaces a Notice of Intent (NOI) that was previously published in the **Federal Register** on May 1, 2006 (71 FR 25573) which included flood control as part of the project purpose. Flood control is no longer being considered as a project purpose.

ADDRESSES: Questions or comments concerning the proposed action should be addressed to: Ms. Laura Cameron, USACE, Little Rock District, Planning and Environmental Office, PO Box 867, Little Rock, AR 72203–0867, e-mail: *laura.l.cameron@usace.army.mil.*

FOR FURTHER INFORMATION CONTACT: Ms. Laura Cameron, (501) 324–5037.

SUPPLEMENTARY INFORMATION:

1. *Study History:* The Pine Mountain Dam project was authorized for construction by Congress in 1965. Additional studies and a preliminary draft EIS were prepared in the 1970s. In 1980, prior to public review of the EIS, the local sponsor decided not to continue sponsoring the project. In 2000, the River Valley Regional Water District identified themselves as a willing sponsor and requested that the Corps of Engineers reevaluate the project. The proposed Pine Mountain Dam, Arkansas, General Reevaluation Report is being undertaken by USACE, Little Rock District under the direction of the U.S. Congress. A study will be conducted consisting of major hydraulics and hydrologic investigations, economic analyses, alternative development and related analyses in conjunction with the EIS.

2. *Comments/Scoping Meeting:* Interested parties are requested to express their views concerning the proposed activity. The public is encouraged to provide written comments in addition to or in lieu of oral comments at scoping meetings. To be most helpful, scoping comments should clearly describe specific environmental topics or issues, which the commentator believes the document should address. Oral and written comments receive equal consideration.

Scoping meetings will be held with government agencies and the public in October 2009 in Crawford and Pulaski Counties, AR. The location, time, and date will be published at least 14 days prior to each scoping meeting. Comments received as a result of this notice and the news releases will be used to assist Little Rock District in identifying potential impacts to the quality of the human or natural environment. Affected local, state, or Federal agencies, affected Indian Tribes, and other interested private organizations and parties may participate in the scoping process by forwarding written comments to (see **ADDRESSES**). Interested parties may also request to be included on the mailing list for public distribution of meeting announcements and documents.

4. *Alternatives/Issues:* The EIS will evaluate the effects of all viable water supply alternatives including the construction of the Pine Mountain Dam and Lake, which was authorized by Congress in 1965. Anticipated significant issues to be addressed in the EIS include impacts on: (1) Water supply, (2) recreation and recreation facilities, (3) stream hydraulics, (4) fish and wildlife resources and habitats, and (6) other impacts identified by the public, agencies or USACE studies.

5. *Availability of the Draft EIS:* The Draft EIS is anticipated to be available for public review in early 2013 subject to the receipt of Federal funding.

6. *Authority:* Pine Mountain Dam and Lake was authorized for construction by the Flood Control Act of 1965 (Title II, Pub. L. 89–298) substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 270, 89th Congress.

Donald E. Jackson, Jr.,

Colonel, Corps of Engineers, District Commander.

[FR Doc. E9–23172 Filed 9–24–09; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Availability for the Final Environmental Impact Statement/ Environmental Impact Report and a Draft General Conformity Determination for the San Pedro Waterfront Project, Port of Los Angeles, Los Angeles County, CA

AGENCY: Department of the Army—U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: On September 22, 2008, the U.S. Army Corps of Engineers, Los Angeles District, Regulatory Division (Corps) in coordination with the Los Angeles Harbor Department (LAHD) completed and published the Draft Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) for the San Pedro Waterfront Project (Project) in the Port of Los Angeles. The Corps and LAHD considered all comments received in preparing the

Final EIS/EIR, which is available for a 30-day review. The Final EIS/EIR includes a draft general conformity determination (see Section 3.2 and Appendix D.7), pursuant to Section 176(c) of the Clean Air Act. A general conformity determination is necessary because Project construction would require Federal action (i.e., issuance of a Corps permit for activities proposed in and over navigable waters and waters of the U.S.) and not all the Federal action's direct and indirect emissions would be below specified de minimis thresholds (40 CFR 93.153(b)). Pursuant to the general conformity regulations (40 CFR part 93, subpart B), general conformity determinations do not have to be included in the EIS and can be separately noticed, but the draft general conformity determination for the Federal action associated with the Project is being included in the Final EIS/EIR in this case.

The Final EIS/EIR, including the draft general conformity determination, is available for public review during the next 30 days at the Los Angeles Harbor Department, 425 South Palos Verdes Street, San Pedro, California, and on the Port's Web site: *http://www.portoflosangeles.org,* and the draft general conformity determination is available on the Corps' Web site: *http://www.spl.usace.army.mil/regulatory/POLA.htm* (scroll down to the links under San Pedro Waterfront). In addition, the Final EIS/EIR, including the draft general conformity determination, is available at the following libraries: L.A. Public Library, Central Branch, 630 West 5th Street, Los Angeles, California; L.A. Public Library, San Pedro Branch, 921 South Gaffey Street, San Pedro, California; and L.A. Public Library, Wilmington Branch, 1300 North Avalon, Wilmington, California.

Any comments received by the Corps and LAHD on the Final EIS/EIR or the included draft general conformity determination during the next 30 days will be considered fully before the Corps makes a final general conformity determination and finalizes the Record of Decision (ROD) for the Federal action associated with the Project. The Corps will publish a notice of a final general conformity determination in the **Federal Register** within 30 days of rendering a final decision. The public can request from the Corps copies of the ROD, which includes responses to comments on the Final EIS/EIR, including any on the draft general conformity determination, following publication of a final general conformity determination and upon execution of the ROD.

FOR FURTHER INFORMATION CONTACT: Questions or comments concerning the Final EIS/EIR or the included draft general conformity determination should be directed within the next 30 days to Dr. Spencer D. MacNeil, Senior Project Manager, North Coast Branch, Regulatory Division, U.S. Army Corps of Engineers, 2151 Alessandro Drive, Suite 110, Ventura, California 93001, (805) 585–2152.

SUPPLEMENTARY INFORMATION: None.

David J. Castanon,

Chief, Regulatory Division, Los Angeles District.

[FR Doc. E9–23235 Filed 9–24–09; 8:45 am]

BILLING CODE 3710–KF–P

DEPARTMENT OF DEFENSE

Department of the Army

Army Educational Advisory Committee

AGENCY: Department of the Army, DoD.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Sunshine in the Government Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, the following meeting notice is announced:

Name of Committee: U.S. Army War College Subcommittee of the Army Educational Advisory Committee.

Dates of Meeting: November 4, 2009 and November 5, 2009.

Place of Meeting: U.S. Army War College, 122 Forbes Avenue, Carlisle, PA, Command Conference Room, Root Hall, Carlisle Barracks, Pennsylvania 17013.

Time of Meeting: 8:30 a.m.–5 p.m.

Proposed Agenda: Receive information briefings; conduct discussions with the Commandant and staff and faculty; table and examine online College issues; assess resident and distance education programs, self-study techniques, assemble a working group for the concentrated review of institutional policies and a working group to address committee membership and charter issues; propose strategies and recommendations that will continue the momentum of Federal accreditation success and guarantee compliance with regional accreditation standards.

FOR FURTHER INFORMATION CONTACT: To request advance approval or obtain further information, contact COL Dennis Tewksbury at (717) 245–3361.

SUPPLEMENTARY INFORMATION: This meeting is open to the public. Interested persons may submit a written statement for consideration by the U.S. Army War College Subcommittee. Written statements should be no longer than two type-written pages and must address: the issue, discussion, and a recommended course of action. Supporting documentation may also be included as needed to establish the appropriate historical context and to provide any necessary background information.

Individuals submitting a written statement must submit their statement to the Designated Federal Officer at USAWC, 122 Forbes Avenue, Carlisle, PA 17013, at any point, however, if a written statement is not received at least 10 calendar days prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the U.S. Army War College Subcommittee until its next open meeting.

The Designated Federal Officer will review all timely submissions with the U.S. Army War College Subcommittee Chairperson, and ensure they are provided to members of the U.S. Army War College Subcommittee before the meeting that is the subject of this notice. After reviewing the written comments, the Chairperson and the Designated Federal Officer may choose to invite the submitter of the comments to orally present their issue during an open portion of this meeting or at a future meeting.

The Designated Federal Officer, in consultation with the U.S. Army War College Subcommittee Chairperson, may, if desired, allot a specific amount of time for members of the public to present their issues for review and discussion by the U.S. Army War College Subcommittee.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. E9–23175 Filed 9–24–09; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Publication of Revision and Consolidation of Military Freight Traffic Rules Publications (MFTRP) 1C–R (Motor), 10 (Rail), 30 (Barge), 6A (Pipeline), 4A (Tank Truck), Military Standard Tender Instruction Publication (MSTIP) 364D, SpotBid Business Rules, and SDDC Military Class Rate Publication No. 100A to a Consolidation of Procurement Requirements for the Purchase of Commercial Transportation Services into the Military Freight Traffic Unified Rules Publication (MFTURP) NO. 1

AGENCY: Department of the Army, DOD.

ACTION: Notice; correction.

SUMMARY: In a notice published in the **Federal Register** on June 9, 2009, (74 FR 27294), comments received from various entities were erroneously omitted. To correct, the remaining comments will be listed below with responses from SDDC. Additionally, a notice published in the **Federal Register** on July 10, 2009, (74, FR 33219) indicated the effective date was no longer July 9, 2009 and that a new effective date would be announced at a later date. The new effective date is listed below.

DATES: This publication will be effective October 26, 2009.

FOR FURTHER INFORMATION CONTACT: Ms. Dora J. Elias, (757) 878–5379.

SUPPLEMENTARY INFORMATION: Corrections were made to the ''Table of Contents'' tables for each section to update page numbers and, when warranted, new item or paragraph numbers.

Corrections were made to all SDDC email addresses referenced throughout the publication to acknowledge SDDC's compliance with the requirement that all agencies utilize a more uniform ''.mil'' address.

A summary of the comments and SDDC's responses are as follows:

Comment one (1): The ''Scope'' should read that not every transportation situation can be accounted for and a provision allowing for negotiation with SDDC for clarified requirements and rates.

Response one (1): SDDC agrees with revised to read: This publication will not prevent different or additional requirements or terms or conditions to apply for a particular shipment if the TSP, SDDC, and the T.O. all agree to the specific change and the change is not prohibited by statute, regulation, executive order, case-law or other applicable legal authority. In those instances, SDDC shall negotiate with the TSP to clarify requirements, rates structure, answer questions and resolve discrepancies. The TSP will submit a negotiated 500,000 series tender.

Comment two (2): The language in ''Publication Update'' is very confusing on how a regulation becomes inapplicable, yet govern. Is there not only one applicable rule at any point in time? How can one retreat to a prior rule if a current rule is cancelled?

Response two (2): SDDC understands the concern over how we are going to make a carrier comply with a regulatory requirement that is invalid. Added the following language for clarity to section A, page 6:

''Any change that results in a significant effect, significant cost or administrative impact will be published in the **Federal Register** in accordance with 41, U.S.C. § 418. The effective date of the change will be published on the SDDC's Web site and if a significant change, it will be published in the **Federal Register**. On the effective date, all changes will become effective and bind the TSP. They are incorporated automatically into a carrier's tender(s) and bills of lading issued from that date forward. TSP not canceling a tender prior to the effective date of the change is considered as concurring and accepting of the change in their tender.''

Comment three (3): The sentence in Section A, Part II, Paragraph A.1.a requires legal operating authority for both services ''as offered'' and ''as provided'' to DoD.

Response three (3): SDDC concurs with commenter and has revised sentence to read:

''TSP must have current valid legal operating authority to provide commercial transportation services as offered and as provided to DoD.''

Comment four (4): The sentence in Section A, Part II, Paragraph A.3 should be supplemented to explain how removal from the ''program'' is accomplished.

Response four (4): SDDC agrees and added the following verbiage for clarity to read:

''Terms of the [Freight Carrier Registration Program] will be in effect from the date of approval by SDDC and can only be terminated after removal from program. Removal from program can be accomplished by various means to include, but not limited to, DoD-wide disqualification, self-termination, suspension, and debarment.''

Comment five (5): The information presented in Section A, Part II, Paragraph B.4 needs clarification in regards to issuance and acceptance of cargo.

Response five (5): SDDC agrees and has added the following revised language:

''All TSP who receive shipment awards shall be required to move and accept cargo under a non-negotiable standardized DOD generated commercial BL that conforms to the Defense Transportation Regulation (DTR) 4500.9R Part II, Cargo Movement, Chapter 206 and the U.S. Federal Bill of Lading Act. A TSP will utilize their own commercial BLs as a substitute document only during times when transportation systems are inoperable, during holiday or weekends when there is no access to transportation offices, or upon approval of SDDC, G9. DOD personnel other than authorized SDDC personnel lack actual or apparent authority to execute or otherwise agree to any TSP commercial BL differing from the DOD standard BOL terms.''

Comment six (6): The third sentence of Section A, Part II, Paragraph B.7 and Paragraph C.7 should be revised to ensure TSP are demonstrating how they are not liable for loss or damage to cargo.

Response six (6): SDDC agrees with commenter and has revised the third sentence to read as follows:

''To avoid liability for loss and damage to cargo, a TSP must show that it is free from negligence and that the loss or damage was caused solely by an act of God, the public enemy, the shipper, a public authority, or that the damage resulted from the nature of the goods or an inherent vice in the goods.''

Comment seven (7): In section A, Part II, Paragraph F, should remedies for non-compliance include any applicable remedies for breach of contract and who is responsible for imposing remedies for non-compliance in each specific mode?

Response seven (7): SDDC agrees this could be stated more clearly. Revised paragraph to read as follows:

''A TSP's, their agent's, subcontractor's or employee's failure to comply with any of the applicable terms and conditions could be a basis for taking administrative or judicial action against the TSP. The following is not an all inclusive list of possible actions:

1. Cancellation of a TSP's approval to move DOD cargo;
2. Placement in nonuse status;
3. Placement disqualified status;
4. Government-wide debarment or suspension from future procurements;
5. Administrative claims or offsets;
6. Criminal or civil proceedings Before courts of competent jurisdiction.

Comment eight (8): In Section A, Part III, Paragraph A, there should be a subparagraph that provides that a TSP cannot certify delivery in PowerTrack until after they receive proof of actual delivery.

Response eight (8): Agree a TSP should not invoice POWERTRACK until they receive proof of delivery. SDDC has provided the following language for clarification in Section A, Part III, Paragraph A.3:

''Prior to submitting an invoice (e-bill) the TSP must have proof of delivery such as a

copy of the bill of lading (a signed bill of lading by the destination government representative). If they only have a verbal confirmation from the driver, then the TSP can call the destination verify delivery occurred and the cargo was delivered in good or and condition as proof of delivery.''

Comment nine (9): Language contained in the ''Alternation of Rates'' needs to clarify that Direct Procurement Method (DPM) shipments also do not alternate with Freight All Kinds (FAK) shipments.

Response nine (9): SDDC Concurs with comment and added language in Section A, Part III, Paragraph D.2 that clarifies the intent of this alternation of rates rule.

''Rates that pertain to a specific commodity, to include DPM commodities 100250 and 100251, will not alternate with FAK rates.''

Comment ten (10): Need to add commodity codes for Direct Procurement Method (DPM) shipments to the ''Commodity Code'' appendix.

Response ten (10): SDDC concurs with this request and has added commodity codes 100250 and 100251 to Appendix B, Commodity Codes.

Comment eleven (11): Paragraph D.3 of Section A, Part III needs to read the same as the MFTRP 1C–R page 3–2, Item 60. SDDC cannot force TSP to have rates same or cheaper than ''any'' contractor.

Response eleven (11): SDDC agrees with comment and has reverted language for that particular subparagraph to that contained in the current Military Freight Traffic Rules Publication (MFTRP) 1C–R, 2nd Edition. New language reads:

''In no event shall charges submitted under any tender be in excess of charges based on the TSP's lowest rate available to the general public in either common or contract rates, except 500,000 series tenders, or be in excess of charges based on rates otherwise tendered to the Government by the Contractor for the same type of service.''

Comment twelve (12): Under Section A, Part IV, Second Part I, Item 1, there should be more than the ability to remove improper items in a tender. The publication should state that improper items in a tender is inapplicable and of no effect.

Response twelve (12): SDDC has no issue with this comment and has revised sentence to read as follows:

''Any Tender that omits any required data containing special annotations or exceptions will be considered inapplicable and have no effect to any contract for carriage. Tenders inadvertently accepted and distributed by SDDC, which are subsequently determined to not meet or comply with the DOD tender filing instructions, or the applicable SDDC rules and/or rate publication, shall be subject to immediate removal. The issuing TSP will be advised when tenders are removed under these circumstances.''

Comment thirteen (13): The proposed publication incorrectly indicates that TSP with questions about Air Mode K, L, and M shipments should contact United States Transportation Command (USTRANSCOM).

Response thirteen (13): SDDC agrees and has removed references to submittals of air tenders to Headquarters, USTRANSCOM.

Comment fourteen (14): Recommend referencing throughout the publication that brokers, freight-forwarders, shippers agents and associations are prohibited from participating in shipments requiring a Transportation Protective Service (TPS).

Response fourteen (14): SDDC concurs and references, when applicable, that brokers, freight forwarders, and logistics companies are prohibited from having any dealings with shipments that require a TPS.

Comment fifteen (15): Specifically mention that a separate Standard Carrier Alpha Code (SCAC) for the type of service offered must be used.

Response fifteen (15): SDDC concurs with commenter and has added to Section A, Part IV, Specific Instructions for Completing Sections A, B, and C (of the 364 Tender), ''Modes'':

''Enter the single character code from the following list that describes the mode of service offered by the tender. For each type of service offered, the TSP must provide a unique SCAC applicable to their authority to operate and for the mode transportation offered. For example, if a TSP offers to provide indirect air carrier and indirect motor carrier service, then they will need at least two SCACs: one for the air and a different SCAC for the motor. If a TSB will only provide motor service under their carrier authority and property freight forwarder authority, then they will also need two SCACs: one for the direct carrier service offered and another SCAC for indirect carrier services offered''

Comment sixteen (16): As it now reads, the TSP fills in the applicable rule or portion of the rule publication. This instruction is incomplete. There should be some explanation of how the TSP selects the applicable rule or portion of the rule publication.

Response sixteen (16): SDDC agrees and revised wording contained in Section A, Part IV, Part B—General Terms and Conditions on Tender Instructions to read:

''TSP tenders list this publication as the only governing publication. If a TSP lists another governing publication, then any application of that publication if it conflicts with the tender or bill of lading is void. Additionally, the tender is subject to removal by SDDC as an improper tender.''

Comment seventeen (17): In Section A, Part VI, Paragraph D.1, the Carmack defenses may require a TSP to show that it is free from negligence in addition to a specific situation.

Response seventeen (17): SDDC agrees and has revised verbiage to read:

''The TSP shall not charge any detention, demurrage or storage charges against any DoD sponsored shipment when the delay is caused by acts or omissions beyond DoD's, its contractor's, or its agent's control.''

Comment eighteen (18): In Section A, Part VI, Paragraph F, the proposed rule has coverage for ''multi-modal service'' defined as transportation by a mode other than the mode used to pick up the shipment. This is different than mode neutral as defined in Public Law 110–417 [Oct 14 2008]. Section 355 (b) is titled ''MODE–NEUTRAL APPROACH DEFINED.'' For purposes of this Public Law, ''the term 'mode-neutral approach' means a method of shipment that allows a shipper to choose a carrier with a time-definite performance standard for delivery without specifying a particular mode of conveyance and carrier to select the mode of conveyance using best commercial practices as long as the mode of conveyance can reasonably be expected to ensure the time-definite delivery requested by the shipper.''

Response eighteen (18): SDDC concurs that this is not mode neutral. Multimodal is when more than one mode is used to transport the freight. However, this is really mode substitution because of events beyond the TSP's and shipper's control that the original mode is not able to transport the cargo. SDDC will change title to ''Emergency Mode Substitution'' and insert ''with TO concurrence'' to ensure TSP will provide this service when required. The following language has been inserted for clarity:

''Multi-modal service is transportation of a shipment by a mode (motor, rail, air, water) other than that used to pick up the shipment. This service is to be provided at the option of the TSP, with TO concurrence, when multi-modal service is necessary due to circumstances set forth in paragraph 2 below.''

Comment nineteen (19): Returned/Refused/Rejected Shipment changes the formula Transportation Service Providers (TSP) are compensated. Respectfully request that this subparagraph be stricken.

Response nineteen (19): SDDC understands the confusion with this new verbiage. In agreement with requestor, SDDC incorporated it under ''Reconsignment/Diversion'' paragraph.

Comment twenty (20): Clarification is needed regarding the phrase ''security clearance equal to the commodity being handled.'' Is a clearance other than ''Secret'' needed? May non-driver employees (or contractors/subcontractors) be in process (submitted E–QIP) and have access to information regarding SECRET, PSS or AA&E shipments or not?

Response twenty (20): SDDC clarified language so intent of security requirements to remove any confusion. Verbiage now mirrors Defense Transportation Regulation (DTR), Part II, Chapter 205. Removed ''security clearance equal to the commodity being handled'' and replaced with ''SECRET (interim or final).''

Comment twenty-one (21): The language for trailer security is missing from the MFTURP.

Response twenty-one (21): SDDC agrees and added language currently residing in the MFTRP 1C–R, 2nd edition, Item 329, Hinge and Hasp on Trailers or Containers, which can be found at: *http://www.sddc.army.mil/sddc/Content/Pub/45526/MFTRP1C-R%202nd%20ed%201%20March%2009.pdf.*

Comment twenty-two (22): Item 21, Detention: Vehicles with Power Units (DEP) and Item 23 Detention: Vehicles without Power Units (DET) is confusing because it could be interpreted to mean a TSP gets the same charge for an hour of detention as they would receive for a minute of detention. However, it seems the charge should be prorated.

Response twenty-two (22): The intent of these Items is for detention time should be based on actual time equipment is detained and charges should be prorated to reflect the actual time of detention. The following revisions were made to these items Item 21, subparagraph 5, 6, and 7 is changed to the following:

5. If loading or unloading extends beyond the allowable free time, then the carrier can assess a detention charge based on a charge of DEP(1)$_____ for each sixty minutes of delay that occurs during normal shipping and receiving hours, which is known as detention time. If the delay is less than sixty minutes or exceeds sixty minutes, then the charge is prorated based on the actual minutes of detention time incurred.

6. Detention time starts when a vehicle is delayed by the shipper, consignor, destination or consignee beyond the allowable free time and ends when the vehicle is released by the shipper, consignor or consignee to either by notifying the driver or the TSP representative that the vehicle is ready for pickup.

7. Detention time only includes the time the vehicle is delayed during normal shipping and receiving hours. If the vehicle is delayed beyond the shipper's, consignee's or consignor's normal shipping or receiving hours, then the only delay time included in the detention time is the time occurring during normal shipping and receiving hours.

Item 23, Detention: Without Power Unit, Paragraph 6:

a. For each of the first and second 24-hour period when the vehicle is detained beyond the free time the detention charge will be DET(1)$_____. If the period is less than an hour but longer than 14 minutes, then that would equate to a fraction of an hour and the charge will be prorated at one fourth of the charge for each 15 minutes of detention incurred. There is no charge for time less than 15 minutes.

b. For each of the third and fourth 24-hour period when the vehicle is detained beyond the free time the detention charge will be DET(1)$_____. If the period is less than an hour but longer than 14 minutes, then that would equate to a fraction of an hour and the charge will be prorated at one fourth of the charge for each 15 minutes of detention incurred. There is no charge for time less than 15 minutes.

c. For each of the fifth and succeeding 24-hour period when the vehicle is detained beyond the free time the detention charge will be DET(1)$_____. If the period is less than an hour but longer than 14 minutes, then that would equate to a fraction of an hour and the charge will be prorated at one fourth of the charge for each 15 minutes of detention incurred. There is no charge for time less than 15 minutes.

Comment twenty-three (23): Expedited Service (EXP) does not match current, agreed upon verbiage as listed in the Military Freight Traffic Rules Publication (MFTRP) 1C–R, 2nd Edition.

Response twenty-three (23): SDDC agrees and added language currently residing in the MFTRP 1C–R, 2nd edition, Item 110, Expedited Service (EXP), which can be found at: *http://www.sddc.army.mil/sddc/Content/Pub/45526/MFTRP1C-R%202nd%20ed%201%20March%2009.pdf*

Comment twenty-four (24): The verbiage in Section B, Item 55, paragraph 2 is confusing.

Response twenty-four (24): SDDC agrees and has revised to read:

''Hourly charges shall commence when the TSP's driver reports to shipper/consignee/destination and consignee representative with the proper equipment ordered for loading or unloading, and terminates when driver(s) is/are released by the representative. The pickup and/or delivery time shall be annotated on BL by the representative, the consignor or consignee.''

Comment twenty-five (25): Request that clarification of Item 75, Towaway Service, Mode ''T'' does not alternate with any other carrier tender or rate.

Response twenty-five (25): SDDC concurs and makes reference to portion of publication that indicates Mode ''T'' for Towaway does not alternate with any other carrier tender or rate.

Comment twenty-six (26): There should be an allowance to break seals on dromedaries during emergencies in Section B, Item 97.

Response twenty-six (26): SDDC agrees and added language so TSP can break seals during emergencies.

Comment twenty-seven (27): It should be clarified what constitutes a ''situation'' and whether drivers moving shipment with Satellite Monitoring should be required to make emergency contact with SDDC for every ''situation.'' It is requested that the first sentence in the definition of ''EMERGENCY'' be stricken.

Response twenty-seven (27): SDDC concurs and removed verbiage.

Comment twenty-eight (28): Request that the Extra Driver (EXD) accessorial be added to Appendix C, Accessorial Codes.

Response twenty-eight (28): SDDC concurs and has added the EXD accessorial to Appendix C.

Comment twenty-nine (29): Request that verbiage be added to Appendix D, Definitions, ''Transloading'' that indicates movements of dromedary equipment.

Response twenty-nine (29): SDDC concurs, yet merely refers readers to Item 97, Transloading, for more information.

Comment thirty (30): Request that definitions be added for air carrier/air TSP; air freight forwarder; direct air carrier/direct air TSP; Late; Normal Business Hours/Normal Business Day; and Required Delivery Date.

Response thirty (30): SDDC non-concurs with adding definitions for air carrier/TSP, air freight forwarder, direct air carrier/TSP because currently, the MFTURP does not govern air transport so there is no need for these definitions at this time.

SDDC did add definitions for Late and Long-Term Lease. The MFTURP already contained definitions for Required Delivery Date and Normal Business Hours so it did not see a reason to add the same verbiage. New definitions are provided below:

''LATE—Unexcused failure to deliver the shipment by the Required Delivery Date (RDD).''

''LONG TERM LEASE—Leasing a company's vehicle to another transportation service provider for a duration of more than 30 days. TSP must abide by lease provisions of 49 CFR, Part 376.''

Comment thirty-one (31): Need CIS, DDP, PSS, and TFG listed in Appendix E, Explanation of Abbreviations.

Response thirty-one (31): SDDC agrees and has added Constant Surveillance and Custody Service (CIS), Dual Driver Protective Service (DDP), Protective Security Service (PSS), and Transportation Facilities Guide (TFG) in Appendix E.

Miscellaneous:

• This publication, as well as the other SDDC publications, can be accessed via the SDDC Web site at: *http://www.sddc.army.mil/Public/Global%20Cargo%20Distribution/Domestic/Publications/*.

C.E. Radford, III,

Division Chief, G9, Strategic Business Directorate.

[FR Doc. E9–23174 Filed 9–24–09; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 24, 2009.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 22, 2009.

Angela C. Arrington,

Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.

Title: Report of Children and Toddlers Receiving Early Intervention Services in accordance with Part C, Report of Program Settings Where Early Intervention Services are Provided to Children with Disabilities and Their Families in Accordance with Part C; Report on Infants and Toddlers Exiting Part C.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 56.

Burden Hours: 6,569.

Abstract: This package provides instructions and forms necessary for States to report the number of children receiving early intervention services under Part C of IDEA, the settings in which these children are provided services, and the reasons by which these children exit Part C of IDEA. The form satisfies reporting requirements and is used to monitor State agencies and for Congressional reporting.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 4144. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E9–23207 Filed 9–24–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 24, 2009.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is

this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 22, 2009.

Angela C. Arrington,

Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.

Title: Report of Dispute Resolution Under Part C of the Individuals with Disabilities Education Act.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 56.

Burden Hours: 3,360.

Abstract: This package provides instructions and forms necessary for States to report the number of written, signed complaints; mediation requests; and hearing requests and the status of these actions with regards to children being served under Part C of IDEA initiated during the reporting year. The form satisfies reporting requirements and is used by the Office of Special Education Programs (OSEP) to monitor SEAs and for Congressional reporting.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 4145. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E9–23206 Filed 9–24–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Public Hearing

AGENCY: U.S. Department of Education, National Assessment Governing Board

ACTION: Notice of public hearing

SUMMARY: The National Assessment Governing Board is announcing a public hearing on October 19, 2009 to obtain comment on expert panel recommendations on uniform national rules for testing of Students with Disabilities (SD) and English Language Learners (ELL) on the National Assessment of Educational Progress (NAEP).

Public and private parties and organizations are invited to present written and/or oral testimony. The hearing will be held in the Board meeting room on the first floor of the headquarters of the Los Angeles Unified School District, 333 South Beaudry Ave., Los Angeles, CA 90017 from 9:30 a.m. to 3 p.m. PDT.

This notice sets forth the schedule and proposed agenda of a forthcoming public hearing of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify members of the general public of their opportunity to provide comment. Individuals who will need special accommodations in order to attend the hearing (such as interpreting services, assistive listening devices, materials in alternative format) should notify Munira Mwalimu at 202–357–6938 or at *Munira.Mwalimu@ed.gov* no later than October 14, 2009. We will attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation. The meeting site is accessible to individuals with disabilities.

DATES: October 19, 2009.

Location: Los Angeles, CA. Board Meeting Room, Headquarters of Los Angeles Unified School District, 333 South Beaudry Ave., Los Angeles, CA 90017.

Time: 9:30 a.m. to 3 p.m. PDT.

Background: Under Public Law 107–279, the National Assessment Governing Board (NAGB) is responsible for determining the content and methodology of the National Assessment of Educational Progress (NAEP). The assessment is required to provide a fair and accurate measurement of student academic achievement through a random sampling process that produces representative data for the nation, the states, and other participating jurisdictions.

Despite changes in policy during the past decade, variations in inclusion and accommodation rates continue for students with disabilities and English language learners among states and urban districts participating in the National Assessment. These differences—both between jurisdictions and over time—continue to prompt concern about the fairness and comparability of NAEP results.

The Governing Board has established an Ad Hoc Committee of Board members to conduct a comprehensive examination of NAEP testing and reporting of these two student groups. The Committee appointed two technical advisory panels to recommend uniform national rules for NAEP testing of SD and ELL students to better assure that NAEP samples are fully representative and produce comparable results. These panels reported to the Board at its meeting on August 6 and 7, 2009. The Board plans to consult widely before deciding whether or not to adopt the expert panel recommendations.

The reports and recommendations being considered are available under **SUPPLEMENTARY INFORMATION** in this notice and on the Web site of the Governing Board at *http://www.nagb.org.* Other related material on the Governing Board and NAEP may be found at this Web site and at *http://www.nces.ed.gov/nationsreportcard*.

The Board is seeking comment from policymakers, teachers, researchers, state and local school administrators, specialists in SD and ELL students, parents of children in elementary and secondary schools, representatives of interested organizations, and members of the public. Representatives of the Governing Board will conduct the hearing to receive testimony, and may ask clarifying questions or respond to presentations. Oral presentations should not exceed ten minutes. Testimony will become part of the public record.

All views will be considered by the Ad Hoc Committee and the full Board. It is anticipated that the Committee will make recommendations to the Governing Board at the Governing Board meetings in November 2009 and March 2010.

To register to present oral testimony on October 19, 2009 at the Los Angeles school district headquarters, please call

Tessa Regis, of the National Assessment Governing Board staff, at 202–357–7500 or send an e-mail to *tessa.regis@ed.gov* by 4 p.m. (Eastern Time) on Friday, 16, 2009. Written testimony should be sent by mail, fax or e-mail for receipt in the Board office by October 23, 2009.

The Board will make an effort to hear testimony from all persons who wish to address it at the hearing without prior registration. Speakers are encouraged to bring written statements for distribution at the hearing.

Testimony should be sent to: National Assessment Governing Board, 800 North Capitol Street, NW., — Suite 825, Washington, DC 20002, Attention: Tessa Regis, *Fax:* (202) 357–6945, *E-mail: tessa.regis@ed.gov*.

FOR FURTHER INFORMATION CONTACT: Tessa Regis or Lawrence Feinberg, National Assessment Governing Board, 800 North Capitol Street, NW., Suite 825, Washington, DC 20002–4233, *Telephone:* (202) 357–6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 412 of the National Education Statistics Act of 1994, as amended. The Board formulates policy guidelines for the National Assessment of Educational Progress (NAEP). The Board's responsibilities include selecting subject areas to be assessed, developing assessment specifications and frameworks, designing the methodology of the assessment, developing appropriate student achievement levels for each grade and subject tested, developing standards and procedures for interstate and national comparisons, developing guidelines for reporting and disseminating results, and releasing initial NAEP results to the public.

The expert panel recommendations being considered by the Governing Board are summarized below. They are not mutually exclusive. Some could go into effect quickly while others would be for medium-term or long-range implementation. NAEP is a representative-sample survey, designed to produce valid, comparable data on the academic achievement of large groups of students. It is prohibited by law from providing results for individual children or schools. The recommendations are being considered because of concern that variations in exclusion and accommodation practices may jeopardize the fairness and comparability of NAEP results.

The recommendations on which public comment is sought are summarized as follows:

By Expert Panel on Uniform National Rules for NAEP Testing of English Language Learners

(1) ELLs in all states and districts selected for the NAEP sample who have been in United States schools for one year or more should be included in the National Assessment. This policy should be implemented with the disaggregated reporting of ELL test results by detailed information on students' English language proficiency and the availability of accommodations that maximize meaningful participation.

(2) Students should be offered ELL-responsive accommodations that maintain the constructs in the NAEP framework, including items and directions in plain language, side-by-side bilingual Spanish-English test booklets, word-to-word bilingual glossaries without definitions, as well as other accommodations currently allowed by NAEP. The accommodations for each student should be selected at the local level by school personnel who are qualified to make judgments regarding the inclusion of the ELL in NAEP, including knowledge of his or her level of English language proficiency.

(3) NAEP results for ELL students should be disaggregated and reported by the best available standardized assessment data on the level of English language proficiency.

(4) To attain comparable participation rates across states and districts, special efforts should be made to inform and solicit the cooperation of state and local officials who decide upon the participation of individual students, including joint planning sessions and targeted information sharing. A high common goal for 95 percent or more of ELL students sampled to participate should be established.

(5) NAEP should adopt an aggressive timeline for innovation and research, including (a) the development of test items written in plain language; (b) a short test of English language proficiency; (c) targeted testing with blocks of items at low and high levels of difficulty; and (d) computerized administration of the assessment when feasible.

By Expert Panel on Uniform National Rules for NAEP Testing of Students With Disabilities

(1) Encourage as many students as possible to participate in NAEP, and provide for the use of allowable accommodations that are necessary to enable students with disabilities to participate.

(2) Clarify and expand NAEP's guidance to schools, encouraging maximum participation of students with disabilities so at least 95 percent of those drawn for the NAEP sample participate.

(3) Report separately on students who have individualized education programs (IEPs) and those with Section 504 plans, but (except to maintain trend) only count the students with IEPs as students with disabilities.

(4) Provide incentives for schools to include students with disabilities, including additional outreach and public reporting of participation rates below 95% of students with disabilities.

(5) Support research efforts to develop targeted testing for students at both the top and bottom levels of achievement, with sound procedures to identify students to receive targeted test booklets on the basis of their performance on some standard indicator of achievement.

(6) Encourage and review research on the identification and progress of students who have a significant cognitive disability but in the short term do not test this 1% of students on NAEP.

(7) Assess the English language proficiency of students with disabilities who are English language learners and are drawn for the NAEP sample and provide linguistically appropriate accommodations for those who need them before determining whether additional accommodations may be needed to address any disabilities those students may have.

The full reports and recommendations of the technical advisory panels are available at *http://nagb.org/newsroom/PressReleasePDFs/ELL-Panel-Report.pdf* and *http://nagb.org/newsroom/PressReleasePDFs/SD-Panel-Report.pdf.* PowerPoint summaries are available at *http://nagb.org/newsroom/PressReleasePDFs/PPt-ELL-Panel-Report.pdf* and *http://nagb.org/newsroom/PressReleasePDFs/PPt-SD-Panel-Report.pdf.*

A detailed summary of the hearing that is informative to the public and consistent with the policy of section 5 U.S.C. 552b(c) will be available to the public within 14 days of the meeting. Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, Suite #825, 800 North Capitol Street, NW., Washington, DC, from 9 a.m. to 5 p.m. Eastern Time, Monday through Friday.

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register,** in text or Adobe Portable Document Format (PDF) on the Internet at the

following site: *http://www.ed.gov/news/fedregister/index.html*. To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register.** Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: September 22, 2009.

Cornelia S. Orr,

Executive Director, National Assessment Governing Board, U.S. Department of Education.

[FR Doc. E9–23205 Filed 9–24–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Notice of Interim Approval

AGENCY: Southeastern Power Administration, DOE.

ACTION: Notice of Rate Order.

SUMMARY: The Deputy Secretary of the Department of Energy, confirmed and approved, on an interim basis, Rate Schedules JW–1–I and JW–2–F. The rates were approved on an interim basis through September 19, 2014, and are subject to confirmation and approval by the Federal Energy Regulatory Commission (Commission) on a final basis.

DATES: Approval of rates on an interim basis is effective September 20, 2009.

FOR FURTHER INFORMATION CONTACT: Leon Jourolmon, Assistant Administrator, Finance & Marketing, Southeastern Power Administration, Department of Energy, 1166 Athens Tech Road, Elberton, Georgia 30635–6711, (706) 213–3800.

SUPPLEMENTARY INFORMATION: The Commission, by Order issued April 18, 2005, in Docket No. EF04–3031–000, confirmed and approved Wholesale Power Rate Schedules JW–1–H and JW–2–E. Rate schedules JW–1–I and JW–2–F replace these schedules.

Dated: September 18, 2009.

Daniel B. Poneman,

Deputy Secretary.

Department of Energy, Deputy Secretary; In the Matter of: Southeastern Power Administration, Jim Woodruff Project Power Rates; Rate Order No. SEPA–51; Order Confirming and Approving Power Rates on an Interim Basis

Pursuant to Sections 302(a) of the Department of Energy Organization Act, Public Law 95–91, the functions of the Secretary of the Interior and the Federal Power Commission under Section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s, relating to the Southeastern Power Administration (''Southeastern'' or ''SEPA'') were transferred to and vested in the Secretary of Energy. By Delegation Order No. 00–037.00, effective December 6, 2001, the Secretary of Energy delegated to Southeastern's Administrator the authority to develop power and transmission rates, delegated to the Deputy Secretary of Energy the authority to confirm, approve, and place in effect such rates on an interim basis, and delegated to the Federal Energy Regulatory Commission (''Commission'') the authority to confirm, approve, and place into effect on a final basis or to disapprove rates developed by the Administrator under the delegation. This rate order is issued by the Deputy Secretary pursuant to said delegation.

Background

Power from the Jim Woodruff Project is presently sold under Wholesale Power Rate Schedules JW–1–H and JW–2–E. These rate schedules were approved by the Commission on April 18, 2005, for a period ending September 19, 2009 (111 FERC ¶61,067).

Public Notice and Comment

Southeastern prepared a Power Repayment Study, dated March 2009, that showed that revenues at current rates were not adequate to meet repayment criteria. A revised study with a revenue increase of $5,575,000 produced rates that are adequate to meet repayment criteria. On March 11, 2009, by **Federal Register** notice (74 FR 10570), Southeastern proposed a rate adjustment of about 70.6 percent to recover this revenue. The notice also announced a Public Information and Comment Forum to be held April 23, 2009, in Tallahassee, Florida. Nine parties asked questions or made comments at the forum. Responses to the questions are part of the written record of the forum. Written comments were accepted on or before June 26, 2009. Written comments were received from two sources. After review of all comments received Southeastern revised the repayment study. The new revised study with a revenue increase of $5,393,000 produces rates that are adequate to meet repayment criteria. The proposed rate adjustment is an increase of about 67.3 percent.

Staff Review of Comments

The following comments were received during the public comment period. Southeastern's response follows each comment.

Comment 1: The Southeastern Federal Power Customers (''SeFPC'') submitted comments on behalf of certain preference customers of the Jim Woodruff System (''Jim Woodruff Preference Customers''). The Jim Woodruff Preference Customers suggest setting aside the rate for the five year study period and preparing an interim one year rate, or in the alternative, setting a one year interim rate with an express understanding that SEPA will revisit the rate for the five year study period within one year.

Response 1: Contract provisions in the Jim Woodruff System allow rate schedules to be adjusted periodically. One of the main drivers of this rate adjustment is the need to recover capitalized deficits in the rate period. The proposed rates are expected to recover these deficits in the five year period that the rate schedules are proposed to remain in effect. Southeastern interprets DOE Order RA 6120.2 to call for the proposed rates to recover capitalized deficits in the rate period. To recover the capitalized deficits in a one-year period, the proposed rates would have to be substantially higher than Southeastern is proposing. Southeastern is proposing that the rate schedules be approved for a five year period and will, if the customers make a request to Southeastern, revisit these rates in one year.

Comment 2: The Jim Woodruff Preference Customers suggest evaluating the implementation of the contract with Progress Energy Florida that supplies replacement power in the event that the Jim Woodruff Project is unavailable.

Response 2: Southeastern cannot change the existing agreement or the interpretation of the existing agreement with Progress Energy Florida unilaterally. Any change to the implementation of the existing agreement or modification of the existing agreement will require the consent of Progress Energy Florida. The existing agreement is a bundled

arrangement that includes transmission, firming energy, support capacity, and sales of energy surplus of the customers' needs to Progress Energy Florida. The agreement precedes FERC's open access rules. Southeastern will pursue changes to the existing agreement with Progress Energy Florida if a preponderance of the Jim Woodruff preference customers make a request.

Comment 3: The Jim Woodruff Preference Customers suggest removing the marginal cost of the additional 9 MW of nameplate capacity from the existing rate schedule in light of the unavailability of that capacity at the Jim Woodruff Project.

Response 3: The total nameplate capacity at the Jim Woodruff Project is 43.35 MW. DOE Order RA 6120.2 requires Southeastern to recover all costs placed in service and allocated to the power function. Southeastern has no information on the incremental costs associated with the increased capacity associated with the rehabilitation of the Jim Woodruff Project. The capacity increase was considered incidental and the marginal cost is thought to be minimal. Southeastern will request information from the U.S. Army Corps of Engineers (''Corps'') on the incremental cost associated with the additional 9 MW. A request for approval of a rate adjustment that does not include these costs would require a departure from the requirements of DOE Order RA 6120.2.

Comment 4: The Jim Woodruff Preference Customers suggest developing communications protocols that will allow the Jim Woodruff Preference Customers to understand on a real time basis the operations of the Jim Woodruff Project including the availability or lack thereof of capacity and energy.

Response 4: Southeastern will consider any communications protocols the Jim Woodruff Preference Customers request. To the extent that there are material costs associated with the requested communications protocols, these costs would be charged to the Jim Woodruff System and recovered from Jim Woodruff customers.

Comment 5: The Jim Woodruff Preference Customers suggest providing a vigorous review of operations and maintenance (''O&M'') expenses incurred by the Corps and charged to the Jim Woodruff Project.

Response 5: The Corps provides detailed annual reports of O&M costs charged to the Jim Woodruff Project to the O&M Committee of the Southeastern Federal Power Customers (SeFPC). This provides opportunity for vigorous review of these costs.

Comment 6: The Jim Woodruff Preference Customers suggest developing a rate that provides transparency as to the repayment of expenses, particularly accumulated deficits.

Response 6: DOE Order RA6120.2 requires power marketing administrations to update and monitor the status of repayment for all power marketing systems annually. The status of repayment is reported annually in the annual report for the Southeastern Federal Power Program. Southeastern will provide reports on the status of repayment that the customers request.

Comment 7: SEPA admits that the estimates for purchased power expenses are nothing more than a simple two year average of the last two years of purchased power expenses in support of the Jim Woodruff Project. This historical two year average reflects a period of atypical and extremely limited water flows due to drought conditions in the region. This approach is overly simplistic and fails to take into account multiple factors that SEPA should have considered in determining a suitable level for purchased power expenses in the study period. Specifically, SEPA should have considered:

(1) Anticipated more normal flows;

(2) Availability of the units at the Jim Woodruff Project;

(3) Scheduled outages;

(4) Progress Energy's expected average system cost including the fuel adjustment clause in the existing contract with Progress Energy; and

(5) Any particular load factors for the individual customers of the Jim Woodruff Project.

Taken together, these factors would provide a sound basis for SEPA to set a level of purchased power expense for the next year.

Response 7: Purchased power expense for the Jim Woodruff System has been volatile. Over the last five years, the expense has increased from about $495,000 in Fiscal Year 2004 to about $4,371,000 in Fiscal Year 2008. This volatility makes estimating the purchased power expense for rate setting purposes challenging. Marketing arrangements in the Jim Woodruff System require Southeastern to provide energy to preference customers at the same load factor as the customers' other supplier. This means that the preference customers can impose an obligation on Southeastern to purchase more power by allocating capacity to delivery points that have a higher load factor. In the past two years, some Jim Woodruff customers have done this. Southeastern has limited experience with the new delivery points. However, it appears that these new delivery points will require Southeastern to purchase more power from Progress Energy Florida and will reduce the amount of residual energy available for sale to Progress Energy Florida.

Due to Southeastern's limited experience with the new delivery points, Southeastern views modeling based on historic averages to be of limited value. Southeastern has limited in-house modeling capability. Southeastern is not convinced that more expensive modeling techniques yield more accurate results. Therefore, Southeastern will use the estimated purchased power costs included in the earlier repayment studies.

Regardless of the estimate used for rate-setting purposes, Southeastern is required to recover the cost of purchased power from the sale of power. Any variance of actual costs from the estimates will be recovered in the next rate adjustment.

Comment 8: In documents prepared by the Corps and attached hereto (Attachment B), the Corps has predicted that they would spend roughly $4.8 million per year on Corps O&M activities for the Jim Woodruff Project that are allocated to hydropower for fiscal year 2010 to 2013. Accordingly, the Jim Woodruff Preference Customers suggest that this figure of $4.8 million is an appropriate amount to include for years 2–5 of the study period as a base amount.

Response 8: Southeastern proposed rates in March of 2009. The Corps provides Southeastern with projections of O&M expenses and capital outlays in April. At the time rates were proposed, the April 2008 projections were the most recent projections available. Southeastern will use the April 2009 projections in the rates that are proposed to the Deputy Secretary.

Regardless of the estimate used for rate-setting purposes, Southeastern is required to recover the cost of Corps O&M from the sale of power. Any variance of actual costs from the estimates will be recovered in the next rate adjustment.

Comment 9: The Jim Woodruff Preference Customers believe that SEPA needs to perform the following analyses under the contract:

(1) Calculate whether Progress Energy's sale of firming energy leads to sales of energy to Progress Energy that would otherwise be available to the Jim Woodruff Preference Customers;

(2) Evaluate the practices employed by Progress Energy to calculate the aggregate deficiency energy requirement under the contract; and

(3) Determine whether such practices allow Progress Energy to true up energy obligations in a manner that increases the overall purchased power obligation for SEPA.

Response 9: See Response 2, above.

Comment 10: SEPA has indicated that the full cost of the hydropower plant and service at the Jim Woodruff Project is included in the rates. SEPA considers the full 45 megawatt nameplate capacity to be the plant in service and subject to cost recovery from the customers under the rate. However, SEPA's marketing policy only allows for the marketing of 36 megawatts from the Jim Woodruff Project. Indeed it is arbitrary and capricious for SEPA to set a rate that recovers excess amounts from the customers that is in clear departure from its marketing policy. Accordingly, the Jim Woodruff Preference Customers believe that the marginal cost for the rehabilitation that raised the nameplate capacity from the previous 36 megawatts to the current 45 megawatts should be excluded from the rate base in the repayment study.

Response 10: See Response 3, above.

Comment 11: The Jim Woodruff Preference Customers encourage SEPA to meet and develop real time communications protocols which would allow the individual Jim Woodruff Preference Customers, to integrate this resource into their own systems on a real time basis and allow them to take full advantage the Jim Woodruff project energy and capacity.

Response 11: See Response 4, above.

Comment 12: At the forum conducted in Tallahassee, SEPA made the assertion that the Jim Woodruff Preference Customers have signed off on the O&M expenses for the Jim Woodruff Project through the O&M Committee of the SeFPC. This is plainly false.

Response 12: Southeastern has reviewed the transcripts of the forum conducted in Tallahassee, Florida, on April 23, 2009. The words ''signed'' or ''off'' do not appear in the transcripts. The quote from the transcript the commenter appears to be referring to is as follows:

MR. JOUROLMON: ''Southeastern Power customers, of which you're all members, have a committee that looks at the estimates of the Corps of Engineer costs and compares them with the actuals.

That committee will be meeting on Monday, this coming Monday. They will be looking at it in depth. The numbers that we used in our study were the numbers that were looked at a year ago at this time.

The projections were made a year ago and were studied at that time. There are a lot of increases in there. One of those that I can recall is environmental support.

We can go through and give you several other examples, but the truth of the matter is that committee is the one who does look at them. And customers, maybe not from your system, but Southeast Federal Power customers are the ones who look at those costs, and the Corps explains those costs to them.''

Southeastern believes that the activities of the O&M Committee of the SeFPC give the customers the best opportunity to review the Corps O&M Expenses. Participation in the O&M committee does not require participants to sign off on the Corps' projections or the actual costs incurred.

Regardless of the estimate used for rate-setting purposes, Southeastern is required to recover the actual cost of Corps O&M from the sale of power. Any variance of actual costs from the estimates will be recovered in the next rate adjustment.

Comment 13: An appropriate audit is merited in the immediate circumstance of those expenses that are allocated to hydropower that are appropriately termed environmental restoration activities. The Jim Woodruff Preference Customers strongly question whether it is appropriate for SEPA to include several activities including the elimination of aquatic nuisance plants and certain environmental studies at the Jim Woodruff Project in the rates charged to the hydropower customers.

Response 13: Under DOE Order RA 6120.2, Southeastern is required to recover all costs allocated to the power function, including joint costs allocated to the power function.

Southeastern will work with the customers and the Corps to assure that all costs are properly allocated. Southeastern suggests that the O&M Committee of the SeFPC is the best means to provide this review.

The SeFPP financial statements are audited by an independent audit firm, as required under DOE Order RA 6120.2. In addition, the Corps financial statements are subject an independent audit as well as an internal audit. The auditors' responsibilities include assuring that costs are appropriately allocated and reported. Southeastern does not believe that any additional audit is merited.

Comment 14: In light of the shortcomings of the prior rate, the Jim Woodruff Preference Customers ask SEPA to take the following steps with the current rate proposal:

(1) Institute an annual reporting of the revenues and expenses in order to know whether deficiencies exist with regard to the rate before the end of the five year study period; and

(2) Indicate on monthly bills the amount of the accumulated deficit that has been paid and the amount that remains to be paid.

Response 14: Under DOE Order RA 6120.2 Southeastern is required to update the repayment studies for all systems within 180 days of the close of the previous fiscal year. The status of repayment is reported annually in the annual report for the Southeastern Federal Power Program.

Under current accounting practices of the Southeastern Federal Power Program (SeFPP), the Corps provides Southeastern with financial reports annually. Providing a report on the monthly bills of the accumulated deficit that has been paid and the amount that remains to be repaid is not possible without an upgrade to the financial reporting of Southeastern and the Corps.

Southeastern provides an annual report on the status of repayment that are included in the SeFPP annual report. Southeastern can provide additional reports at the customers' request.

Southeastern can provide reports on purchased power expense monthly.

Comment 15: Quincy is not in favor of a pass through of purchase power cost. Power purchases should continue to be placed in the rate established by SEPA.

Response 15: Southeastern informally discussed the possibility of a rolling 12 month pass-through of purchased power costs and the benefits of residual energy sales to the preference customers. Because the customers did not endorse the proposal, it is not part of this rate proposal.

Southeastern is required to recover all purchased power costs from the sale of power, whether by a pass-through rate design or by bundling the costs into the capacity and energy charge, as proposed in this rate adjustment. Any variance of actual costs from the estimates will be recovered in the next rate adjustment.

Comment 16: SEPA has increased the revenue from Progress Energy by 2.5 times for each year of the study period.

Response 16: Revenue from sales to Progress Energy is estimated to be $700,000 per year for the five-year period the rates are proposed to remain in effect.

Comment 17: Apparently SEPA intends to sell Progress Energy the excess capacity of the difference between the three rated units at 14,450 kilowatts (43,350 kw) less 36,000 kilowatts that is currently contracted to the Preference Customers. The rate design must be changed to allocate this additional capacity to the Preference Customers.

Response 17: All of the capacity that is marketed from the Jim Woodruff Project is delivered to preference customers. Under the current contract with Progress Energy Florida, Southeastern can deliver 36,000 kilowatts of capacity to preference customers. Southeastern will pursue changes to the existing agreement with Progress Energy Florida if a preponderance of the Jim Woodruff preference customers make a request.

Comment 18: Quincy's contract obligates SEPA to provide Quincy capacity requirements and associated energy. Instead of meeting its contract commitment, SEPA sells energy that is otherwise due to Quincy and other Preference customers.

Response 18: The existing agreement between Southeastern and Progress Energy Florida provides for the sale of energy generated in excess of the preference customers' load to Progress Energy Florida. Southeastern will pursue changes to the existing agreement with Progress Energy Florida if a preponderance of the Jim Woodruff preference customers make a request.

Discussion

System Repayment

An examination of Southeastern's revised system power repayment study, prepared in July 2009, for the Jim Woodruff Project, shows that with the proposed rates, all system power costs are paid within the 50-year repayment period required by existing law and DOE Procedure RA 6120.2. The Administrator of Southeastern has certified that the rates are consistent with applicable law and that they are the lowest possible rates to preference customers consistent with sound business principles.

Environmental Impact

Southeastern has reviewed the possible environmental impacts of the rate adjustment under consideration and has concluded the adjusted rates would not significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. The proposed action is not a major Federal action for which preparation of an Environmental Impact Statement is required.

Availability of Information

Information regarding these rates, including studies, and other supporting materials is available for public review in the offices of Southeastern Power Administration, 1166 Athens Tech Road, Elberton, Georgia 30635–6711.

Submission to the Federal Energy Regulatory Commission

The rates hereinafter confirmed and approved on an interim basis, together with supporting documents, will be submitted promptly to the Federal Energy Regulatory Commission for confirmation and approval on a final basis for a period beginning September 20, 2009, and ending no later than September 19, 2014.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis, effective September 20, 2009, attached Wholesale Power Rate Schedules JW–1–I and JW–2–F. The rate schedules shall remain in effect on an interim basis through September 19, 2014, unless such period is extended or until the Federal Energy Regulatory Commission confirms and approves them or substitute rate schedules on a final basis.

Dated: September 18, 2009

Daniel B. Poneman,
Deputy Secretary

Wholesale Power Rate Schedule JW–1–I

Availability

This rate schedule shall be available to public bodies and cooperatives served by the Progress Energy Florida and having points of delivery within 150 miles of the Jim Woodruff Project (hereinafter called the Project).

Applicability

This rate schedule shall be applicable to firm power and accompanying energy made available by the Government from the Project and sold in wholesale quantities.

Character of Service

The electric capacity and energy supplied hereunder will be three-phase alternating current at a nominal frequency of 60 cycles per second delivered at the delivery points of the customer.

Monthly Rate

The monthly rate for capacity and energy made available or delivered under this rate schedule shall be:

Demand Charge

$13.06 per kilowatt of monthly contract demand.

Energy Charge

32.07 mills per kilowatt-hour.

Billing Demand

The monthly billing demand for any billing month shall be the lower of (a) the Customer's contract demand or (b) the sum of the maximum 30-minute integrated demands for the month at each of the Customer's points of delivery; provided, that, if an allocation of contract demand to delivery points has become effective, the 30-minute maximum integrated demand for any point of delivery shall not be considered to be greater than the portion of the Customer's contract demand allocated to that point of delivery.

Contract Demand

The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy Made Available

During any billing month in which the Government supplies all the Customer's capacity requirements for a particular delivery point, the Government will make available the total energy requirement of said point. When both the Government and the Progress Energy Florida are supplying capacity to a delivery point, each kilowatt of capacity supplied to such point during such month will be considered to be accompanied by an equal quantity of energy.

Billing Month

The billing month for power sold under this schedule shall end at 12 midnight on the 20th day of each calendar month.

Conditions of Service

The customer shall, at its own expense, provide, install, and maintain on its side of each delivery point the equipment necessary to protect and control its own system. In so doing, the installation, adjustment, and setting of all such control and protective equipment at or near the point of delivery shall be coordinated with that which is installed by and at the expense of the Progress Energy Florida on its side of the delivery point.

Service Interruption

When energy delivered to the Customer's system for the account of the Government is reduced or interrupted for one hour or longer, and such reduction or interruption is not due to conditions on the Customer's system or has not been planned and agreed to in advance, the demand charge for the month shall be appropriately reduced.

Proposed Wholesale Power Rate Schedule JW–2–F

Availability

This rate schedule shall be available to the Florida Power Corporation (or Progress Energy Florida, hereinafter called the Company).

Applicability

This rate schedule shall be applicable to electric energy generated at the Jim Woodruff Project (hereinafter called the Project) and sold to the Company in wholesale quantities.

Points of Delivery

Power sold to the Company by the Government will be delivered at the connection of the Company's transmission system with the Project bus.

Character of Service

Electric power delivered to the Company will be three-phase alternating current at a nominal frequency of 60 cycles per second.

Monthly Rate

The monthly rate for energy sold under this schedule shall be equal to 100 percent of the calculated saving in the cost of fuel per KWH to the Company determined as follows:

$$\text{Energy Rate} = 100\% \times \frac{\text{Fm}}{\text{Sm}}$$

[Computed to the nearest $0.00001 (1/100mill) per KWH]

Where: Fm = Company fuel cost in the current period as defined in Federal Power Commission Order 517 issued November 13, 1974, Docket No. R–479.

Sm = Company sales in the current period reflecting only losses associated with wholesale sales for resale. Sale shall be equated to the sum of (a) generation, (b) purchases, (c) interchange-in, less (d) inter-system sales, less estimated wholesale losses (based on average transmission loss percentage for preceding calendar year).

Determination of Energy Sold

Energy will be furnished by the Company to supply any excess of Project use over Project generation. Energy so supplied by the Company will be deducted from the actual deliveries to the Company's system to determine the net deliveries for energy accounting and billing purposes. Energy for Project use shall consist of energy used for station service, lock operation, Project yard, village lighting, and similar uses.

The on-peak hours shall be the hours between 7 a.m. and 11 p.m., Monday through Sunday, inclusive. Off-peak hours shall be all other hours.

All energy made available to the Company shall, to the extent required, be classified as energy transmitted to the Government's preference customers served from the Company's system. All energy made available to the Company from the Project shall be separated on the basis of the metered deliveries to it at the Project during on-peak and off-peak hours, respectively. Deliveries to preference customers of the Government shall be divided on the basis (with allowance for losses) of 77 percent being considered as on-peak energy and 23 percent being off-peak energy. Such percentages may by mutual consent be changed from time to time as further studies show to be appropriate. In the event that in classifying energy there is more than enough on-peak energy available to supply on-peak requirements of the Government's preference customers but less than enough off-peak energy available to supply such customers off-peak requirements, such excess on-peak energy may be applied to the extent necessary to meet off-peak requirements of such customers in lieu of purchasing deficiency energy to meet such off-peak requirements.

Billing Month

The billing month under this schedule shall end at 12:00 midnight on the 20th day of each calendar month.

[FR Doc. E9–23233 Filed 9–24–09; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency information collection activities: Submission for OMB review; comment request.

SUMMARY: The EIA has submitted the Residential Energy Consumption Survey to the Office of Management and Budget (OMB) for review and a reinstatement under section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) (44 U.S.C. 3501 *et seq*).

DATES: Comments must be filed by October 26, 2009. If you anticipate that you will be submitting comments but find it difficult to do so within that period, you should contact the OMB Desk Officer for DOE listed below as soon as possible.

ADDRESSES: Send comments to OMB Desk Officer for DOE, Office of Information and Regulatory Affairs, Office of Management and Budget. To ensure receipt of the comments by the due date, submission by FAX at 202–395–7285 or e-mail to *Christine_Kymn@omb.eop.gov* is recommended. The mailing address is 726 Jackson Place, NW., Washington, DC 20503. The OMB DOE Desk Officer may be telephoned at (202) 395–4638. (A copy of your comments should also be provided to EIA's Statistics and Methods Group at the address below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Grace Sutherland. To ensure receipt of the comments by the due date, submission by FAX (202–586–5271) or e-mail (*grace.sutherland@eia.doe.gov*) is also recommended. The mailing address is Statistics and Methods Group (EI–70), Forrestal Building, 1000 Independence Ave, SW., U.S. Department of Energy, Washington, DC 20585–0670. Ms. Sutherland may be contacted by telephone at (202) 586–6264.

SUPPLEMENTARY INFORMATION: This section contains the following information about the energy information collection submitted to OMB for review: (1) The collection numbers and title; (2) the sponsor (*i.e.,* the Department of Energy component; (3) the current OMB docket number (if applicable); (4) the type of request (*i.e.,* new, revision, extension, or reinstatement); (5) response obligation (*i.e.,* mandatory, voluntary, or required to obtain or retain benefits); (6) a description of the need for and proposed use of the information; (7) a categorical description of the likely respondents; and (8) an estimate of the total annual reporting burden (*i.e.,* the estimated number of likely respondents times the proposed frequency of response per year times the average hours per response).

1. Forms EIA–457 A/G ''Residential Energy Consumption Survey.''
2. Energy Information Administration.
3. OMB Number 1905–0092.
4. Reinstatement.
5. Mandatory.
6. EIA's Residential Energy Consumption Survey (RECS) collects basic data necessary to meet EIA's legislative mandates as well as the energy consumption and expenditures and related subjects for the household sector of the U.S. economy.
7. Individuals, Federal, State, and local Government as well as Business or other for-profit.
8. 8,784 annual burden hours.

After the pre-survey consultation 60-day **Federal Register** notice was published on page 8075 on February 23, 2009, EIA received funds in order to include weatherization and energy efficiency program participation questions on the survey.

Please refer to the supporting statement as well as the proposed forms and instructions for more information about the purpose, who must report, when to report, where to submit, the elements to be reported, detailed instructions, provisions for confidentiality, and uses (including possible nonstatistical uses) of the information. For instructions on obtaining materials, see the **FOR FURTHER INFORMATION CONTACT** section.

Statutory Authority: Section 13(b) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, codified at 15 U.S.C. 772(b).

Issued in Washington, DC, September 21, 2009.

Stephanie Brown,

Director, Statistics and Methods Group, Agency Clearance Officer Energy Information Administration.

[FR Doc. E9–23185 Filed 9–24–09; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Record of Decision: Montana Alberta Tie Limited (DOE/EIS–0399)

AGENCY: Western Area Power Administration, DOE.

ACTION: Record of decision.

SUMMARY: The Western Area Power Administration (Western), an agency of the U.S. Department of Energy (DOE), has decided to finance a portion of the Montana Alberta Tie Ltd. (MATL) 230-kilovolt (kV) transmission line (MATL Project) in exchange for ownership of 50 megawatts (MW) of southbound capacity on the line and ownership of approximately 18 miles of transmission line. This decision is contingent on the MATL Project meeting all necessary conditions under Western's Transmission Infrastructure Program (TIP). MATL proposed to construct, operate, maintain, and connect a new 214-mile, single-circuit 230-kV electric transmission line across the U.S.-Canada border near Cut Bank, Montana, and DOE prepared the *Environmental Impact Statement for the Montana Alberta Tie Ltd. (MATL) 230-kV Transmission Line* (DOE/EIS–0399), herein referred to as the MATL Environmental Impact Statement (EIS), as co-lead with the State of Montana, to analyze the environmental impacts that would be associated with construction and operation of the line. The environmental mitigation measures and electric reliability conditions required by DOE's permit for the line are identified in the *Record of Decision (ROD); Montana Alberta Tie Ltd.* issued by DOE on November 17, 2008, (73 FR 67860), herein referred to as the first ROD.

Western's decision to finance a portion of the MATL Project has no effect on the environmental impacts identified in the MATL EIS, and does not in any way modify the first ROD.

Western has prepared this second ROD in accordance with the regulations of the Council on Environmental Quality (40 CFR Parts 1500–1508) for implementing the National Environmental Policy Act (NEPA), and DOE's NEPA Implementing Procedures (10 CFR part 1021).

FOR FURTHER INFORMATION CONTACT: For further information about Western's decision, contact Robert J. Harris, Regional Manager, Upper Great Plains Customer Service Region, Western Area Power Administration, P.O. Box 35800, Billings MT 59107–5800, by telephone at (406) 247–7405 or (800) 358–3415, or by facsimile at (406) 247–7408. The MATL EIS and first ROD are available on the DOE NEPA Web site at *http://www.gc.energy.gov/NEPA/*. In addition, the first ROD may be requested by contacting Ellen Russell, Senior Project Manager, Office of Electricity Delivery and Energy Reliability, OE–20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, by telephone at (202) 586–9624, by facsimile at (202) 586–8008, or at *Ellen.Russell@hq.doe.gov.* For information on the DOE NEPA process, contact Carol Borgstrom, Director, Office of NEPA Policy and Compliance, GC–20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, by telephone at (202) 586–4600 or (800) 472–2756, or by facsimile at (202) 586–7031.

SUPPLEMENTARY INFORMATION:

NEPA Review

When DOE distributed the Final MATL EIS in October 2008, Western was not involved in the MATL Project as the MATL Project did not include an interconnection with Western's transmission system and the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5; the Recovery Act) was not then law. The environmental impacts that would be associated with the line were analyzed in the MATL EIS, and the MATL Project would result in low environmental impacts after mitigation measures required by DOE's permit are implemented. The environmental mitigation measures and electric reliability conditions committed to are noted in the first ROD.

Because the expected environmental impacts of the MATL Project were fully addressed in the MATL EIS, and given that Western's participation and Federal action does not change the MATL Project or its impacts, Western has determined that further NEPA documentation is not required. For detailed information on the MATL EIS, please see the **FOR FURTHER INFORMATION** section above.

Purpose and Need for Agency Action

Under section 402 of the Recovery Act, Western is given authority to borrow funds from the U.S. Treasury to construct, finance, facilitate, plan, operate, maintain, and/or study construction of new or upgraded electric power transmission lines and related facilities. These transmission lines and related facilities must have at least one terminus in Western's marketing area and deliver or facilitate the delivery of power from renewable resources constructed or reasonably expected to be constructed after the date of enactment of the Recovery Act.

On March 4, 2009, Western published a Notice of Proposed Program and Request for Public Comments in the **Federal Register** (74 FR 9391) describing its proposed Transmission Infrastructure Program (TIP) and soliciting public input on that program. After considering the comments received on its March 4 **Federal Register** notice, Western published its final TIP Notice of Program on May 14, 2009 (74 FR 22732). The TIP will guide how Western evaluates proposals for funding under the Recovery Act.

Western also published a Notice of Availability of Request for Interest on March 4, 2009, (74 FR 9391) that initiated a public process to help identify the first round of transmission projects to be developed under the Recovery Act. The MATL Project was one of the projects proposed for funding in response to this notice.

Western's proposed action is to partially finance under its TIP the MATL Project as described in the first ROD. In return for its portion of Project funding, Western would own 50 MW of southbound capacity on the MATL line and gain ownership of approximately 18 miles of transmission line extending north from the Great Falls substation.

Decision

Western evaluated its participation in the MATL Project based on the principles, policies, and practices of Western's TIP. This second ROD provides notice that Western has considered the potential environmental impacts of the MATL Project and required mitigation as presented in the first ROD. It also provides notice that Western has decided to partially finance the MATL Project, in exchange for owning 50 MW of southbound capacity on the line and approximately 18 miles of transmission line. This decision is contingent on the MATL Project satisfying the other requirements of the TIP. The decision in this second ROD will be implemented through contracts with MATL if all necessary conditions are met.

In reaching this decision, Western reviewed the MATL EIS and first ROD and considered that the potential impacts from the selected alternative, with implementation of the stipulated mitigation measures, are expected to be low. Western's decision to finance a portion of the MATL Project has no effect on the environmental impacts identified in the MATL EIS, and does not in any way modify the first ROD.

Western has prepared this second ROD in accordance with the regulations of the Council on Environmental Quality (40 CFR Parts 1500–1508) for implementing NEPA, and DOE's NEPA Implementing Procedures (10 CFR Part 1021). Western's authority to issue a ROD is pursuant to authority delegated on October 4, 1999.[1]

Dated: September 18, 2009.

Timothy J. Meeks,

Administrator.

[FR Doc. E9–23186 Filed 9–24–09; 8:45 am]

BILLING CODE 6450–01–P

[1] Western's authority to issue a record of decision is pursuant to authority delegated on October 4, 1999, from the Assistant Secretary for Environment, Safety and Health to Western's Administrator.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IN06–3–003]

Energy Transfer Partners, L.P.; Energy Transfer Company; ETC Marketing, Ltd.; Houston Pipeline Company; Public Notice of Settlement

September 21, 2009.

Take notice that on September 21, 2009, pursuant to Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602 (2009), the Commission accepted and approved the Stipulation and Consent Agreement (''Agreement'') entered into by Energy Transfer Partners, L.P., *et al.* (''ETP'') and Enforcement Litigation Staff regarding settlement of Docket No. IN06–3–003.[1] Concurrently with this Notice, the Agreement is being filed as a public document with the Secretary of the Commission.

ETP and Enforcement Litigation Staff jointly state that the Agreement resolves all Claims alleged or asserted in this Proceeding by the Commission and Enforcement Litigation Staff against ETP, including the named respondents, any other ETP Entity, and any of its current or former directors, officers, employees, agents, or other representatives, relating to manipulation or attempted manipulation of natural gas prices in alleged violation of the Commission's former Market Behavior Rule 2.[2]

By resolving all Claims through the Agreement, ETP and Enforcement Litigation Staff agree that the Commission shall dismiss all Claims against ETP with prejudice, terminate all investigations in this Proceeding, and forever release ETP and the ETP Entities and their current or former directors, officers, employees, agents, and other representatives, and any successor to ETP or the ETP Entities, from any and all administrative or civil claims for civil penalties and legal and equitable relief, including disgorgement of profits and restitution, under any and all theories of alleged liability based on or arising under in whole or part, the Claims.

Under the terms of the Agreement, ETP will pay Five Million Dollars ($5,000,000.00) in civil monetary penalties to the United States Treasury.

In addition, under the terms of the Agreement, ETP will establish a Fund in the amount of Twenty-Five Million Dollars ($25,000,000.00) for the purpose of disgorging to Final Opt-In Fund Participants alleged unjust profits based on or arising from ETP's Alleged Conduct. Third Parties that have asserted claims against ETP in private litigation or arbitration may become Fund Participants. If, after the allocation of money to Final Opt-In Fund Participants, there is any Remaining Fund Amount, such amount shall be available for the purpose of compensating Third Parties, in whole or part, in connection with the Private Settlement of Pending Claims or Future Claims.

For purposes of this Proceeding, ETP neither admits nor denies the Claims. As specified in the Agreement, ETP does not admit or concede to any Third Party actual or potential fault, wrongdoing, or liability in connection with any facts or claims that have been or could have been alleged against it with respect to ETP's Alleged Conduct.

No later than sixty (60) days from the date of the publication of this Notice in the **Federal Register** (the ''Fund Notice Period''), any individual, business entity, or putative class that believes it may have a claim against any ETP Entity, with respect to the allegations covered by the Agreement, and elects to become a Conditional Opt-In Fund Participant, shall cause to be filed with the Commission and served upon ETP and Enforcement Litigation Staff a written, verified Conditional Notice as attached.[3] No claims filed after expiration of the sixty-day Fund Notice Period shall be considered or eligible for participation in the Fund. Such submissions shall be treated as subject to the terms of the Protective Order entered in this Proceeding on February 11, 2008, *Energy Transfer Partners, L.P.*, 122 FERC ¶ 61,122 (2008), as such Protective Order may be modified by the Commission or by an administrative law judge.

Within one hundred twenty (120) days after the close of the Fund Notice Period, the Fund Administrator shall certify to the Commission and simultaneously serve the Settling Parties and each Conditional Opt-In Fund Participant an Initial Fund Allocation Report. This report shall describe the data submitted by each Conditional Fund Participant, the basis for its claim, its total claim, if any, supported by the data submitted, the initial allocation of the Fund, and the methodology employed in reaching the initial allocation of the Fund. The Agreement provides for Commission review and approval of the report. Within thirty (30) days after the Initial Fund Allocation Report becomes final, each Conditional Opt-In Fund Participant shall declare in

[1] Capitalized terms in this Public Notice have the meaning provided in the Agreement and the Agreement constitutes the complete agreement of the Settling Parties. All matters in this docket that pertained to ETP's affiliate, Oasis Pipeline, L.P., were resolved by a prior settlement approved by the Commission in *Oasis Pipeline, L.P.*, 126 FERC ¶ 61,188 (2009).

[2] *See* Order No. 644, 105 FERC ¶ 61,217 (2003), *formerly codified at* 18 CFR § 284.403(a) (2005). Market Behavior Rule 2 was rescinded in Order No. 673, 114 FERC ¶ 61,166 (2006).

[3] The following forms are attached to this notice: (1) Conditional Notice to Participate in Settlement Fund, along with associated Declaration of Authorized Representative and Affidavit forms; and (2) Declaration of Final Opt-in Fund Participant and Waiver and Release of Claims, along with an associated Declaration of Authorized Representative form.

writing whether or not it accepts the allocated amount to become a Final Opt-In Fund Participant. As a condition of accepting the allocated amount, each Final Opt-In Participant must agree to forever waive and release all claims against ETP based on or arising, in whole or part, from ETP's Alleged Conduct as specified in the Agreement. No individual, business entity, or putative class that becomes a Conditional Opt-In Fund Participant or a Final Opt-In Fund Participant shall become a Party to this Proceeding.

No portion of the Fund shall be withdrawn by, recouped by, or revert to ETP. If, at the close of the allocation process set forth in the Agreement, there is any amount of money remaining in the fund, that amount shall be paid to the United States Treasury.

For additional information regarding the Agreement, please contact:

Enforcement Litigation Staff:
John R. Kroeger, Division of Investigations, Office of Enforcement, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, T: (202) 502–8177, E: *john.kroeger@ferc.gov.*

Energy Transfer Partners, L.P., et al.
William S. Scherman, Skadden, Arps, Slate, Meagher & Flom, LLP, 1440 New York Avenue, NW., Washington, DC 20005, T: (202) 371–7000, E: *William.scherman@skadden.com.*

Conditional Notices are due no later than sixty (60) days after publication of this Notice in the **Federal Register**.

Kimberly D. Bose,

Secretary.

UNITED STATES OF AMERICA BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

Energy Transfer Partners, L.P.
Energy Transfer Company
ETC Marketing, Ltd.
Houston Pipeline Company
Docket No. IN06–3–003

Conditional Notice to Participate in Settlement Fund

Pursuant to the Federal Energy Regulatory Commission's _____, 2009 Order Approving Settlement, _____ FERC ¶ ____ (2009), and Public Notice, __ Fed. Reg. __ **[date of notice]**, and in accordance with the Stipulation and Consent Agreement (the ''Agreement'') dated August 26, 2009 by ETP [1] and Enforcement Litigation Staff, the undersigned, a duly authorized representative of **[company or other entity]**, hereby gives notice that **[company or other entity]** on behalf of itself and _____ **[identify each affiliate, subsidiary or other entity that may have a Fund Claim]**, believes it may have a Fund Claim against one or more ETP Entities arising from ETP's Alleged Conduct and elects to become a Conditional Opt-In Fund Participant under the terms of the Agreement.

[The company or other entity] hereby states and acknowledges that, should it accept that ultimate allocation of the Fund by the Fund Administrator and elect to become a Final Opt-In Fund Participant, it and each of its affiliates, subsidiaries, or other entities shall forever waive and release all claims against ETP based on or arising from, in whole or in part, the Claims and ETP's Alleged Conduct as provided in Paragraph 64 of the Agreement.

[The company or other entity] further states and acknowledges that by such election, it shall not be a party to the Agreement or a party to the Proceeding.

The basis for the Fund Claim of **[company or other entity]**, together with its affiliates and related legal entities, is as follows:

[Statement of how the Conditional Opt-In Fund Participant was purportedly injured by the Claims or ETP's Alleged Conduct]

Attached hereto are the following verified documents and data that support the Fund Claim and accompanying affidavits of the following individuals:

[Description of verified documentation and other data showing sufficient information to support the Fund Claim and a statement of how the Conditional Opt-In Fund Participant was purportedly injured by the Claims or ETP's Alleged Conduct. Such information for physical transactions shall include, for example, all monthly sales and purchases made by the Third Party and its affiliates or other related entities based on, in whole or part, the IFERC HSC Index for any or all of the months of September 2003 through December 2006 inclusive; whether the transaction was a sale or purchase; the counter-party for each sale or purchase; the execution date of the transaction; the applicable sales or purchase price per MMBtu; all related positions; and all other information necessary to establish that the Third Party allegedly suffered a loss. Such information for derivative financial transactions shall include, for example, all instruments owned by the Third Party or its affiliates or other related entities based on, in whole or part, the IFERC HSC Index for any or all of the months of September 2003 through December 2006 inclusive; whether the instrument had a long or short exposure to the IFERC HSC Index; the counter-party for each instrument; the execution date of the transaction; the applicable price for each instrument; all related positions; and all other information necessary to establish that the Third Party allegedly suffered a loss. The Conditional Notice may include any other information on which a Fund Claim is based.]

Attached hereto and described below as necessary is any other information upon which a Fund Claim is based:

[Description of attached documentation or statement of additional information.]

This submission is subject to the Commission's February 11, 2008 Order Adopting Protective Order and Appendix thereto, *Energy Transfer Partners, L.P.*, 122 FERC ¶ 61,122 (2008), as it may be modified by the Commission or the Fund Administrator.

Electronic copies of this notice, including all attachments, are being served on each person designated as a receiving representative of the Settling Parties to the Agreement.

Respectfully submitted,

_____

[Authorized Representative]
[Name, title, company or other entity, business address, telephone and email]

UNITED STATES OF AMERICA BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

Energy Transfer Partners, L.P.
Energy Transfer Company
ETC Marketing, Ltd.
Houston Pipeline Company
Docket No. IN06–3–003

COUNTY OF _____
STATE OF _____

Declaration of **[Authorized Representative]***

I, **[Authorized Representative]**, declare under penalty of perjury that I am the authorized representative of **[company or other entity]**, its affiliates and related legal entities, with the authority to bind **[company or other entity]**, its affiliates and related legal entities, and that the foregoing Conditional Notice to Participate in Settlement Fund, together with all attachments, is true, correct, and complete to the best of my information, knowledge, and belief.

Executed on this __ day of __ 2009.

_____

[Authorized Representative]
[Name, title, company or other entity]

Subscribed and Sworn to before me
This __ day of __ 2009.

_____

Notary Public
My Commission Expires:

* **[To be submitted by the duly authorized representative.]**

UNITED STATES OF AMERICA BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

Energy Transfer Partners, L.P.
Energy Transfer Company
ETC Marketing, Ltd.
Houston Pipeline Company
Docket No. IN06–3–003

COUNTY OF _____
STATE OF _____

Affidavit of **[Affiant]***

I, **[Affiant]**, declare under penalty of perjury that I am **[title]** of **[company or other entity]** doing business at **[business address]** and that the attached documents and data entitled **[identify attached documents and data]** submitted in support of the claim of **[company or other entity]** on behalf of itself, its affiliates and all related legal entities, is true, correct, and complete to the best of my information, knowledge, and belief.

Executed on this __ day of __ 2009.

_____

[1] Capitalized terms in this Conditional Notice have the meaning provided in the Agreement.

[Affiant]
[Name, business address, telephone]

Subscribed and Sworn to before me
This __ day of __ 2009.

Notary Public
My Commission Expires:

* [To be submitted for each affiant necessary to verify the documents and data submitted.]

Declaration of Final Opt-In Fund Participant and Waiver and Release of Claims

Pursuant to the Federal Energy Regulatory Commission's _____ 2009 Order Approving Settlement, __ FERC ¶ ____ (2009), and Public Notice, __ Fed. Reg. ____ **[date of notice]**, and in accordance with the terms of the Stipulation and Consent Agreement (the ''Agreement'') dated August 26, 2009 by and among ETP [1] and Enforcement Litigation Staff, the undersigned, a duly authorized representative of **[company or other entity and each subsidiary, affiliate, or other legal entity]**, hereby states that [company or other entity] accepts the amount of $**[amount of allocation]** allocated to it by the Final Fund Allocation Report of **[date of Final Fund Allocation Report]**, 2010 and elects to become a Final Opt-In Fund Participant pursuant to the terms and conditions specified in the Agreement.

[The company or other entity] hereby states and acknowledges that, by such election for itself, its affiliates and all other related legal entities, it forever waives and releases each and every ETP Entity, and each of their respective, current and former directors, officers, employees, agents or other representatives, from each and every past, existing and future claim for civil damages and/or penalties and/or equitable relief, including but not limited to disgorgement and restitution, whether known or unknown, suspected or unsuspected, based on or arising from, in whole or part, the Claims or ETP's Alleged Conduct. Such claims include, but are not limited to any claims relating to ETP's Alleged Conduct arising under the Natural Gas Act, the Natural Gas Policy Act of 1978, the Energy Policy Act of 2005, the Commodity Exchange Act, and any regulation thereunder, any federal or state antitrust law or consumer protection law, however denominated, and any state or common law tort theory, contract theory or equitable theory.

This declaration is final and binding and may not be qualified or withdrawn.

Electronic copies of this notice are being served on each person designated as a receiving representative of the Settling Parties to the agreement.

Respectfully submitted,

[Authorized Representative]
[Name, title, company or other entity, business address, telephone and email]

Attachment(s)

[1] Capitalized terms in this Final Notice have the meaning provided in the Agreement.

UNITED STATES OF AMERICA BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

Energy Transfer Partners, L.P.
Energy Transfer Company
ETC Marketing, Ltd.
Houston Pipeline Company
Docket No. IN06–3–003

COUNTY OF _____

STATE OF _____

Declaration of **[Authorized Representative]**

I, **[Authorized Representative]**, declare under penalty of perjury that I am an authorized representative of **[company or other entity]**, its affiliates and related legal entities, with the authority to bind **[company or other entity]**, its affiliates and related legal entities. Under penalty of perjury, the foregoing Declaration of Final Opt-In Fund Participant and Waiver and Release of Claims is true, correct, and complete to the best of my information, knowledge, and belief.

Executed on this __ day of ____ 2010.

[Authorized Representative]
[Name, title, company or other entity]

Subscribed and Sworn to before me
This __ day of ____ 2010.

Notary Public
My Commission Expires:

[FR Doc. E9–23145 Filed 9–24–09; 8:45 am]
BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8597–7]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202–564–7146. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated July 17, 2009 (74 FR 34754).

Draft EISs

EIS No. 20090188, ERP No. D–AFS–K65369–AZ, Pinaleno Ecosystem Restoration Project, Proposed On-the-Ground Treatments to Improve Forest Health and Improve or Protect Red Squirrel Habitat, Coronado National Forest, Graham County, AZ.

Summary: EPA does not object to the proposed project, but did request clarification of Christmas tree removal and public firewood gathering issues. Rating LO.

EIS No. 20090227, ERP No. D–UAF–K10011–AZ, Barry M. Goldwater Ranger East Range Enhancements, Proposes to Take Ten Different Actions would Enhance Range Operations and Training, Yuma, Pima and Maricopa Counties, AZ.

Summary: EPA expressed environmental concerns about impacts to surface water and air emissions from the sand and gravel excavation of washes. Rating EC2.

EIS No. 20090235, ERP No. D–AFS–K65374–CA, Sugar Pine Adaptive Management Project, Proposal to Create a Network of Strategically Placed Landscape Area Treatments (SPLATs) and Defensible Fuels Profiles near Key Transportation Corridors to Reduce the Intensity and Spread of Wildfires across the landscape and near Communities, Madera and Mariposa Counties, CA.

Summary: EPA expressed environmental concerns about impacts to water and air quality, and requested for additional information on and commitments to mitigation measures to minimize those impacts. Rating EC2.

EIS No. 20090241, ERP No. D–IBR–H28002–KS, Aquifer Storage Recharge and Recovery Project, To Provide Municipal and Industrial (M&I) Water to City and Surrounding Region, Equus Beds Division, Wichita Project, Kansas, Harvey, Sedgwick, and Reno Counties, KS.

Summary: EPA does not object to the proposed project Rating LO.

EIS No. 20090253, ERP No. D–AFS–L65575–OR, Deadlog Vegetation Management Project, To Implement Treatments that would Reduce the Risk of High Intensity, Stand Replacement Wildlife and the Risk of Heavy Tree Mortality from Insects and Disease, Deschutes National Forest Lands, Deschutes County, OR.

Summary: EPA expressed environmental concerns about the project's potential to impact air quality. Rating EC2.

EIS No. 20090256, ERP No. D–BLM–K65378–NV, Round Mountain Expansion Project, Proposed to Construct and Operate and Expand the Existing Open-Pit Gold Mining and Processing Operations, north of the town of Tonopah in Nye County, NV.

Summary: EPA expressed environmental concerns about impacts to groundwater and surface water quality and quantity, riparian areas, and air quality, and requested additional

information on these issues, additional mitigation, financial assurance for reclamation and post-closure monitoring. Rating EC2.

Final EISs

EIS No. 20090206, ERP No. F–NOA–E91026–00, Programmatic EIS—Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico, To Increase the Maximum Sustainable Yield (MSY) and Optimum Yield (OY), Implementation.

Summary: EPA expressed environmental concern about the potential for excess nutrients to cause organic loading within the water column.

EIS No. 20090228, ERP No. F–CGD–E03019–FL, Port Dolphin LLC Liquefied Natural Gas Deepwater Port License Application, Proposes to Own, Construct and Operate a Deepwater Port, Outer Continental Shelf, Manatee County, FL.

Summary: EPA does not object to the proposed action.

Dated: September 22, 2009.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E9–23227 Filed 9–24–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8597–6]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–1399 or *http://www.epa.gov/compliance/nepa/*.

Weekly receipt of Environmental Impact Statements

Filed 09/14/2009 through 09/18/2009.

Pursuant to 40 CFR 1506.9.

EIS No. 20090324, Draft EIS, AFS, 00, Nebraska National Forests and Grassland Travel Management Project, Proposes to Designate Routes and Areas Open to Motorized Travel, Buffalo Gap National Grassland, Oglala National Grassland, Samuel R. McKelvie National Forest, and the Pine Ridge and Bessey Units of the Nebraska National Forest, Fall River, Custer, Pennington, Jackson Counties; SD and Sioux, Dawes, Cherry, Thomas and Blaine Counties, NE, Comment Period Ends: 11/09/2009, Contact: Mark Reichert, 530–841–4422.

EIS No. 20090325, Draft EIS, NHT, 00, Corporate Average Fuel Economy (CAFÉ) Standards Passenger Car and Light Trucks Model Years 2012–2016, To Reduce National Energy Consumption by Increasing the Fuel Economy of Passenger Car and Light Trucks sold in the United States, Implementation, Comment Period Ends: 11/09/2009, Contact: Jessica GT Wilson, 202–366–0176.

EIS No. 20090326, Final EIS, USN, FL, Naval Surface Warfare Center Panama City Division (NSWC PCD), Capabilities to Conduct New and Increased Mission Operations for the Department of Navy (DON) and Customers within the three Military Operating Area and St. Andrew Bay (SAB), Gulf of Mexico, FL, Wait Period Ends: 10/26/2009, Contact: Carmen Ferrer, 850–234–4146.

EIS No. 20090327, Final EIS, STB, AK, Northern Rail Extension Project, Construct and Operate a Rail Line between North Pole and Delta Junction, AK, Wait Period Ends: 10/26/2009, Contact: Dave Navecky, 202–245–0294.

EIS No. 20090328, Final EIS, FRC, 00, Phase VIII Expansion Project, Proposed to Construct, Own, Operate, and Maintain New Interstate National Gas Pipeline, Compressor, and Ancillary Facilities in Alabama and Florida, Wait Period Ends: 10/26/2009, Contact: Julia Bovey 1–866–208–3372.

EIS No. 20090329, Draft EIS, DOE, KS, Abengoa Biorefinery Project, To Support the Design, Construction, and Startup of a Commercial-Scale Integrated Biorefinery, Federal Funding, Located near the City Hugoton, Stevens County, KS, Comment Period Ends: 11/09/2009, Contact: Kristin Kerwin, 303–275–4968.

EIS No. 20090330, Draft EIS, USN, CA, Marine Corps Base Camp Pendleton Basewide Utilities Infrastructure Construct and Operate Six Utility Infrastructure Project, San Diego County, CA, Comment Period Ends: 11/09/2009, Contact: Jesse Martinez, 619–532–3844.

EIS No. 20090331, Final EIS, COE, CA, San Pedro Waterfront Project, Proposed Specific Development Project and Associated Infrastructure Improvements on Approximately 400 Acres, Currently Operated by Los Angeles Harbor Department (LAHD), Located along the West Side of Los Angeles Harbor's Main Channel, from the Vincent Thomas Bridge to Cabrillo Beach, US Army Section 10 and 404 and Section 103 Marine Protection, Research, and Sanctuaries Act Permits, (MPRSA) City of Los Angeles, CA, Wait Period Ends: 10/26/2009, Contact: Dr. Spencer D. MacNeil, 805–585–2152.

Amended Notices

EIS No. 20090267, Draft EIS, AFS, MT, Bitterroot National Forest Travel Management Planning, To Address Conflicts between Motorized and Non-Motorized Users, Ravalli County, MT, Comment Period Ends: 11/09/2009, Contact: Dan Ritter, 406–777–5461. Revision to FR Notice Published 08/07/2009: Extending Comment Period from 09/21/2009 to 11/09/2009.

EIS No. 20090272, Draft EIS, UAF, 00, Modification of the Condor 1 and Condor 2 Military Operation Areas, 104th Fighter Wing of the Massachusetts Air National Guard Base (ANG) Proposes to Combine the Condor 1 and Condor 2 MOA, ME and NH, Comment Period Ends: 01/01/2010, Contact: Jay Nash, 703–614–0346. Revision to FR Notice Published 08/07/2009: Extending Comment Period from 09/21/2009 to 11/09/2009.

EIS No. 20090277, Draft EIS, AFS, CO, Hermosa Park/Mitchell Lakes Land Exchange Project, Proposed Land Exchange between Federal and Non-Federal Lands, Implementation, Federal Land in LaPlata County and Non-Federal Land in San Juan County, CO, Comment Period Ends: 10/30/2009, Contact: Cindy Hockelberg, 970–884–1418. Revision to **Federal Register** Notice Published 08/17/2009: Extending Comment Period from 10/01/2009 to 10/30/2009.

EIS No. 20090311, Final EIS, USN, WA, Naval Base Kitsap—Bangor, Construct and Operate a Swimmer Interdiction Security System (SISS), Silverdale Kitsap County, WA, Wait Period Ends: 10/13/2009, Contact: Shannon Kasa, 619–553–3889. Revision to FR Notice Published 09/11/2009: Correction to Telephone Number.

Dated: September 22, 2009.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E9–23228 Filed 9–24–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8963–3]

National Drinking Water Advisory Council: Request for Nominations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) invites all interested persons to nominate qualified individuals to serve a three-year term as members of the National Drinking Water Advisory Council (Council). This 15-member Council was established by the Safe Drinking Water Act (SDWA) to provide practical and independent advice, consultation and recommendations to the Agency on the activities, functions, policies, and regulations required by the SDWA. The terms of four (4) members expire in December 2009. To maintain the representation required in the statute, nominees for the 2010 Council should represent state and local officials concerned with public water supply and public health protection (two (2) vacancies) and the general public (two (2) vacancies). All nominations will be fully considered, but applicants need to be aware of the specific representation needed as well as geographical balance so that all major areas of the U.S. (East, Mid-West, South, Mountain, South-West, and West) will be represented. The EPA strongly encourages nominations from women and minorities. The current list of members is available on the EPA Web site at *http://www.epa.gov/safewater/ndwac.*

DATES: Submit nominations via U.S. mail on or before October 26, 2009.

ADDRESSES: The preferred form of communication is via e-mail to Veronica Blette, Designated Federal Officer, National Drinking Water Advisory Council, @ *Blette.veronica@epa.gov.* The mailing address is Veronica Blette, Designated Federal Officer, U.S. Environmental Protection Agency, Office of Ground Water and Drinking Water (Mail Code 4601–M), 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: E-mail your questions to Jacquelyn Springer, @ *springer.jacquelyn@epa.gov* or call 202–564–9904.

SUPPLEMENTARY INFORMATION:

National Drinking Water Advisory Council: The Council consists of 15 members, including a Chairperson, appointed by the Deputy Administrator. Five members represent the general public; five members represent appropriate State and local agencies concerned with public water supply and public health protection; and five members represent private organizations or groups demonstrating an active interest in the field of public water supply and public health protection. SDWA requires that at least two members of the Council represent small, rural public water systems. Additionally, members may be asked to serve on one of the Council's workgroups that are established on an as-needed basis to assist EPA in addressing specific program issues. On December 15 of each year, some members complete their appointment. Therefore, this notice solicits nominations to fill four vacancies with terms ending on December 15, 2012. Persons selected for membership will receive compensation for travel and a nominal daily compensation (if appropriate) while attending meetings. The Council holds two face-to-face meetings each year, generally in the spring and fall. Conference calls will be scheduled if needed.

Nomination of a Member: Any interested person or organization may nominate qualified individuals for membership. Self-nominations are also welcome. The EPA strongly encourages nominations from women and minorities. Nominees should be identified by name, occupation, position, address and telephone number. To be considered, all nominations must include a current resume, providing the nominee's background, experience and qualifications. Prospective candidates will be required to fill out the ''Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency'' (EPA Form 3110–48). This confidential form allows Government officials to determine whether there is a statutory conflict between that person's public responsibilities (which includes membership on an EPA Federal advisory committee) and private interests and activities, or the appearance of a lack of impartiality, as defined by Federal regulation.

Dated: September 21, 2009.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. E9–23229 Filed 9–24–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8963–2]

Science Advisory Board Staff Office Request for Nominations of Experts To Provide Advice on Ecological Impacts Associated With Mountaintop Mining and Valley-Fill Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office is requesting nominations to form an *ad hoc* panel, under the auspices of the SAB, to provide expert advice to the EPA on a draft assessment of the ecological impacts associated with a surface coal mining technique known as mountaintop mining and valley-fill where mining overburden is placed in adjacent valleys. This assessment is being prepared by EPA's Office of Research and Development (ORD) at the request of EPA's Regional Office in Philadelphia, PA (Region 3).

DATES: Nominations should be submitted by October 16, 2009 per the instructions below.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this request for nominations may contact Mr. Edward Hanlon, Designated Federal Officer (DFO), SAB Staff Office, by telephone/voice mail at (202) 343–9946; by fax at (202) 233–0643 or via e-mail at *hanlon.edward@epa.gov.* General information concerning the EPA Science Advisory Board can be found at the EPA SAB Web site at: *http://www.epa.gov/sab.* Any inquiry regarding EPA's Region 3 activities related to mountaintop mining and valley-fill operations should be directed to Mr. John Forren, Associate Director for Monitoring and Assessment, Environmental Assessment and Innovation Division, Region 3 EPA, who may be contacted via telephone at (215) 814–2705 or by e-mail at *forren.john@epa.gov.* Any inquiry regarding EPA's ORD draft assessment on the ecological impacts of mountaintop mining and valley-fill operations should be directed to Dr. Michael Slimak, Associate Director of Ecology, National Center for Environmental Assessment, who may be contacted via telephone at (703) 347–8524 or by e-mail at *slimak.michael@epa.gov.* The public release of this assessment, which is expected in mid-November 2009, will be announced in the **Federal Register**

and posted on the NCEA Web site at *http://www.epa.gov/ncea*.

SUPPLEMENTARY INFORMATION:

Background: Recent published scientific information reveals that mountaintop mining and valley-fill operations in Southern Appalachia may be linked to degraded water quality and adverse impacts on in-stream biota. Discharges from surface coal mining operations are regulated under the Clean Water Act (CWA). CWA Section 402 provides authority to regulate discharges of pollutants to streams from valley-fills and associated operations. CWA Section 404 provides authority to regulate construction of the valley-fill itself to the extent rock and dirt are placed in waters of the United States, including streams and wetlands. Surface coal mining operations are regulated under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

EPA's Region 3 Office has requested EPA's ORD to prepare a scientific assessment of the ecological impacts related to mountaintop mining and valley-fill operations. The scope of this assessment includes: loss of headwater streams, downstream water quality and subsequent effects on in-stream biota, and cumulative ecological impacts. In addition, the draft assessment will evaluate restoration and recovery methods used by mining companies to address these ecological impacts associated with mountaintop mining and valley-fill operations. Cultural, aesthetic and human health impacts that may be associated with this mining technique are not part of the scope of this current assessment. ORD requested the SAB review and provide advice on the scientific adequacy, suitability and appropriateness of the draft assessment.

The SAB was established by 42 U.S.C. 4365 to provide independent scientific and technical advice, consultation, and recommendations to the EPA Administrator on the technical basis for Agency positions and regulations. In response to ORD's request, the SAB Staff Office will form an expert Panel to review and provide advice to ORD regarding its draft assessment of ecological impacts related to mountaintop mining and valley-fill operations. The SAB expert advisory panel on the ecological impacts related to mountaintop mining and valley-fill operations will comply with the provisions of the Federal Advisory Committee Act (FACA) and all appropriate SAB procedural policies. Upon completion, the panel's report will be submitted to the chartered SAB for final approval for transmittal to the EPA Administrator.

Request for Nominations: The SAB Staff Office is seeking individuals with nationally recognized expertise, experience, knowledge, and field experience in the following disciplinary areas associated with mountaintop mining and valley-fill operations: aquatic ecology, aquatic toxicology, hydrogeology, water quality, mining engineering, ecosystem restoration, inorganic chemistry, freshwater ecological risk assessment, and systems ecology. Qualified nominees will be considered for serving on this *ad hoc* panel.

Process and Deadline for Submitting Nominations: Any interested person or organization may nominate qualified individuals for possible service on the augmented EEAC in the areas of expertise described above. Nominations should be submitted in electronic format (which is preferred over hard copy) following the instructions for ''Nominating Experts to Advisory Panels and Ad Hoc Committees Being Formed'' provided on the SAB Web site. The electronic nomination can be accessed through the ''Nomination of Experts'' link on the blue navigational bar on the SAB Web site at *http://www.epa.gov/sab*. To receive full consideration, nominations should include all of the information requested.

EPA's SAB Staff Office requests contact information about the person making the nomination; contact information about the nominee; the disciplinary and specific areas of expertise of the nominee; the nominee's curriculum vitae; sources of recent grants and/or contracts; and a biographical sketch of the nominee indicating current position, educational background, research activities, and recent service on other national advisory committees or national professional organizations.

The EPA SAB Staff Office will acknowledge receipt of nominations. The names and biosketchs of qualified nominees identified by respondents to the **Federal Register** notice and additional experts identified by the SAB Staff will be posted on the SAB Web site at *http://www.epa.gov/sab*. Public comments on this ''Short List'' of candidates will be accepted for 21 calendar days. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

For the EPA SAB Staff Office, a balanced subcommittee or review panel includes candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience to adequately address the charge. In establishing the final *ad hoc* panel, the SAB Staff Office will consider public comments on the ''Short List'' of candidates, information provided by the candidates themselves, and background information independently gathered by the SAB Staff Office. Specific criteria to be used for panel membership include: (a) Scientific and/or technical expertise, knowledge, and experience (primary factors); (b) availability and willingness to serve; (c) absence of financial conflicts of interest; (d) absence of an appearance of a lack of impartiality; (e) skills working in committees, subcommittees and advisory panels; and, for the panel as a whole, (f) diversity of, and balance among, scientific expertise, viewpoints, etc.

The SAB Staff Office's evaluation of an absence of financial conflicts of interest will include a review of the ''Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency'' (EPA Form 3110–48). This confidential form allows Government officials to determine whether there is a statutory conflict between that person's public responsibilities (which includes membership on an EPA Federal advisory committee) and private interests and activities, or the appearance of a lack of impartiality, as defined by Federal regulation. The form may be viewed and downloaded from the following URL address *http://www.epa.gov/sab/pdf/epaform3110-48.pdf*.

The approved policy under which the EPA SAB Office selects subcommittees and review panels is described in the following document: *Overview of the Panel Formation Process at the Environmental Protection Agency Science Advisory Board* (EPA–SAB–EC–02–010), which is posted on the SAB Web site at *http://www.epa.gov/sab/pdf/ec02010.pdf*.

Dated: September 18, 2009.

Anthony F. Maciorowski,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. E9–23231 Filed 9–24–09; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection Being Reviewed

09/22/2009.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Persons wishing to comment on this information collection should submit comments on November 24, 2009. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget (OMB), via fax at (202) 395–5167, or via the Internet at Nicholas_A._Fraser@omb.eop.gov and to Cathy Williams, Federal Communications Commission (FCC), 445 12th Street SW, Washington DC 20554. To submit your comments by e–mail send then to: PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s) send an e–mail to PRA@fcc.gov or contact Cathy Williams on (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0320.

Title: Section 73.1350, Transmission System Operation.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for–profit entities; Not–for–profit institutions.

Number of Respondents and Responses: 505 respondents; 505 responses.

Estimated Hours per Response: 0.5 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in 154(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 253 hours.

Total Annual Cost: None.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: 47 CFR Section 73.1350(g) requires licensees to submit a ''letter of notification'' to the FCC in Washington, D.C., Attention: Audio Division (radio) or Video Division (television), Media Bureau, whenever a transmission system control point is established at a location other than at the main studio or transmitter within three days of the initial use of that point. The letter should include a list of all control points in use for clarity. This notification is not required if responsible station personnel can be contacted at the transmitter or studio site during hours of operation.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. E9–23166 Filed 9–24–09; 8:45 am]

BILLING CODE 6712–01–S

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; Open Commission Meeting; Tuesday, September 29, 2009

Date: September 22, 2009.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Tuesday, September 29, 2009, which is scheduled to commence at 1:00 p.m. in Room TW–C305, at 445 12th Street, SW., Washington, DC.

The meeting will feature presentations on the status of the Commission's processes for development of a National Broadband Plan.

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disability are available upon request. Include a description of the accommodation you will need including as much detail as you can. In addition, include a way we can contact you if we need more information. Make your request as early as possible; please allow at least 5 days advance notice. Last minute request will be accepted, but may be impossible to fill. Send an e–mail to: fcc504@fcc.gov or call the Consumer & Government Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Additional information concerning this meeting may be obtained from Audrey Spivack or David Fisk, Office of Media Relations, 202–418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcasted live with open captioning over Internet from the FCC Audio/Video Events web page at http://www.fcc.gov/realaudio.

For a fee this meeting can be viewed live over George Mason University's Capital Connection. The Capital Connection also will carry the meeting live via the Internet. To purchase these services, call 703–993–3100 or go to http://www.capitalconnection.gmu.edu.

Copies of material adopted at this meeting can be purchased from the FCC's duplicating contractor, Best Copy and Printing, Inc., 202–488–5300; Fax 202–488–5563; TTY 202–488–5562. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio and video tape. Best Copy and Printing, Inc. may be reached by e–mail at FCC@BCPIWEB.com.

Federal Communications Commission

Marlene H. Dortch,

Secretary.

[FR Doc. E9–23362 Filed 9–23–09; 4:15 pm]

BILLING CODE 6712–01–S

FEDERAL DEPOSIT INSURANCE CORPORATION

FEDERAL RESERVE SYSTEM

[Docket No. OP–1369]

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket ID OCC–2009–0013]

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[Docket ID OTS–2009–20016]

Correspondent Concentration Risks

AGENCY: Federal Deposit Insurance Corporation (FDIC); Board of Governors of the Federal Reserve System (the Board), Office of the Comptroller of the Currency, Treasury (OCC); and Office of Thrift Supervision, Treasury (OTS).

ACTION: Proposed guidance and request for comment.

SUMMARY: The FDIC, Board, OCC, and OTS (the Agencies) request comment on proposed guidance on correspondent concentration risks (Proposed Guidance). The Proposed Guidance outlines the Agencies' expectations for financial institutions with respect to identifying, monitoring, and managing correspondent concentration risks between financial institutions, and performing appropriate due diligence on all credit exposures to and funding transactions with other financial institutions. The Agencies expect financial institutions to identify, monitor, and manage the totality of the institution's aggregate credit and funding exposures to other institutions on a standalone basis, and take into account exposures to other institutions' affiliates. In addition, the institution should be aware of exposures of its affiliates to other institutions and their affiliates.

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

ADDRESSES: Comments should be directed to:

FDIC: You may submit comments by any of the following methods:

- *Agency Web Site: http://www.fdic.gov/regulations/laws/federal*. Follow instructions for submitting comments on the Agency Web Site.
- *E-mail: Comments@FDIC.gov*. Include ''Proposed Guidance on Correspondent Concentration Risks'' in the subject line of the message.
- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.
- *Hand Delivery/Courier:* Guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m. (EST).

Public Inspection: All comments received will be posted without change to *http://www.fdic.gov/regulations/laws/federal* including any personal information provided. Comments may be inspected and photocopied in the FDIC Public Information Center, 3501 North Fairfax Drive, Room E–1002, Arlington, VA 22226, between 9 a.m. and 5 p.m. (EST) on business days. Paper copies of public comments may be ordered from the Public Information Center by telephone at (877) 275–3342 or (703) 562–2200.

FRB: You may submit comments, identified by Docket No. [_____], by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov*. Follow the instructions for submitting comments at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm*.
- *E-mail: regs.comments@federalreserve.gov*. Include the docket number in the subject line of the message.
- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

Public Inspection: All public comments are available from the Board's Web site at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed in electronic or paper form in Room MP–500 of the Board's Martin Building (20th and C Streets, NW) between 9 a.m. and 5 p.m. on weekdays.

OCC: You may submit comments by any of the following methods:

- *E-mail: regs.comments@occ.treas.gov*.
- *Fax:* (202) 874–5274.
- *Mail:* Office of the Comptroller of the Currency, 250 E Street, SW., Mail Stop 2–3, Washington, DC 20219.
- *Hand Delivery/Courier:* 250 E Street, SW., Attn: Public Information Room, Mail Stop 2–3, Washington, DC 20219.

Instructions: You must include ''OCC'' as the agency name and ''Docket ID OCC–2009–0013'' in your comment. In general, OCC will enter all comments received into the docket without change, including any business or personal information that you provide such as name and address information, e-mail addresses, or phone numbers. Comments, including attachments and other supporting materials, received are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials by any of the following methods:

Viewing Comments Personally: You may personally inspect and photocopy comments at the OCC, 250 E Street, SW., Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 874–4700. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments. You may also view or request available background documents and project summaries using the methods described above.

OTS: You may submit comments, identified by docket number ID OTS–2009–XXXX, by any of the following methods:

- *E-mail: regs.comments@ots.treas.gov*. Please include ID OTS–2009–XXXX [_____] in the subject line of the message and include your name and telephone number in the message.
- *Fax:* (202) 906–6518.
- *Mail:* Regulation Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention: ID OTS–2009–XXXX.
- *Hand Delivery/Courier:* Guard's Desk, East Lobby Entrance, 1700 G Street, NW., from 9 a.m. to 4 p.m. on business days, Attention: Regulation Comments, Chief Counsel's Office, Attention: ID OTS–2009–XXXX.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received will be entered into

the docket without change, including any personal information provided. Comments including attachments and other supporting materials received are part of the public record and subject to public disclosure. Do not enclose any information in your comments or supporting materials that you consider confidential or inappropriate for public disclosure.

Viewing Comments On-Site: You may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment for access, call (202) 906–5922, send an e-mail to *public.info@ots.treas.gov*, or send a facsimile transmission to (202) 906–6518. (Prior notice identifying the materials you will be requesting will assist us in serving you.) We schedule appointments on business days between 10 a.m. and 4 p.m. In most cases, appointments will be available the next business day following the date we receive a request.

FOR FURTHER INFORMATION CONTACT:

FDIC: Beverlea S. Gardner, Senior Examination Specialist, Division of Supervision and Consumer Protection, (202) 898–3640; or Mark G. Flanigan, Counsel, Legal Division, (202) 898–7426.

FRB: Barbara J. Bouchard, Associate Director, (202) 452–3072; or Craig A. Luke, Supervisory Financial Analyst, Supervisory Guidance and Procedures, 202–452–6409. For users of Telecommunications Device for the Deaf (''TDD'') only, contact (202) 263–4869.

OCC: Fred D. Finke, Liaison, Midsize-Community Bank Supervision, (202) 874–4468; or Kurt S. Wilhelm, Director, Financial Markets Group, (202) 874–4479.

OTS: Lori J. Quigley, Managing Director, Supervision, (202) 906–6265; or William J. Magrini, Senior Project Manager of Credit Policy, (202) 906–5744.

SUPPLEMENTARY INFORMATION:

I. Background

Concentration risks can occur in correspondent relationships when an institution engages in a significant volume of activities with another financial institution. A financial institution's relationship with a correspondent may result in credit (asset) and funding (liability) concentration risks.

Credit risk is the potential that an obligation will not be paid in a timely manner or in full. Credit risk arises whenever an institution advances or commits funds to another financial institution, as the advancing institution's assets are at risk of loss if the recipient institution fails. Some institutions conceivably could have a credit concentration arising from the need to maintain large due from balances with the correspondent to facilitate account clearing activities.

Funding risk arises when an institution depends heavily on the liquidity provided by a limited number of other institutions to meet its funding needs. Funding risk can create an immediate threat to an institution's viability if the advancing entity suddenly reduces the institution's access to liquid funds. Institutions might abruptly limit the availability of liquid funding sources as part of a prudent program for limiting credit exposure or as required by regulation when the financial condition of either counterparty declines rapidly.

II. Proposed Guidance

The Agencies developed this Proposed Guidance to outline their expectations for financial institutions with respect to identifying, monitoring, and managing correspondent concentration risks between financial institutions; and for performing appropriate due diligence on all credit exposures to and funding transactions with other financial institutions. Correspondent concentrations represent a lack of diversification that adds a dimension of risk that management should consider when formulating strategic plans and internal risk limits. The Proposed Guidance focuses on the risks in credit and funding exposures inherent in interbank activities and how those exposures should be calculated.

The Agencies generally consider credit exposures arising from direct and indirect obligations owed by individual borrowers, a small interrelated group of individuals, or a single repayment source greater than 25 percent of Tier 1 capital as concentrations. The Proposed Guidance clarifies that to assist management in assessing how significant economic events or abrupt deterioration in a correspondent's risk profile might affect their financial condition, institutions should identify the totality of the institution's aggregate credit and funding exposure to other institutions on a standalone basis, and take into account exposures to other institutions' affiliates.[1] In addition, the institution should be aware of exposures of its affiliates to other institutions and their affiliates.

The credit exposure of the advancing institution and its organization represents a funding exposure to the recipient organization. While the Agencies have not established a liability concentration threshold, the Agencies have seen instances where funding exposures as low as 5 percent of an institution's total liabilities have posed an elevated risk to the recipient. An example of how these interbank correspondent risks can become concentrated is illustrated below:

Respondent Institution (RI) has $500 million in total assets and is Well Capitalized with $40 million (8 percent) of Tier 1 capital. RI maintains $10 million in its due from account held at Correspondent Bank (CB) and sold $20 million in unsecured overnight Federal funds to CB. These relationships collectively result in RI having an aggregate risk exposure of 75 percent of its Tier 1 capital to CB. CB, which has $2 billion in total assets, $1.8 billion in total liabilities, and is Well Capitalized with $200 million (10 percent) Tier 1 capital, has 20 respondent banks (RB) with the same credit exposures as RI. The 20 RBs' $600 million aggregate relationship represents one-third (33 percent) of CB's total liabilities. These relationships could create significant funding risk for CB if three or more of the RBs withdraw their funds in close proximity of each other.

These relationships also could threaten the viability of the 20 RBs. The loss of all or a significant portion of the RBs' due from balances and the unsecured Federal funds sold to CB could deplete a significant portion of their capital base, resulting in multiple failures. The RBs' viability also could be jeopardized if CB, in turn, had sold a significant portion of the Federal funds from the RBs to another financial institution that abruptly failed. In addition, the financial institutions that rely on CB for account clearing services may find it difficult to quickly transfer processing services to another provider.

Although these interbank exposures may comply with regulations governing individual relationships, collectively they pose significant correspondent concentration risks that need to be

[1] Institutions should monitor all direct or indirect relationships with the other institution and its subsidiaries, any parent bank holding companies of the other institution, and other entities controlled by that parent company. An institution should also take into account exposures of its own affiliates to the same institution (including that same institution's affiliates), and how those may affect the institution's exposure. While each institution is responsible for monitoring its own credit and funding exposures, bank holding companies with exposures in more than one entity should be managing the organization's concentration risk on a consolidated basis. In situations where there are no parent bank holding companies, institutions should monitor all direct or indirect relationships with that institution and its subsidiaries and any other entities that are under common control.

monitored and managed consistent with the institutions overall risk-management policies and procedures. The following discussion summarizes the major components of the Proposed Guidance.

Identifying Correspondent Concentrations

The Proposed Guidance details the Agencies' expectations that institutions implement procedures for identifying correspondent concentrations on a standalone basis, as well as taking into account exposures to the other institution's affiliates. These procedures should include all assets advanced or committed to another organization, as these credit exposures are at risk of loss. The Proposed Guidance specifies that institutions should calculate both gross and net credit exposures. Exposures are reduced to net positions to the extent they are secured by the net realizable proceeds from readily marketable collateral.

Monitoring Correspondent Concentrations

The Board's Regulation F mandates that an institution's policies and procedures must require periodic reviews of a correspondent's financial condition and must take into account any deterioration in the correspondent's financial condition.[2] In monitoring correspondent relationships, the Proposed Guidance details the Agencies' expectation that institutions specify what information, ratios, and trends management will review for each correspondent on an ongoing basis. The Proposed Guidance also stresses that an institution's policies should include procedures that ensure ongoing, timely reviews of correspondent relationships, establish documentation requirements for the reviews, and specify when relationships that meet or exceed internal criteria are to be reported to the Board of Directors or the appropriate management committee for an assessment of risk and risk reducing strategies.

Managing Correspondent Concentrations

The Proposed Guidance discusses an institution's obligation to establish prudent correspondent concentration limits, as well as ranges or tolerances for each factor being monitored, consistent with the Board's Regulation F and sound banking practice. Prudent risk management of correspondent concentrations should include procedures for reducing concentrations that meet or exceed established limits, ranges, or tolerances in an orderly manner over reasonable timeframes. Contingency plans for managing risk when these limits, ranges, or tolerances are met or exceeded, either on an individual or collective basis, should provide for a variety of actions that can be considered relative to changes in the correspondent's financial condition.[3] Contingency plans should not rely on temporary deposit insurance programs for mitigating concentration risk.

Performing Appropriate Due Diligence

The Proposed Guidance also reinforces the Agencies' ongoing expectation that financial organizations with credit or funding exposures to other financial organizations have effective risk management programs for these credit and funding activities. Credit or funding exposures may include, for example, due from bank accounts, Federal funds sold as principal, direct or indirect loans (including participations and syndications), and trust preferred securities, subordinated debt, and stock purchases of the correspondent, its holding company, or any affiliated entity. An institution that maintains or contemplates entering into any credit or funding transaction with another financial institution should have written investment, lending, and funding policies and procedures, including appropriate limits, that govern these activities. In addition, these procedures should ensure the institution conducts an independent analysis of credit transactions prior to committing to engage in the transactions. The terms for all such credit and funding transactions should strictly be on an arm's length basis, conform to sound investment, lending, and funding practices, and avoid potential conflicts of interest.

III. Request for Comment

The Agencies are requesting public comment on all aspects of the Proposed Guidance. The Agencies also request comment on the appropriateness of aggregating all credit and funding exposures that an institution or its organization has advanced or committed to another financial institution or its affiliated entities when calculating concentrations. In particular, should some types of advances or commitments be excluded?

The Agencies further request comment on the types of factors institutions should consider when assessing correspondents' financial condition. The Agencies also seek comment on the need to establish internal limits as well as ranges or tolerances for each factor being monitored. In addition, the Agencies request comment on the types of actions that should be considered for contingency planning and the timeframes for implementing those actions to ensure concentrations that meet or exceed organizations' established internal limits, ranges, or tolerances are reduced in an orderly manner. Finally, the Agencies seek comment on whether there are operational issues the Agencies should consider when finalizing the Proposed Guidance. For example, do institutions anticipate that operational issues will arise in light of the Board's policy to limit eligible institutions to participation in one excess balance account (EBA)?[4] If so, identify the issues that could arise in managing correspondent concentration risks while subject to the single EBA limitation.

The text of the Proposed Guidance, entitled Correspondent Concentration Risks, is as follows:

Correspondent Concentration Risks

A financial institution's relationship with a correspondent may result in credit (asset) and funding (liability) concentrations. On the asset side, a credit concentration represents a significant volume of credit exposure that a financial institution has advanced or committed to one entity or affiliated group. On the liability side, a funding concentration exists when an institution

[2] 12 CFR Part 206. All depository institutions insured by the FDIC are subject to the Board's *Limitation on Interbank Liabilities* (Regulation F).

[3] Regulation F requires institutions' policies and procedures to limit exposure to the correspondent, either by the establishment of internal limits or by other means, when the correspondent's financial condition and the form or maturity of the bank's exposure create a significant risk that payment will not be made in full or in a timely manner. Regulation F also requires institutions to reduce credit exposure to below 25 percent of total capital within 120 days after the date when the current Report of Condition or other relevant report normally would be available if the correspondent is no longer at least adequately capitalized. More information on Regulation F is available at: *http://www.federalreserve.gov/bankinforeg/reglisting.htm.*

[4] The Board recently amended its Regulation D (12 CFR Part 204) to authorize Federal Reserve Banks to offer EBAs to eligible institutions. 74 FR 25620 (May 29, 2009). These accounts were intended to permit eligible institutions to earn interest on their excess balances without significantly disrupting established business relationships with their correspondents. Under the terms of the EBA account agreement, an eligible institution is permitted to participate in one EBA at a Federal Reserve Bank. Each EBA Participant, however, can choose each day whether to sell funds in the Federal funds market through any number of correspondent institutions, to place the funds at a Federal Reserve Bank through their single EBA agent, or to select a combination of the two. As a result, EBA Participants may maintain relationships with more than one correspondent notwithstanding the fact that an EBA Participant participates in only one EBA at a Reserve Bank.

depends on one or a small group of institutions for a disproportionate share of its total funding. Correspondent concentrations represent a lack of diversification, which adds a dimension of risk that management should consider when formulating strategic plans and internal risk limits.

The Agencies have generally considered credit exposures greater than 25 percent of Tier 1 capital as concentrations. While the Agencies have not established a liability concentration threshold, the Agencies have seen instances where funding exposures as low as 5 percent of an institution's total liabilities have posed an elevated liquidity risk to the recipient institution. The Agencies expect financial institutions to identify, monitor, and manage both asset and liability correspondent concentrations and implement procedures to perform appropriate due diligence on all credit exposures to and funding transactions with other financial institutions.[1]

Identifying Correspondent Concentrations

Institutions should implement procedures for identifying correspondent concentrations with other financial organizations. Accordingly, an institution should have procedures that encompass the totality of the institution's aggregate credit and funding exposures to the other institution on a standalone basis, as well as taking into account exposures to the other institution's affiliates. In addition, the institution should be aware of exposures of its affiliates to the other institution and its affiliates.[2]

Credit Concentrations

Credit exposures can consist of a variety of assets. For example, an institution (either a client bank or a correspondent) could have due from bank accounts, Federal funds sold on a principal basis, and direct or indirect loans to or investments in another institution, its holding company, or an affiliated entity. These assets represent credit exposures to the institution that advanced them, as they are at risk of loss. The Agencies realize some exposures meet certain business needs or purposes, such as a credit concentration arising from the need to maintain large due from balances to facilitate accounting clearing activities. In identifying credit concentrations, institutions should aggregate all exposures, including, but not limited to:

- Due from bank accounts (demand deposit accounts (DDA) and certificates of deposit (CD)),
- Federal funds sold on an as principal basis,
- The over-collateralized amount on repurchase agreements,
- The under-collateralized portion of reverse repurchase agreements,
- Current positive fair value on derivatives contracts,
- Unrealized gains on unsettled securities transactions,
- Direct or indirect loans to or for the benefit of the correspondent, its holding company, or any affiliated entity, and
- Investments, such as trust preferred securities, subordinated debt, and stock purchases, in the correspondent, its holding company, or any affiliated entity.

Funding Concentrations

Conversely, asset accounts such as those noted above represent funding sources to the recipient institution or correspondent. The primary risk of a funding concentration is that an institution will have to replace those advances on short notice. This risk may be more pronounced if the funds are credit sensitive, and the advancing institution's financial condition has deteriorated.

The percentage of liabilities or other measurements that may constitute a concentration of funding is likely to vary depending on the type and maturity of the funding, and the structure of the receiving institution's sources of funds. For example, a concentration in overnight unsecured funding from one institution likely would warrant a much lower concentration threshold than unsecured term funding, assuming compliance with covenants and diversification with short and long-term maturities. Similarly, assuming the same, term funding in the form of senior or subordinated debt may not present a funding concentration risk.

Calculating Credit and Funding Exposures

When identifying credit and funding exposures, institutions should calculate both gross and net exposures. Exposures are reduced to net positions to the extent they are secured by the net realizable proceeds from readily marketable collateral. For example, $10 million in Federal funds sold to a correspondent with $3 million secured by U.S. Treasury notes represents a $10 million gross exposure, but a $7 million net exposure after consideration of the pledged collateral.

Monitoring Correspondent Relationships

The Federal Reserve Board's Regulation F requires institutions to establish and maintain written policies and procedures to prevent excessive exposure to any individual correspondent in relation to the correspondent's financial condition.[3] In cases where an institution's exposure to a correspondent is significant, Regulation F mandates that an institution's policies and procedures must require periodic reviews of the correspondent's financial condition and must take into account any deterioration in the correspondent's financial condition.[4]

Regulation F provides that such monitoring efforts must take into account the correspondent's capital level, level of nonaccrual and past-due loans and leases, level of earnings, and other factors affecting its financial condition. While not specified, these other factors could include, but are not limited to:

- Deteriorating trends in its capital base or asset quality.
- Reaching certain target ratios established by management, *e.g.,* aggregate of nonaccrual and past due loans and leases as a percentage of gross loans and leases.
- Increasing level of other real estate owned.
- Experiencing a downgrade in its credit rating, if publicly traded.
- Being placed under a public enforcement action.

In monitoring correspondent relationships for risk-management purposes as well as for compliance with Regulation F, institutions should specify what information, ratios, or trends will be reviewed for each correspondent on an ongoing basis. Institutions' policies should include procedures that ensure

[1] The Agencies consist of the Federal Deposit Insurance Corporation (FDIC), Board of Governors of the Federal Reserve System (Board), Office of the Comptroller of the Currency, Treasury (OCC), and Office of Thrift Supervision, Treasury (OTS) (collectively, the Agencies).

[2] Institutions should monitor all direct or indirect relationships with the other institution and its subsidiaries, any parent bank holding companies of the other institution, and other entities controlled by that parent company. An institution should also take into account exposures of its own affiliates to the same institution (including that same institution's affiliates), and how those may affect the institution's exposure. While each institution is responsible for monitoring its own credit and funding exposures, bank holding companies with exposures in more than one entity should be managing the organization's concentration risk on a consolidated basis. In situations where there are no parent bank holding companies, institutions should monitor all direct or indirect relationships with that institution and its subsidiaries and any other entities that are under common control.

[3] 12 CFR part 206. All depository institutions insured by the FDIC are subject to the Board's *Limitations on Interbank Liabilities* (Regulation F).

[4] 12 CFR 206.3.

ongoing, timely reviews of correspondent relationships. Such reviews should be conducted on a quarterly basis at a minimum and more frequently when appropriate. The procedures also should establish documentation requirements for the reviews conducted. In addition, the procedures should specify when relationships that meet or exceed internal criteria are to be brought to the attention of the Board of Directors or the appropriate management committee.

Managing Correspondent Concentrations

Pursuant to Regulation F, institutions should establish prudent correspondent concentration limits, as well as ranges or tolerances for each factor being monitored. Institutions should develop plans for managing risk when these limits, ranges or tolerances are met or exceeded, either on an individual or collective basis. Consistent with the requirements of Regulation F, contingency plans should provide a variety of actions that can be considered relative to changes in the correspondent's financial condition.[5]

Contingency plans should not rely on temporary deposit insurance programs for mitigating concentration risk. Prudent risk management of correspondent concentrations should include procedures for reducing exposures that meet or exceed established limits, ranges, or tolerances in an orderly manner over reasonable timeframes. Such actions could include, but are not limited to:

- Reducing the volume of uncollateralized/uninsured funds.
- Transferring excess funds to other financial institutions rather than the correspondent after conducting appropriate reviews of their financial condition.
- Requiring the correspondent to serve as agent rather than as principal for Federal funds sold.
- Establishing limits on asset and liability purchases from and investments in correspondents.
- Specifying reasonable timeframes to meet targeted reduction goals for different types of advances.

Examiners will review correspondent relationships during examinations to ascertain whether an institution's policies and procedures identify and monitor correspondent concentrations on an organization-wide basis. Examiners also will review the adequacy and reasonableness of institutions' contingency plans to manage correspondent concentrations.

Performing Appropriate Due Diligence

The Agencies expect financial organizations that maintain credit exposures in or provide funding to other financial organizations to have effective risk management programs for these activities. For this purpose, credit or funding exposures may include, but are not limited to, due from bank accounts, Federal funds sold as principal, direct or indirect loans (including participations and syndications), and trust preferred securities, subordinated debt, and stock purchases of the correspondent, its holding company, or any affiliated entity.

An institution that maintains or contemplates entering into any credit or funding transactions with another financial institution should have written investment, lending, and funding polices and procedures, including appropriate limits, that govern these activities. In addition, these procedures should ensure the institution conducts an independent analysis of credit transactions prior to committing to engage in the transactions. The terms for all such credit and funding transactions should strictly be on an arm's length basis, conform to sound investment, lending, and funding practices, and avoid potential conflicts of interest.

This concludes the text of the Proposed Guidance.

Dated at Washington, DC, the 18th day of September 2009.

By order of the Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

By order of the Board of Governors of the Federal Reserve System, September 18, 2009.

Jennifer J. Johnson,

Secretary of the Board.

Dated: September 8, 2009.

Office of the Comptroller of the Currency.

John C. Dugan,

Comptroller of the Currency.

Dated: September 17, 2009.

By the Office of Thrift Supervision.

John E. Bowman,

Acting Director.

[FR Doc. E9–23208 Filed 9–24–09; 8:45 am]

BILLING CODE 6714–01–P, 6210–01–P, 4810–33–P, 6720–01–P

[5] Regulation F requires institutions' policies and procedures to limit exposure to the correspondent, either by the establishment of internal limits or by other means, when the correspondent's financial condition and the form or maturity of the bank's exposure create a significant risk that payment will not be made in full or in a timely manner. Regulation F also requires institutions to reduce credit exposure to below 25 percent of total capital within 120 days after the date when the current Report of Condition or other relevant report normally would be available if the correspondent is no longer at least Adequately Capitalized. More information on Regulation F is available at: *http://www.federalreserve.gov/bankinforeg/reglisting.htm.*

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10 a.m. on Tuesday, September 29, 2009, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous Board of Directors' Meetings.

Discussion Agenda: Memorandum and resolution re: Deposit Insurance Fund Restoration Plan, Assessments, and Funding.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

This Board meeting will be Webcast live via the Internet and subsequently made available on-demand approximately one week after the event. Visit *http://www.vodium.com/goto/fdic/boardmeetings.asp* to view the event. If you need any technical assistance, please visit our Video Help page at: *http://www.fdic.gov/video.html.*

The FDIC will provide attendees with auxiliary aids (*e.g.,* sign language interpretation) required for this meeting. Those attendees needing such assistance should call (703) 562–6067 (Voice or TTY), to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898–7043.

Dated: September 22, 2009.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. E9–23212 Filed 9–24–09; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of Issuance of Technical Bulletin 2009–1, Deferral of the Effective Date of Technical Bulletin 2006–1

AGENCY: Federal Accounting Standards Advisory Board.

ACTION: Notice.

Board Action: Pursuant to 31 U.S.C. 3511(d), the Federal Advisory Committee Act (Pub. L. 92–463), as amended, and the FASAB Rules of Procedure, as amended in April 2004, notice is hereby given that the Federal Accounting Standards Advisory Board (FASAB) has issued Technical Bulletin 2009–1, *Deferral of the Effective Date of Technical Bulletin 2006–1.*

Technical Bulletin 2009–1 defers the effective date of Technical Bulletin 2006–1, *Recognition and Measurement of Asbestos-Related Cleanup Costs,* for two years to provide Federal agencies with additional time to resolve implementation issues that have been identified since Technical Bulletin 2006–1 was issued.

The Technical Bulletin is available on the FASAB home page *http://www.fasab.gov/tchbl.html.* Copies can be obtained by contacting FASAB at (202) 512–7350.

FOR FURTHER INFORMATION CONTACT: Wendy Payne, Executive Director, at (202) 512–7350.

Authority: Federal Advisory Committee Act, Public Law 92–463.

Dated: September 22, 2009.

Charles Jackson,

Federal Register Liaison Officer.

[FR Doc. E9–23252 Filed 9–24–09; 8:45 am]

BILLING CODE 1610–02–P

FEDERAL ELECTION COMMISSION

Sunshine Act Notices

AGENCY: Federal Election Commission.

DATE AND TIME: Wednesday, September 23, 2009, 10 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This Meeting Will Be Closed to the Public.

ITEMS TO BE DISCUSSED: Compliance matters pursuant to 2 U.S.C. 437g.

Audits conducted pursuant to 2 U.S.C. 437g., § 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, September 24, 2009, at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This Meeting Will Be Open to the Public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Modification of Agency Procedure for Probable Cause Hearings.

Proposed Modifications of Agency Procedures.

Proposal to Post Substantive Litigation Documents From All Parties and Amid on the FEC Website.

Management and Administrative Matters.

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Mary Dove, Commission Secretary, at (202) 694–1040, at least 72 hours prior to the hearing date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. E9–22888 Filed 9–24–09; 8:45 am]

BILLING CODE 6715–01–M

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY:

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act (PRA), as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Request for Comment on Information Collection Proposals

The following information collections, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collections, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected; and

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments must be submitted on or before November 24, 2009.

ADDRESSES: You may submit comments, identified by *FR 4001, FR Y–9, FR Y–11, FR 2314, FR Y–7N, or FR Y–12,* by any of the following methods:

- *Agency Web Site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: regs.comments@federalreserve.gov.* Include the OMB control number in the subject line of the message.
- *Fax:* 202–452–3819 or 202–452–3102.
- *Mail:* Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://*

www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room MP–500 of the Board's Martin Building (20th and C Streets, NW) between 9 a.m. and 5 p.m. on weekdays.

Additionally, commenters should send a copy of their comments to the OMB Desk Officer by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street, NW., Washington, DC 20503 or by fax to 202–395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public Web site at: *http://www.federalreserve.gov/boarddocs/reportforms/review.cfm* or may be requested from the agency clearance officer, whose name appears below.

Michelle Shore, Federal Reserve Board Clearance Officer (202–452–3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact (202–263–4869).

Proposal to approve under OMB delegated authority the extension for three years, without revision, of the following report:

1. *Report title:* Domestic Branch Notification.

Agency form number: FR 4001.

OMB control number: 7100–0097.

Frequency: On occasion.

Reporters: State member banks (SMBs).

Estimated annual reporting hours: 810 hours.

Estimated average hours per response: 30 minutes for expedited notifications and 1 hour for nonexpedited notifications.

Number of respondents: 159 expedited and 730 nonexpedited.

General description of report: This information collection is mandatory per Section 9(3) of the Federal Reserve Act (12 U.S.C. 321) and is not given confidential treatment.

Abstract: The Federal Reserve Act and Regulation H require an SMB to seek prior approval of the Federal Reserve System before establishing or acquiring a domestic branch. Such requests for approval must be filed as notifications at the appropriate Reserve Bank for the SMB. Due to the limited information that an SMB generally has to provide for branch proposals, there is no formal reporting form for a domestic branch notification. An SMB is required to notify the Federal Reserve by letter of its intent to establish one or more new branches, and provide with the letter evidence that public notice of the proposed branch(es) has been published by the SMB in the appropriate newspaper(s). The Federal Reserve uses the information provided to fulfill its statutory obligation to review any public comment on proposed branches before acting on the proposals, and otherwise to supervise SMBs.

Proposal to approve under OMB delegated authority the extension for three years, with revision, of the following report:

Report title: Consolidated Bank Holding Company Report of Equity Investments in Nonfinancial Companies, and the Annual Report of Merchant Banking Investments Held for an Extended Period.

Agency form number: FR Y–12 and FR Y–12A, respectively.

OMB control number: 7100–0300.

Frequency: FR Y–12, quarterly and semiannually; and FR Y–12A, annually.

Reporters: Bank holding companies (BHCs) and financial holding companies (FHCs).

Estimated annual reporting hours: FR Y–12, 1,485 hours; and FR Y–12A, 91 hours.

Estimated average hours per response: FR Y–12, 16.5 hours; and FR Y–12A, 7 hours.

Number of respondents: FR Y–12, 26; and FR Y–12A, 13.

General description of report: This collection of information is mandatory pursuant to Section 5(c) of the Bank Holding Company Act (12 U.S.C. 1844(c)). The FR Y–12 data are not considered confidential. However, bank holding companies may request confidential treatment for any information that they believe is subject to an exemption from disclosure under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b). The FR Y–12A data are considered confidential on the basis that disclosure of specific commercial or financial data relating to investments held for extended periods of time could result in substantial harm to the competitive position of the financial holding company pursuant to the FOIA (5 U.S.C. 552(b)(4) and (b)(8)).

Abstract: The FR Y–12 collects information from certain domestic BHCs on their equity investments in nonfinancial companies. Respondents report the FR Y–12 either quarterly or semi-annually based on reporting threshold criteria. The FR Y–12A is filed annually by institutions that hold merchant banking investments that are approaching the end of the holding period permissible under Regulation Y.

Current actions: The Federal Reserve proposes the following revisions to the FR Y–12 reporting form and instructions effective March 31, 2010: (1) Add one Memorandum item to Schedule A to collect data on the pre-tax impact of management fee income and (2) add two columns to Schedule D to collect data on direct investments in nonpublic entities. The Federal Reserve also proposes to clarify the FR Y–12 instructions for reporting nonfinancial equity investments and also the reporting of negative values.

Proposal to approve under OMB delegated authority the revision, without extension, of the following reports:

1. *Report title:* Consolidated Financial Statements for Bank Holding Companies.

Agency form number: FR Y–9C.

OMB control number: 7100–0128.

Frequency: Quarterly.

Reporters: BHCs.

Estimated annual reporting hours: 174,070 hours.

Estimated average hours per response: 42.25 hours.

Number of respondents: 1,030.

General description of report: This information collection is mandatory (12 U.S.C. 1844(c)). Confidential treatment is not routinely given to the data in these reports. However, confidential treatment for the reporting information, in whole or in part, can be requested in accordance with the instructions to the form, pursuant to sections (b)(4), (b)(6)and (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(4), (b)(6) and (b)(8)).

Abstract: The FR Y–9 family of reports historically has been, and continues to be, the primary source of financial information on BHCs between on-site inspections. Financial information from these reports is used to detect emerging financial problems, to review performance and conduct pre-inspection analysis, to monitor and evaluate capital adequacy, to evaluate BHC mergers and acquisitions, and to analyze a BHC's overall financial condition to ensure safe and sound operations.

The FR Y–9C consists of standardized financial statements similar to the Federal Financial Institutions Examination Council (FFIEC) Consolidated Reports of Condition and

Income (Call Reports) (FFIEC 031 & 041; OMB No. 7100–0036) filed by commercial banks. The FR Y–9C collects consolidated data from BHCs. The FR Y–9C is filed by top-tier BHCs with total consolidated assets of $500 million or more. (Under certain circumstances defined in the General Instructions, BHCs under $500 million may be required to file the FR Y–9C.)

Current Actions: The Federal Reserve proposes the following revisions and clarifications to the FR Y–9C effective March 31, 2010: (1) New data items and revisions to existing data items on unused commitments and other loans, (2) new data items providing disclosures on other than temporary impairment required under generally accepted accounting principles (GAAP), (3) clarification of the instructions for reporting unused commitments, (4) modification of the instructions for reporting brokered deposits, and (5) reformatting of loan information collected on the quarterly average schedule.

Proposed Revisions—FR Y–9C

Proposed Revisions Related to Call Report Revisions

The Federal Reserve proposes to make the following revisions to the FR Y–9C to parallel proposed changes to the Call Report. BHCs have commented that changes should be made to the FR Y–9C in a manner consistent with changes to the Call Report to reduce reporting burden.

A.1 Additional Categories of Unused Commitments and Loans

The extent to which banks and other financial intermediaries are reducing the supply of credit during the current financial crisis has been of great interest to the Federal Reserve and to Congress. Also, BHC lending plays a central role in any economic recovery and the Federal Reserve needs data to better determine when credit conditions ease. One way to measure the supply of credit is to analyze the change in total lending commitments by BHCs, considering both the amount of loans outstanding and the volume of unused credit lines. These data are also needed for safety and soundness purposes because draws on commitments during periods when BHCs face significant funding pressures, such as during the fall of 2008, can place significant and unexpected demands on the liquidity and capital positions of BHCs. Therefore, the Federal Reserve proposes breaking out in further detail two categories of unused commitments on Schedule HC–L, Derivatives and Off-Balance-Sheet Items. The Federal Reserve also proposes to breakout in further detail one new loan category on Schedule HC–C, Loans and Lease Financing Receivables. These new data items would improve the Federal Reserve's ability to get timely and accurate readings on the supply of credit to households and businesses. These data would also be useful in determining the effectiveness of the government's economic stabilization programs.

Unused commitments associated with credit card lines are currently reported in Schedule HC–L, data item 1.b. This data item is not meaningful for monitoring the supply of credit because it mixes consumer credit card lines with credit card lines for businesses and other entities. As a result of this aggregation, it is not possible to fully monitor credit available specifically to households. Furthermore, the Federal Reserve would benefit from the split because the usage patterns, profitability, and evolution of credit quality through the business cycle are likely to differ for consumer credit cards and business credit cards. Therefore, the Federal Reserve proposes to split Schedule HC–L, data item 1.b into unused consumer credit card lines and other unused credit card lines. Draws from these credit lines that have not been sold are already reported on Schedule HC–C. For example, BHCs must report draws on credit cards issued to nonfarm nonfinancial businesses as commercial and industrial (C&I) loans in Schedule HC–C, data item 4, and draws on personal credit cards as consumer loans in Schedule HC–C, data item 6.a.

Schedule HC–L, data item 1.e, aggregates all other unused commitments and includes unused commitments to fund C&I loans (other than credit card lines to commercial and industrial enterprises, which are reported in data item 1.b, and commitments to fund commercial real estate, construction, and land development loans not secured by real estate, which are reported in data item 1.c.(2)). Separating these C&I lending commitments from the other commitments included in other unused commitments would considerably improve the Federal Reserve's ability to analyze business credit conditions. A very large percentage of banks responding to the Federal Reserve's Senior Loan Officer Opinion Survey on Bank Lending Practices (FR 2018; OMB No. 7100–0058) reported having tightened lending policies for C&I loans and credit lines during 2008; however, C&I loans on banks' balance sheets expanded through the end of October 2008, reportedly as a result of substantial draws on existing credit lines. In contrast, other unused commitments reported on the Call Report contracted. Without the proposed breakouts of such commitments, it was not possible to know how total business borrowing capacity had changed. The FR 2018 data do not suffice because they are qualitative rather than quantitative and are collected only from a sample of institutions up to six times per year. Having the additional unused commitment data reported separately on the FR Y–9C (and Call Report), along with the proposed changes to Schedule HC–C described below, would have indicated more clearly whether there was a widespread restriction in new credit available to businesses.

Therefore, the Federal Reserve proposes to split Schedule HC–L, data item 1.e into three categories: unused commitments to fund commercial and industrial loans (which would include only commitments not reported in Schedule HC–L, data items 1.b and 1.c(2), for loans that, when funded, would be reported in Schedule HC–C, data item 4); unused commitments to fund loans to financial institutions (defined to include depository institutions and nondepository institutions such as real estate investment trusts, mortgage companies, holding companies of other depository institutions, insurance companies, finance companies, mortgage finance companies, factors and other financial intermediaries, short-term business credit institutions, personal finance companies, investment banks, bank's own trust department, other domestic and foreign financial intermediaries, and Small Business Investment Companies); and all other unused commitments.

With respect to Schedule HC–C, the Federal Reserve proposes to split data item 9.b for all other loans into loans to nondepository financial institutions (as defined above) and all other loans. BHCs already report data on loans to depository institutions in Schedule HC–C, data item 2. This change to Schedule HC–C would allow the Federal Reserve to fully analyze the information gained by splitting data item 1.e on Schedule HC–L. Lending by nondepository financial institutions was a key characteristic of the recent credit cycle and many such institutions failed, but little information existed on the exposure of the banking system to those firms as this information was obscured by the current structure of the FR Y–9C and Call Report loan schedule. The proposed addition of separate data items for unused commitments to financial

institutions and loans to nondepository financial institutions, together with the existing data on loans to depository institutions, would allow supervisors and other interested parties to more closely monitor the exposure of individual BHCs to financial institutions and to assess the impact that changes in the credit availability to this sector have on the economy.

The Federal Reserve, in conjunction with the other bank regulatory agencies,[1] has also proposed adding these data items to the commercial bank Call Report. Collection of the data on the FR Y–9C would enhance the Federal Reserve's ability to conduct consolidated supervision by providing a fuller treatment of the channels through which these key sources of credit flow within the BHC. Further, with the heightened focus on the banking sector and its role in the economy, as well as continued evolution in the structure of the banking industry, the BHC increasingly serves as the fundamental unit of analysis rather than the commercial bank. As a result, it is prudent to maintain similar levels of detail on the Call Report and the FR Y–9C, when appropriate. Combining Call Report data for these proposed categories of unused commitments and other loans from subsidiary commercial banks to approximate data items at the holding company level is inadequate because it omits the data of important nonbank subsidiaries [2] and intra-holding-company transactions lead to double-counting and other distortions of these data items.

A.2 Other-Than-Temporary Impairment of Debt Securities

On April 9, 2009, the Financial Accounting Standards Board (FASB) issued FASB Staff Position (FSP) Nos. 115–2 and 124–2, *Recognition and Presentation of Other-Than-Temporary Impairments* (FSP FAS 115–2).[3] This FSP amended the other-than-temporary impairment guidance in other accounting standards that applies to investments in debt securities. Under FSP FAS 115–2, if a BHC intends to sell a debt security or it is more likely than not that it will be required to sell the debt security before recovery of its amortized cost basis, an other-than-temporary impairment has occurred and the entire difference between the security's amortized cost basis and its fair value at the balance sheet date must be recognized in earnings. FSP FAS 115–2 also provides that if the present value of cash flows expected to be collected on a debt security is less than its amortized cost basis, a credit loss exists. In this situation, if a BHC does not intend to sell the security and it is not more likely than not that the BHC will be required to sell the debt security before recovery of its amortized cost basis less any current-period credit loss, an other-than-temporary impairment has occurred. The amount of the total other-than-temporary impairment related to the credit loss must be recognized in earnings, but the amount of the total impairment related to other factors must be recognized in other comprehensive income, net of applicable taxes.

For other-than-temporary impairment losses on held-to-maturity and available-for-sale debt securities, BHCs report the amount of the other-than-temporary impairment losses that must be recognized in earnings in Schedule HI, Consolidated Income Statement, data items 6.a, Realized gains (losses) on held-to-maturity securities and 6.b, Realized gains (losses) on available-for-sale securities, respectively. Other-than-temporary impairment losses that are to be recognized in other comprehensive income, net of applicable taxes, are reported in Schedule HI–A, Changes in Bank Holding Company Equity Capital, data item 12, Other comprehensive income. However, because data items 6.a and 6.b of Schedule HI also include other amounts, such as gains (losses) on sales of held-to-maturity and available-for-sale securities, the Federal Reserve currently is not able to determine the effect on the net income of BHCs, individually and in the aggregate, of other-than-temporary impairment losses that must be recognized in earnings. Similarly, because data item 12 of Schedule HI–A includes all of the other components of a BHC's other comprehensive income, the Federal Reserve cannot identify the portion of other comprehensive income attributable to other-than-temporary impairment losses for BHCs individually and in the aggregate.

According to FSP FAS 115–2, in a period in which a BHC determines that a debt security's decline in fair value below its amortized cost basis is other than temporary, the BHC must present the total other-than-temporary impairment loss in the income statement with an offset for the amount of the total loss that is recognized in other comprehensive income. This new presentation provides additional information about the amounts that a BHC does not expect to collect related to its investments in debt securities held for purposes other than trading. Therefore, to enhance the Federal Reserve's ability to evaluate the factors affecting BHC earnings, the Federal Reserve proposes to add three Memoranda items to Schedule HI that would mirror the presentation requirements of FSP FAS 115–2. In these new Memoranda items, BHCs would report total other-than-temporary impairment losses on debt securities for the calendar year-to-date reporting period, the portion of these losses recognized in other comprehensive income, and the net losses recognized in earnings.

A.3 Clarification of the Instructions for Reporting Unused Commitments

BHCs report unused commitments in data item 1 of Schedule HC–L, Derivatives and Off-Balance-Sheet Items. The instructions for this data item identify various arrangements that should be reported as unused commitments, including but not limited to commitments for which the BHC has charged a commitment fee or other consideration, commitments that are legally binding, loan proceeds that the BHC is obligated to advance, commitments to issue a commitment, and revolving underwriting facilities. However, the Federal Reserve has found that some BHCs have not reported commitments that they have entered into until they have signed the loan agreement for the financing that they have committed to provide. Although the Federal Reserve considers these arrangements to be commitments to issue a commitment and, therefore, within the scope of the existing instructions for reporting commitments in Schedule HC–L, the Federal Reserve believes that these instructions may not be sufficiently clear. Therefore, the Federal Reserve originally proposed to revise the instructions for Schedule HC–L, data item 1, Unused commitments, as one of the proposed changes to the FR Y–9C for implementation as of March 31, 2009.[4] More specifically, with respect to commitments to issue a commitment at some point in the future, the Federal Reserve proposed to add language to the instructions for this data item explicitly stating that such commitments include those that have been entered into even though the

[1] The Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision.

[2] Unused commitments associated with credit card lines and the all other unused commitment category at nonbank subsidiaries represents over 15 percent of the aggregate of unused commitments extended in these categories by BHCs. Other loans extended by nonbank subsidiaries represent over 60 percent of the other loans category at BHCs.

[3] Under the FASB Accounting Standards Codification™, see Topic 320, Investments—Debt and Equity Securities.

[4] 73 FR 67159, November 13, 2008.

related loan agreement has not yet been signed.

In response to the agencies' request for comment on Call Report revisions for 2009 (comments received were also considered for comparable proposed revisions to the FR Y–9C), three commenters specifically addressed the proposed instructional clarification pertaining to unused commitments. One commenter agreed that clarification is needed but recommended that commitments to issue a commitment in the future, including those entered into even though the related loan agreement has not yet been signed, should be removed from the list of types of arrangements that the instructions would direct banks to report as unused commitments. A second commenter expressed concern about reporting ''commitments that contain a relatively high level of uncertainty until a loan agreement has been signed or the loan has been funded with a first advance'' and the reliability of data on such commitments. The third commenter stated that because some banks do not have systems for tracking such arrangements, the instructions should in effect permit banks to exclude commitment letters with an expiration date of 90 days or less. Finally, the first commenter also recommended that the instructions for reporting unused commitments should state that amounts conveyed or participated to others that the conveying or participating bank is not obligated to fund should not be reported as unused commitments by the conveying or participating bank.

After evaluating these comments, the Federal Reserve has refined their approach to identifying commitments to issue a commitment in a manner that is intended to address the commenters' concerns by focusing on a point in the commitment process when the Federal Reserve believes that BHCs' systems should be tracking their commitments. Thus, the instructions would state that commitments to issue a commitment at some point in the future are those where the BHC has extended terms and the borrower has accepted the offered terms, even though the related loan agreement has not yet been signed. In addition, the Federal Reserve agrees with the commenter's recommendation concerning commitments that have been conveyed or participated to others and is proposing to modify the instructions accordingly. The proposed revised instructions for Schedule HC–L, data item 1, would read as follows:

Report in the appropriate subitem the unused portions of commitments. Unused commitments are to be reported gross, *i.e.,* include in the appropriate subitem the unused amount of commitments acquired from and conveyed or participated to others. However, exclude commitments conveyed or participated to others that the bank holding company is not legally obligated to fund even if the party to whom the commitment has been conveyed or participated fails to perform in accordance with the terms of the commitment.

For purposes of this data item, commitments include:

(1) Commitments to make or purchase extensions of credit in the form of loans or participations in loans, lease financing receivables, or similar transactions.

(2) Commitments for which the bank holding company has charged a commitment fee or other consideration.

(3) Commitments that are legally binding.

(4) Loan proceeds that the bank holding company is obligated to advance, such as:

(a) Loan draws;

(b) Construction progress payments; and

(c) Seasonal or living advances to farmers under prearranged lines of credit.

(5) Rotating, revolving, and open-end credit arrangements, including, but not limited to, retail credit card lines and home equity lines of credit.

(6) Commitments to issue a commitment at some point in the future, where the bank holding company has extended terms and the borrower has accepted the offered terms, even though the related loan agreement has not yet been signed.

(7) Overdraft protection on depositors' accounts offered under a program where the bank holding company advises account holders of the available amount of overdraft protection, for example, when accounts are opened or on depositors' account statements or ATM receipts.

(8) The bank holding company's own takedown in securities underwriting transactions.

(9) Revolving underwriting facilities (RUFs), note issuance facilities (NIFs), and other similar arrangements, which are facilities under which a borrower can issue on a revolving basis short-term paper in its own name, but for which the underwriting bank holding companies have a legally binding commitment either to purchase any notes the borrower is unable to sell by the rollover date or to advance funds to the borrower.

Exclude forward contracts and other commitments that meet the definition of a derivative and must be accounted for in accordance with FASB Statement No. 133, which should be reported in Schedule HC–L, data item 11. Include the amount (not the fair value) of the unused portions of loan commitments that do not meet the definition of a derivative that the bank holding company has elected to report at fair value under a fair value option. Also include forward contracts that do not meet the definition of a derivative.

The unused portions of commitments are to be reported in the appropriate subitem regardless of whether they contain ''material adverse change'' clauses or other provisions that are intended to relieve the issuer of its funding obligations under certain conditions and regardless of whether they are unconditionally cancelable at any time.

In the case of commitments for syndicated loans, report only the bank holding company's proportional share of the commitment.

For purposes of reporting the unused portions of revolving asset-based lending commitments, the commitment is defined as the amount a bank holding company is obligated to fund—as of the report date—based on the contractually agreed upon terms. In the case of revolving asset-based lending, the unused portions of such commitments should be measured as the difference between (a) the lesser of the contractual borrowing base (*i.e.,* eligible collateral times the advance rate) or the note commitment limit, and (b) the sum of outstanding loans and letters of credit under the commitment. The note commitment limit is the overall maximum loan amount beyond which the bank holding company will not advance funds regardless of the amount of collateral posted. This definition of ''commitment'' is applicable only to revolving asset-based lending, which is a specialized form of secured lending in which a borrower uses current assets (*e.g.,* accounts receivable and inventory) as collateral for a loan. The loan is structured so that the amount of credit is limited by the value of the collateral.

A.4 Modification of the Instructions for Reporting Brokered Deposits

Information reported on Schedule HC–E, Deposit Liabilities, for brokered deposits less than $100,000 is not currently defined consistently with information reported on this schedule for time deposits of less than $100,000. Information on time deposits is reported based on balances of less than $100,000, while information on brokered deposits is reported based on issuances in denominations of less than $100,000. For consistency within Schedule HC–E, and for conformity with comparable instructional changes proposed for the Call Report, brokered deposits would be reported based on their balances rather than the denominations in which they were issued. The proposed revised instructions for Schedule HC–E, memoranda items 1 and 2, would read as follows:

Memoranda

Line Item M1 Brokered deposits less than $100,000 with a remaining maturity of one year or less.

Report in this item those brokered time deposits included in items 1 or 2 above with balances of less than $100,000 with a remaining maturity of one year or less and are held in domestic offices of commercial banks or other depository institutions that are subsidiaries of the reporting bank holding company. Remaining maturity is the amount of time remaining from the report date until the final contractual maturity of a brokered

deposit. Include in this item time deposits issued to deposit brokers in the form of large ($100,000 or more) certificates of deposit that have been participated out by the broker in shares with balances of less than $100,000. Also report in this item all brokered demand and savings deposits with balances of less than $100,000. See the Glossary entries for ''Brokered deposits'' and ''Brokered retail deposits'' for additional information.

Line Item M2 Brokered deposits less than $100,000 with a remaining maturity of more than one year.

Report in this item those brokered time deposits included in items 1 or 2 above with balances of less than $100,000 with a remaining maturity of more than one year and are held in domestic offices of commercial banks or other depository institutions that are subsidiaries of the reporting bank holding company. Remaining maturity is the amount of time remaining from the report date until the final contractual maturity of a brokered deposit. Include in this item time deposits issued to deposit brokers in the form of large ($100,000 or more) certificates of deposit that have been participated out by the broker in shares with balances of less than $100,000. See the Glossary entries for ''Brokered deposits'' and ''Brokered retail deposits'' for additional information.

A.5 Effect of New Accounting Standards on Schedule HC–S, Servicing, Securitization, and Asset Sale Activities

On June 12, 2009, FASB issued Statements of Financial Accounting Standards Nos. 166 and 167, which revise the existing standards governing the accounting for financial asset transfers and the consolidation of variable interest entities.[5] Statement No. 166 eliminates the concept of a ''qualifying special-purpose entity,'' changes the requirements for derecognizing financial assets, and requires additional disclosures. Statement No. 167 changes how a company determines when an entity that is insufficiently capitalized or is not controlled through voting (or similar rights) should be consolidated. This consolidation determination is based on, among other things, an entity's purpose and design and a company's ability to direct the activities of the entity that most significantly impact the entity's economic performance.[6] In general, the revised standards take effect January 1, 2010. The standards are expected to cause a substantial volume of assets in BHC-sponsored entities associated with securitization and structured finance activities to be brought onto BHC balance sheets.

The Federal Reserve currently collects data on BHCs' securitization and structured finance activities in Schedule HC–S, Servicing, Securitization, and Asset Sale Activities. The Federal Reserve will continue to collect Schedule HC–S after the effective date of Statements Nos. 166 and 167 and BHCs should continue to complete this schedule in accordance with its existing instructions, taking into account the changes in accounting brought about by these two FASB statements. In this regard, data items 1 through 8 of Schedule HC–S involve the reporting of information for securitizations that the reporting BHC has accounted for as sales. Therefore, after the effective date of Statements Nos. 166 and 167, a BHC should report information in data items 1 through 8 only for those securitizations for which the transferred assets qualify for sale accounting or are otherwise not carried as assets on the BHC's consolidated balance sheet. Thus, if a securitization transaction that qualified for sale accounting prior to the effective date of Statements Nos. 166 and 167 must be brought back onto the reporting BHC's consolidated balance sheet upon adoption of these statements, the BHC would no longer report information about the securitization in data items 1 through 8 of Schedule HC–S.

Data items 11 and 12 of Schedule HC–S are applicable to assets that the reporting BHC has sold with recourse or other seller-provided credit enhancements, but has not securitized. In Memorandum item 1 of Schedule HC–S, a BHC reports certain transfers of small business obligations with recourse that qualify for sale accounting. The scope of these data items will continue to be limited to such sold financial assets after the effective date of Statements Nos. 166 and 167. In Memorandum item 2 of Schedule HC–S, a BHC currently reports the outstanding principal balance of loans and other financial assets that it services for others when the servicing has been purchased or when the assets have been originated or purchased and subsequently sold with servicing retained. Thus, after the effective date of Statements Nos. 166 and 167, a BHC should report retained servicing for those assets or portions of assets reported as sold as well as purchased servicing in Memorandum data item 2. Finally, Memorandum item 3 of Schedule HC–S collects data on asset-backed commercial paper conduits regardless of whether the reporting BHC must consolidate the conduit in accordance with FASB Interpretation No. 46(R). This will continue to be the case after the effective date of Statement No. 167, which amended this FASB interpretation.

The Federal Reserve plans to evaluate the disclosure requirements in Statements Nos. 166 and 167 and the disclosure practices that develop in response to these requirements. This evaluation will assist the Federal Reserve in determining the need for revisions to Schedule HC–S that would improve their ability to assess the nature and scope of BHCs' involvement with securitization and structured finance activities, including those accounted for as sales and those accounted for as secured borrowings. Such revisions, which would not be implemented before March 2011, would be incorporated into a formal proposal to the Board.

In addition, should new FR Y–9C data items pertaining to securitization and structured finance transactions be necessary for regulatory capital calculation purposes after the effective date of Statements No. 166 and 167, a proposal to collect these data items would be incorporated into any notice of proposed rulemaking to amend the Federal Reserve's regulatory capital standards that the Federal Reserve would publish for comment in the **Federal Register**.

A.6 Trading Assets That Are Past Due or in Nonaccrual Status

In the proposed FR Y–9C revisions for 2009, which were issued for comment on November 13, 2008,[7] the Federal Reserve proposed to replace Schedule HC–N, Past Due and Nonaccrual Loans, Leases, and Other Assets, data item 9, Debt securities and other assets that are past due 30 days or more or in nonaccrual status with two separate data items: Data item 9.a, Trading assets, and data item 9.b, All other assets (including available-for-sale and held-to-maturity securities). The Federal

[5] Statement of Financial Accounting Standards No. 166, *Accounting for Transfers of Financial Assets,* amends Statement No. 140, *Accounting for Transfers and Servicing of Financial Assets and Extinguishments of Liabilities.* Statement of Financial Accounting Standards No. 167, *Amendments to FASB Interpretation No. 46(R),* amends FASB Interpretation No. 46(R), *Consolidation of Variable Interest Entities.* In general, under the FASB Accounting Standards Codification™, see Topics 860, Transfers and Servicing, and 810, Consolidation.

[6] FASB News Release, June 12, 2009, *http://www.fasb.org/cs/ContentServer?c=FASBContent_C&pagename=FASB/FASBContent_C/NewsPage&cid=1176156240834&pf=true.*

[7] 73 FR 67159.

Reserve also proposed to expand the scope of Schedule HC–D, Trading Assets and Liabilities, Memorandum item 3, Loans measured at fair value that are past due 90 days or more, to include loans held for trading and measured at fair value that are in nonaccrual status. The Federal Reserve proposed to collect this information to improve their ability to assess the quality of assets held for trading purposes and generally enhance surveillance and examination planning efforts. One commenter on these proposed reporting changes questioned the meaningfulness of delinquency and nonaccrual data for trading assets because they are accounted for at fair value through earnings. After fully considering this commenter's views, the Federal Reserve has decided not to implement the proposed revisions to Schedule HC–N, data item 9, and Schedule HC–D, Memorandum item 3. These data items will remain in their current form.

A.7 Unpaid Premiums on Certain Credit Derivatives

In its proposed 2009 revisions to the FR Y–9C, the Federal Reserve also included the addition of new Memoranda items 3.a and 3.b to Schedule HC–R, Regulatory Capital, to collect the present value of unpaid premiums on credit derivatives for which the BHC is the protection seller that are defined as covered positions under the Federal Reserve's market risk capital guidelines. This present value information was to be reported by remaining maturity and with a breakdown between investment grade and subinvestment grade for the rating of the underlying reference asset. One commenter on this proposed credit derivative data requested clarification of the impact of the reporting requirement on the institution's risk-based capital calculations. The Federal Reserve has reconsidered this proposed reporting change and has decided not to add these new Memoranda items to Schedule HC–R.

Proposed Revision Not Related to Call Report Revisions

The Federal Reserve proposes to make the following revision to the FR Y–9C effective as of March 31, 2010, which is unrelated to the revisions proposed to the Call Report.

B.1 Reformatting of Loan Information Collected on Schedule HC–K, Quarterly Averages

The following categories of loans are collected on Schedule HC–K, Quarterly Averages: Data item 3, Loans and leases (consolidated); data item 3.a, Loans secured by 1–4 family residential properties in domestic offices; data item 3.b, All other loans secured by real estate in domestic offices; and data item 3.c, All other loans in domestic offices. The Call Report collects loan information on Schedule RC–K, Quarterly Averages, in a different format starting with total loans in domestic offices with a more expanded number of loan categories in domestic offices, but a category for all other loans in domestic offices is not collected. A data item for total loans in foreign offices, Edge and Agreement subsidiaries, and IBFs and a data item for lease financing receivables are separately collected on Schedule RC–K such that total consolidated loans and leases may be derived.

The Federal Reserve has learned that many BHCs in attempting to incorporate Call Report quarterly average loan information into FR Y–9C quarterly average loan categories are misreporting the FR Y–9C data items. This misreporting is likely due to the difference in format of the loan data items on the two schedules. In order to improve the quality of quarterly average loan information collected on Schedule HC–K, the Federal Reserve proposes to revise data item 3 to collect total loans and leases in domestic offices, and revise data item 3.c to collect total loans in foreign offices, Edge and agreement subsidiaries, and International Banking Facilities (IBFs). Current data items 3, 3.a, 3.b, and 3.c would be renumbered as data items 3.a, 3.a.(1), 3.a.(2) and 3.b, respectively.

2. *Report title:* Financial Statements of U.S. Nonbank Subsidiaries of U.S. Bank Holding Companies.

Agency form number: FR Y–11.

OMB control number: 7100–0244.

Frequency: Quarterly and annually.

Reporters: BHCs.

Estimated annual reporting hours: FR Y–11 (quarterly), 15,504 hours; and FR Y–11 (annual), 1,802 hours.

Estimated average hours per response: FR Y–11 (quarterly), 6.80 hours; and FR Y–11 (annual), 6.80 hours.

Number of respondents: FR Y–11 (quarterly), 570; and FR Y–11 (annual), 265.

General description of report: This information collection is mandatory (12 U.S.C. 1844(c)). Confidential treatment is not routinely given to the data in these reports. However, confidential treatment for the reporting information, in whole or in part, can be requested in accordance with the instructions to the form, pursuant to sections (b)(4), (b)(6)and (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(4), (b)(6) and (b)(8)).

Abstract: The FR Y–11 reports collect financial information for individual non-functionally regulated U.S. nonbank subsidiaries of domestic BHCs. BHCs file the FR Y–11 on a quarterly or annual basis according to filing criteria. The FR Y–11 data are used with other BHC data to assess the condition of BHCs that are heavily engaged in nonbanking activities and to monitor the volume, nature, and condition of their nonbanking operations.

Current Actions: The Federal Reserve proposes to revise the instructions for Schedule IS, data item 7(b) Noninterest expense pertaining to related organizations, to indicate that negative amounts reported in this data item should not be reported as net credit balances in data item 5(b), Noninterest income from related organizations. Rather, paper filers should report negative amounts in parentheses or with a minus (−) sign and electronic filers should report negative amounts with a minus (−) sign. The proposed revision would make the reporting of negative amounts consistent with reporting of negative amounts in data item 7(a), Noninterest expense pertaining to nonrelated organizations and the treatment of negative amounts reported on the Consolidated Financial Statements for Bank Holding Companies (FR Y–9C; OMB No. 7100–0128).

3. *Report title:* Financial Statements of Foreign Subsidiaries of U.S. Banking Organizations.

Agency form number: FR 2314.

OMB control number: 7100–0073.

Frequency: Quarterly and annually.

Reporters: U.S. state member banks (SMBs), BHCs, and Edge or agreement corporations.

Estimated annual reporting hours: FR 2314 (quarterly), 15,365 hours; and FR 2314 (annual), 1,313 hours.

Estimated average hours per response: FR 2314 (quarterly), 6.60 hours; and FR 2314 (annual), 6.60 hours.

Number of respondents: FR 2314 (quarterly), 582; and FR 2314 (annual), 199.

General description of report: This information collection is mandatory (12 U.S.C. 324, 602, 625, and 1844(c)). Confidential treatment is not routinely given to the data in these reports. However, confidential treatment for the reporting information, in whole or in part, can be requested in accordance with the instructions to the form, pursuant to sections (b)(4), (b)(6) and (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(4) (b)(6) and (b)(8)).

Abstract: The FR 2314 reports collect financial information for non-functionally regulated direct or indirect foreign subsidiaries of U.S. SMBs, Edge

and agreement corporations, and BHCs. Parent organizations (SMBs, Edge and agreement corporations, or BHCs) file the FR 2314 on a quarterly or annual basis according to filing criteria. The FR 2314 data are used to identify current and potential problems at the foreign subsidiaries of U.S. parent companies, to monitor the activities of U.S. banking organizations in specific countries, and to develop a better understanding of activities within the industry, in general, and of individual institutions, in particular.

Current Actions: The Federal Reserve proposes to revise the instructions for Schedule IS, data item 7(b) Noninterest expense pertaining to related organizations, to indicate that negative amounts reported in this data item should not be reported as net credit balances in data item 5(b), Noninterest income from related organizations. Rather, paper filers should report negative amounts in parentheses or with a minus (−) sign and electronic filers should report negative amounts with a minus (−) sign. The proposed revision would make the reporting of negative amounts consistent with reporting of negative amounts in data item 7(a), Noninterest expense pertaining to nonrelated organizations and the treatment of negative amounts reported on the Consolidated Financial Statements for Bank Holding Companies (FR Y–9C; OMB No. 7100–0128).

4. *Report title:* Financial Statements of U.S. Nonbank Subsidiaries Held by Foreign Banking Organizations.

Agency form number: FR Y–7N.

OMB control number: 7100–0125.

Frequency: Quarterly and annually.

Reporters: Foreign banking organizations (FBOs).

Estimated annual reporting hours: FR Y–7N (quarterly), 4,787 hours; and FR Y–7N (annual), 1,387 hours.

Estimated average hours per response: FR Y–7N (quarterly), 6.8 hours; and FR Y–7N (annual), 6.8 hours.

Number of respondents: FR Y–7N (quarterly), 176; and FR Y–7N (annual), 204.

General description of report: This information collection is mandatory (12 U.S.C. 1844(c), 3106(c), and 3108). Confidential treatment is not routinely given to the data in these reports. However, confidential treatment for information, in whole or in part, on any of the reporting forms can be requested in accordance with the instructions to the form, pursuant to sections (b)(4) and (b)(6) of the Freedom of Information Act (5 U.S.C. 522(b)(4) and (b)(6)).

Abstract: The FR Y–7N collects financial information for non-functionally regulated U.S. nonbank subsidiaries held by FBOs other than through a U.S. BHC, U.S. FHC, or U.S. bank. FBOs file the FR Y–7N on a quarterly or annual basis based on size thresholds.

Current Actions: The Federal Reserve proposes to revise the instructions for Schedule IS, data item 7(b) Noninterest expense pertaining to related organizations, to indicate that negative amounts reported in this data item should not be reported as net credit balances in data item 5(b), Noninterest income from related organizations. Rather, paper filers should report negative amounts in parentheses or with a minus (−) sign and electronic filers should report negative amounts with a minus (−) sign. The proposed revision would make the reporting of negative amounts consistent with reporting of negative amounts in data item 7(a), Noninterest expense pertaining to nonrelated organizations and the treatment of negative amounts reported on the Consolidated Financial Statements for Bank Holding Companies (FR Y–9C; OMB No. 7100–0128).

Board of Governors of the Federal Reserve System, September 22, 2009.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E9–23164 Filed 9–24–09; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

SUMMARY: *Background.* Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Michelle Shore—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3829).

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Final approval under OMB delegated authority of the extension for three years, without revision, of the following reports:

1. *Report title:* Report of Transaction Accounts, Other Deposits and Vault Cash.

Agency form number: FR 2900.

OMB control number: 7100–0087.

Frequency: Weekly and quarterly.

Reporters: Depository institutions.

Estimated annual reporting hours: 598,738 hours.

Estimated average time per response: 3.50 hours.

Number of respondents: 2,914 weekly and 4,885 quarterly.

General description of report: This information collection is mandatory (12 U.S.C. 248(a), 461, 603, and 615) and is given confidential treatment (5 U.S.C. 552(b)(4)).

Abstract: Institutions with net transaction accounts greater than the exemption amount are called nonexempt institutions. Institutions with total transaction accounts, savings deposits, and small time deposits greater than or equal to the reduced reporting limit, regardless of the level of their net transaction accounts, are also referred to as nonexempt institutions. Nonexempt institutions submit FR 2900 data either weekly or quarterly. An institution is required to report weekly if its total transaction accounts, savings deposits, and small time deposits are greater than or equal to the nonexempt deposit cutoff. If the nonexempt institution's total transaction accounts, savings deposits, and small time deposits are less than the nonexempt deposit cutoff then the institution must report quarterly. U.S. branches and agencies of foreign banks and banking Edge and agreement corporations submit the FR 2900 data on a weekly basis, regardless of their size. These mandatory data are used by the Federal Reserve for administering Regulation D (Reserve Requirements of Depository Institutions) and for constructing, analyzing, and monitoring the monetary and reserve aggregates.

2. *Report title:* Annual Report of Total Deposits and Reservable Liabilities.

Agency form number: FR 2910a.

OMB control number: 7100–0175.

Frequency: Annually.
Reporters: Depository institutions.
Annual reporting hours: 3,605 hours.
Estimated average time per response: 45 minutes.
Number of respondents: 4,807.
General description of report: This information collection is mandatory (12 U.S.C. 248(a), and 461) and is given confidential treatment (5 U.S.C. 552(b)(4)).
Abstract: The FR 2910a is an annual report generally filed by depository institutions that are exempt from reserve requirements under the Garn-St Germain Depository Institutions Act of 1982 and whose total deposits, measured from depository institutions' December quarterly condition reports, are greater than the exemption amount but less than the reduced reporting limit. The report contains three data items that are to be submitted for a single day, June 30: (1) Total transaction accounts, savings deposits, and small time deposits; (2) reservable liabilities; and (3) net transaction accounts. The data collected on this report serves two purposes. First, the data are used to determine which depository institutions will remain exempt from reserve requirements and consequently eligible for reduced reporting for another year. Second, the data are used in the annual indexation of the low reserve tranche, the exemption amount, the nonexempt deposit cutoff, and the reduced reporting limit. These mandatory data are used by the Federal Reserve for administering Regulation D and for constructing, analyzing, and monitoring the monetary and reserve aggregates.

3. *Report title:* Report of Foreign (Non-U.S.) Currency Deposits.
Agency form number: FR 2915.
OMB control number: 7100–0237.
Frequency: Quarterly.
Reporters: Depository institutions.
Annual reporting hours: 230 hours.
Estimated average time per response: 30 minutes.
Number of respondents: 115.
General description of report: This information collection is mandatory (12 U.S.C. 248(a)(2) and 347(d)) and is given confidential treatment (5 U.S.C. 552(b)(4)).
Abstract: All FR 2900 respondents, both weekly and quarterly, that offer deposits denominated in foreign currencies at their U.S. offices file the FR 2915. FR 2915 data are used to remove foreign currency deposits from aggregated FR 2900 data in constructing the monetary aggregates. All weekly and quarterly FR 2900 respondents offering foreign currency deposits file the FR 2915 quarterly, on the same reporting schedule as quarterly FR 2900 respondents. The FR 2915 is the only source of data on such deposits.

4. *Report title:* Allocation of Low Reserve Tranche and Reservable Liabilities Exemption.
Agency form number: FR 2930.
OMB control number: 7100–0088.
Frequency: Annually and on occasion.
Reporters: Depository institutions.
Annual reporting hours: 33 hours.
Estimated average time per response: 15 minutes.
Number of respondents: 133.
General description of report: This information collection is mandatory (12 U.S.C. 248(a), 461, 603, and 615) and is given confidential treatment (5 U.S.C. 552(b)(4)).
Abstract: The FR 2930 provides information on the allocation of the low reserve tranche and the reservable liabilities exemption for depository institutions with offices in more than one state or Federal Reserve District or for those operating under operational convenience. For calculation of required reserves on net transaction accounts, there is a low reserve tranche within which deposits are reserved at a lower reserve requirement ratio than are amounts in excess of the low reserve tranche. Within the low reserve tranche, deposits under the reservable liabilities exemption amount are reserved at zero. All U.S. offices of the same parent depository institution share one low reserve tranche and one reservable liabilities exemption. This report provides the basis for allocating these amounts across separate reporting offices.
Current Actions: On July 16, 2009, the Federal Reserve published a notice in the **Federal Register** (74 FR 34577) requesting public comment for 60 days on the extension, without revision, of the FR 2900, FR 2910a, FR 2915, and FR 2930 reports. The comment period for this notice expired on September 14, 2009. The Federal Reserve did not receive any comments.

5. *Report title:* Advanced Capital Adequacy Framework Information Collection.
OMB Number: 7100–0313.
Agency form number: FR 4200.
Frequency of Response: Annually and quarterly.
Affected Public: Banks and bank holding companies (BHCs).
Estimated Number of Respondents: 19.
Estimated Time per Response: Written implementation plan 13,268 hours; prior written approvals 1,009 hours; and disclosures 36.25 hours.
Estimated Total Annual Burden: 113,793 hours.
General Description of Report: This information collection is mandatory pursuant 12 U.S.C. 324 and 1844(c). The written implementation plan and prior approvals are given confidential treatment (5 U.S.C. 552(b)(8)).
Abstract: On December 7, 2007, the Federal Reserve issued a final rule titled Risk-Based Capital Standards: Advanced Capital Adequacy Framework (final rule) implementing a new risk-based regulatory capital framework for institutions in the United States. The final rule requires certain large or internationally active banks and bank holding companies (BHCs) to (1) Adopt a written implementation plan, (2) update that plan for any mergers, (3) obtain prior written approvals for the use of certain approaches for determining risk-weighted assets, and (4) make certain public disclosures regarding their capital ratios, their components, and information on implicit support provided to a securitization. There are no required reporting forms associated with this information collection.
Current Actions: On July 17, 2009, the Federal Reserve published a notice in the **Federal Register** (74 FR 34865) requesting public comment for 60 days on the extension, without revision, of the FR 4200. The comment period for this notice expired on September 15, 2009. The Federal Reserve did not receive any comments.

Final approval under OMB delegated authority of the implementation of the following reports:

1. *Report title:* Supervisory and Regulatory Survey.
Agency form number: FR 3052.
OMB control number: 7100—to be assigned.
Frequency: On occasion.
Reporters: Financial businesses.
Estimated annual reporting hours: 60,000 hours.
Estimated average time per response: 30 minutes.
Estimated number of respondents: 5,000.
General description of report: This information collection is authorized pursuant to the: Federal Reserve Act, sections 2A, 9, 12A, 25, and 25A (12 U.S.C. §§ 225a, 324, 263, 602, and 625); Bank Holding Company Act, section 5(c) (12 U.S.C. § 1844(c)); International Banking Act of 1978, section 7(c)(2) (12 U.S.C. § 3105(c)(2)); and Federal Deposit Insurance Act, section 7(a) (12 U.S.C. § 1817(a)). Generally, respondent participation is voluntary. However, with respect to collections of information from state member banks, bank holding companies (and their subsidiaries), Edge and agreement corporations, and U.S. branches and agencies of foreign banks supervised by

the Federal Reserve, the Federal Reserve could make the surveys mandatory. The ability of the Federal Reserve to maintain the confidentiality of information provided by respondents to the FR 3052 surveys would be determined on a case-by-case basis depending on the type of information provided for a particular survey. Depending upon the survey questions, confidential treatment could be warranted under subsections (b)(4), (b)(6), and (b)(8) of the Freedom of Information Act. 5 U.S.C. 552(b)(4), (6), and (8).

Abstract: The supervision and policy functions of the Federal Reserve have occasional need to gather data on an ad-hoc basis from the banking and financial industries on their financial condition (outside of the standardized regulatory reporting process) to respond to changes in economic or other factors. Further, the data may relate to a particular business activity that requires a more detailed presentation of the information than is available through regulatory reports [such as the (FFIEC 031 and FFIEC 041; OMB No. 7100–0036) (FFIEC 002; OMB No. 7100–0032) (FR 2886b; OMB No. 7100–0086), and (FR Y–9C; OMB No. 7100–0128)]. These data may be particularly needed in times of critical economic or regulatory changes or when issues of immediate supervisory concern arise from Federal Reserve supervisory initiatives and working groups or requests from Board Members and the Congress. The Federal Reserve would use this event-driven survey to obtain information specifically tailored to the Federal Reserve's supervisory, regulatory, operational, and other responsibilities. The Federal Reserve proposes to conduct the FR 3052 up to 24 times per year. The frequency and content of the questions would depend on changing economic, regulatory, or legislative developments.

2. *Report title:* Consumer Protection Surveys.

Agency form number: FR 3053.

OMB control number: 7100—to be assigned.

Frequency: On occasion.

Reporters: Consumers, households, and financial and non-financial businesses.

Estimated annual reporting hours: 6,550 hours.

Estimated average time per response:

Consumer studies: Quantitative and general studies, 0.5 hours; financial institution consumers, .5 hours; qualitative studies, 1.5 hours;

Financial institution study: Financial institution staff, 1.5 hours; and

Stakeholder studies: stakeholder clientele, 0.5 hours; stakeholder staff, 1.5 hours.

Estimated number of respondents:

Consumer studies: Quantitative and general studies, 2,000; financial institution consumers, 500; qualitative studies, 100;

Financial institution study: Financial institution staff, 25; and

Stakeholder studies: Stakeholder clientele, 500; stakeholder staff, 100.

General description of report: This information collection is authorized pursuant to the: Home Mortgage Act, section 806 (12 U.S.C. 2804(a)); Community Reinvestment Act, section 806 (12 U.S.C. 2905); Competitive Equality Banking Act, section 1204 (12 U.S.C. 3806); Expedited Funds Availability Act, section 609 (12 U.S.C. 4008); Truth in Saving Act, section 269 (12 U.S.C. 4308); Federal Trade Commission Act, section 18(f) (15 U.S.C. 57a(f)); Truth in Lending Act, section 105 (15 U.S.C. 1604); Mortgage Disclosure Improvement Act, sections 2501 through 2503 of the Housing and Economic Recovery Act of 2008 (15 U.S.C. 1638(b)(2)); Higher Education Opportunity Act of 2008, section 1021(a) (15 U.S.C. 1638(e)(5)); Consumer Leasing Act of 1976, section 1021(a)(15 U.S.C. 1667f); Fair Credit Reporting Act, section 621 (15 U.S.C. 1681s(e)); Equal Credit Opportunity Act, section 703 (15 U.S.C. 1691b(a)); Electronic Funds Transfer Act, section 904 (15 U.S.C. 1693b); Gramm-Leach-Bliley Act, section 504 (15 U.S.C. 6804); and Flood Disaster Protections Act of 1973, section 102 (42 U.S.C. 4012a). Respondent participation in these surveys is voluntary. The ability of the Federal Reserve to maintain the confidentiality of information provided by respondents to the FR 3053 surveys will be determined on a case-by-case basis depending on the type of information provided for a particular survey. Depending upon the survey questions, confidential treatment could be warranted under the Freedom of Information Act. 5 U.S.C. 552(b)(4) and (6).

Abstract: The Federal Reserve would use this event-driven survey to obtain information specifically tailored to the Federal Reserve's supervisory, regulatory, operational, informational, and other responsibilities. This survey would gather qualitative and quantitative information directly from: consumers (consumer studies), financial institutions and other financial companies offering consumer financial products and services (financial institution study), and other stakeholders, such as State or local agencies, community development organizations, brokers, appraisers, settlement agents, software vendors, and consumer groups (stakeholder studies). The Federal Reserve proposes to conduct the FR 3053 up to 20 times per year. The frequency and content of the questions would depend on changing economic, regulatory, or legislative developments.

Current Actions: On July 16, 2009, the Federal Reserve published a notice in the **Federal Register** (74 FR 34577) requesting public comment for 60 days on the implementation of the FR 3052 and FR 3053 Surveys. The comment period for this notice expired on September 14, 2009. The Federal Reserve did not receive any comments; the surveys will be implemented as proposed.

Board of Governors of the Federal Reserve System, September 22, 2009.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E9–23165 Filed 9–24–09; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than October 13, 2009.

A. Federal Reserve Bank of Atlanta (Steve Foley, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309:

1. PCAP Managers, LLC; Parthenon Investors III, L.P.; PCAP Associates; J&R Advisors F.F., LLC; J&R Founders Fund II, L.P.; and PCAP–SNBT, LLC, all of Boston, Massachusetts; to acquire voting shares of Three Shores Bancorporation, Inc., and thereby indirectly acquire voting shares of Seaside National Bank & Trust, both of Orlando, Florida.

2. Lovell Minnick Holdings, LLC; Lovell Minnick Partners, LLC; Lovell Minnick Equity Advisors II, LLC; Lovell Minnick Equity Partners II, L.P.; and LM–SNBT, LLC, all of El Segundo, California; to voting shares of Three Shores Bancorporation, Inc., and thereby indirectly acquire voting shares of Seaside National Bank & Trust, both of Orlando, Florida.

B. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. Harmon A. Brown, Chicago, Illinois; to become independent trustee of the LCK 1993 Trust; LCK Dynasty Trust; LCK Legacy Trust; the Katz Millennium Trust; and LCK Trust No. 2, and acquire voting shares of First Community Bancshares, Inc., Killeen, Texas, and thereby indirectly acquire voting shares of FCBI Delaware Inc., Wilmington, Delaware, First National Bank Texas, Killeen, Texas, and Fort Hood National Bank, Fort Hood, Texas.

Board of Governors of the Federal Reserve System, September 22, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E9–23156 Filed 9–24–09; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than October 9, 2009.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. TRSD Holdings, LP, Warren, Michigan, and Thomas Fabbri, as trustee of The Thomas Fabbri Revocable Trust, both of Sterling Heights, Michigan; to acquire voting shares of Level One Bancorp, Inc., and thereby indirectly acquire voting shares of Level One Bank, both of Farmington Hills, Michigan.

Board of Governors of the Federal Reserve System, September 21, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E9–23134 Filed 9–24–09; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 19, 2009.

A. Federal Reserve Bank of New York (Ivan Hurwitz, Bank Applications Officer) 33 Liberty Street, New York, New York 10045–0001:

1. The Goldman Sachs Group, Inc., New York, New York; to retain 9 percent of the voting shares of Atlantic Capital Bancshares, Inc., and thereby indirectly acquire voting shares of Atlantic Capital Bank, both of Atlanta, Georgia.

2. The Goldman Sachs Group, Inc., New York, New York; to retain 9.8 percent of the voting shares of Avenue Financial Holdings, Inc., and thereby indirectly retain voting shares of Avenue Bank, both of Nashville, Tennessee.

3. The Goldman Sachs Group, Inc., New York, New York; to retain 6.6 percent of the voting shares of Doral Holdings, L.P., and thereby indirectly retain voting shares of Doral Bank, both of San Juan, Puerto Rico.

In connection with this application, Applicant also has applied to retain Doral Holdings, L.P., and Doral Bank, FSB, New York, New York, a federal savings association, and engage in operating a savings and loan association, pursuant to Section 225.28(b)(4) of Regulation Y.

4. The Goldman Sachs Group, Inc., New York, New York; to retain its indirect interest in The First Marblehead Corporation, and thereby acquire Union Federal Savings Bank both of Boston, Massachusetts, and engage in operating a savings and loan association, pursuant to section 225.28(b)(4) of Regulation Y.

B. Federal Reserve Bank of San Francisco (Kenneth Binning, Vice President, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. BW Acquisition, LLC Fountain Greemn Utah; to become a bank holding company by acquiring 57.7 percent of the voting shares of Utah Community Bancorp, and thereby indirectly acquire Utah Community Bank, both of Sandy, Utah.

Board of Governors of the Federal Reserve System, September 21, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E9–23132 Filed 9–24–09; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or

other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 9, 2009.

A. Federal Reserve Bank of New York (Ivan Hurwitz, Bank Applications Officer) 33 Liberty Street, New York, New York 10045–0001:

1. Ladder Capital Finance Holdings LLC, and Ladder Midco LLC, both of New York, New York; to engage in commercial real estate finance or commercial mortgage backed securities or swaps to hedge risks or related advisory, management or servicing activities, pursuant to sections 225.28(b)(1), (b)(2)(iv); (b)(7)(i) and (iii); (b)(8)(ii)(B) and (ii)(C), of Regulation Y.

Board of Governors of the Federal Reserve System, September 21, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E9–23133 Filed 9–24–09; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[FAR Case 2009–009; Docket 2009–0011; Sequence 2]

Federal Acquisition Regulation; FAR Case 2009–009, American Recovery and Reinvestment Act of 2009 (the Recovery Act)— Reporting Requirements

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice—Centralized Reporting Tool at *FederalReporting.gov*.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) are issuing this notice to provide information to Federal contractors who have contracts funded, in whole or in part, by the American Recovery and Reinvestment Act of 2009 (''Recovery Act''), and include the FAR clause 52.204–11. This notice is being provided to offer assistance to Federal contractors in understanding the *FederalReporting.gov* centralized reporting tool.

DATES: *Effective Date*: September 25, 2009.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr. Ernest Woodson, Procurement Analyst, at (202) 501–3775. Please cite Notice—Centralized Reporting Tool at *Federalreporting.gov*.

SUPPLEMENTARY INFORMATION:

A. Background

On March 31, 2009, the Councils published an interim rule, FAR case 2009–009, American Recovery and Reinvestment Act of 2009 (the Recovery Act)—Reporting Requirements (74 FR 14639). The rule implements section 1512 of Public Law 111–5, the American Recovery and Reinvestment Act of 2009 (the ''Recovery Act''), which requires Federal contractors that receive awards (or modifications to existing awards) funded, in whole or in part, by the Recovery Act to report cumulatively each calendar quarter on the use of the funds. Federal contractors will report using a centralized reporting tool at *FederalReporting.gov*. The reporting tool was anticipated to be available for the reporting period ending June 30, 2009, with reports due July 10, 2009. However, the reporting tool was not available and a notice was posted to *FederalReporting.gov* advising Federal contractors to maintain their data for the quarter ending June 30, 2009 for the cumulative report due October 10, 2009. The reporting tool is anticipated to be available at *FederalReporting.gov* on October 1, 2009.

On August 25, 2009, a **Federal Register** notice (74 FR 42877) was published to notify Federal contractors that the Recovery Accountability and Transparency Board (''Board'') had announced the availability of registration at *FederalReporting.gov*. To comply with the reporting required by 52.204–11, Federal contractors must first register at *FederalReporting.gov*. Early registration is encouraged. The registration process requires authorization by the Federal contractors' Government Business or Electronic Business Points of Contact listed in their Central Contractor Registration (CCR) record for the DUNS number indicated by the *FederalReporting.gov* registrant. Federal contractors, who have not already registered at *FederalReporting.gov*, should do so now. For more information on the registration and authorization process, go to the ''Downloads'' tab at *FederalReporting.gov* and select the ''User Registration Guide'' and ''Recipient Point of Contact Guide'' from the Documentation section. A User Guide for the reporting tool will be posted to *FederalReporting.gov* shortly and will also contain registration instructions.

Contractors are advised to review the ''Recipient Reporting Data Model'' also provided under the ''Downloads'' tab. This document includes the data elements that will be required for reporting. The FAR Council is not responsible for developing *FederalReporting.gov* but understands that the system is being initially developed to focus on core functionality and will not pre-populate data elements. Therefore, additional data elements not included in the list in FAR clause 52.204–11, primarily administrative information required by the Federal Funding and Accountability Act (FFATA), must be entered. These additional data elements include: agency information (awarding agency and Government contracting office); contractor information (name, address, DUNS number, and congressional district); and, award information (program source (treasury account symbol (TAS)) associated with the award. Further, contractors must select ''Federally awarded contract'' from a list of award types. Federal contractors will have much of this data on hand, or it will be readily available in the contract document.

Until posted at *FederalReporting.gov*, information to assist Federal contractors in preparing for reporting, including a series of Frequently Asked Questions (FAQs) on reporting for Federal contractors, has been posted to *http://www.whitehouse.gov/omb/recovery_default/*. These FAQs will familiarize Federal contractors with the new system, available guides, key dates and activities, and the reporting process. The FAQs also provide additional information on data elements, such as examples on how to calculate full-time-equivalent in order to report jobs created and retained.

Because some information may not be available in the contract document, such as the TAS, the FAQs provide instruction on how to easily locate this information in the Recovery Act Report updated daily at *https://www.fpds.gov*.

The current interim rule will remain in effect. The FAR Council anticipates that the first reporting cycle will provide valuable experience and information necessary to inform the Council's decision on how best to proceed with the FAR rule. Federal contractors will be notified of the FAR Council's plan through the **Federal Register**.

An emergency information collection request adding the additional data elements and extending OMB–9000–0166 has been approved by the Office of Information and Regulatory Affairs. Information Collections for OMB–9000–0167, 9000–0168, and 9000–0169 have been extended. See *http://www.reginfo.gov/public/do/PRAMain* and select ''DOD/GSA/NASA (FAR)'' as agency.

Dated: September 23, 2009.

Al Matera,

Director, Acquisition Policy Division.

[FR Doc. E9–23329 Filed 9–24–09; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10180, CMS–R–199, CMS–R–72, CMS–10260 and CMS–10178]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Department of Health and Human Services.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the Agency's function; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Children's Health Insurance Program (CHIP) Report on Payables and Receivables; *Use:* Collection of CHIP data and the calculation of the CHIP Incurred But Not Reported (IBNR) estimate are pertinent to CMS' financial audit. The CFO auditors have reported the lack of an estimate for CHIP IBNR payables and receivables as a reportable condition in the FY 2005 audit of CMS's financial statements. It is essential that CMS collect the necessary data from State agencies in FY 2006, so that CMS continues to receive an unqualified audit opinion on its financial statements. Program expenditures for the CHIP have increased since its inception; as such, CHIP receivables and payables may materially impact the financial statements. The CHIP Report on Payables and Receivables will provide the information needed to calculate the CHIP IBNR.; *Form Number:* CMS–10180 (OMB#: 0938–0988); Frequency: Reporting—Annually; *Affected Public:* State, Local or Tribal governments; *Number of Respondents:* 56; *Total Annual Responses:* 56; *Total Annual Hours:* 336. (For policy questions regarding this collection contact Deborah McLeod at 410–786–0013. For all other issues call 410–786–1326.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicaid Report on Payables and Receivables; *Use:* The Chief Financial Officers (CFO) Act of 1990, as amended by the Government Management Reform Act (GMRA) of 1994, requires government agencies to produce auditable financial statements. Because the Centers for Medicare & Medicaid Services (CMS) fulfills its mission through its contractors and the States; these entities are the primary source of information for the financial statements. There are three basic categories of data: Expenses, payables, and receivables. The CMS–64 is used to collect data on Medicaid expenses. The CMS–R–199 collects Medicaid payable and receivable accounting data from the States. *Form Number:* CMS–R–199 (OMB#: 0938–0697); Frequency: Reporting—Annually; *Affected Public:* State, Local or Tribal governments; *Number of Respondents:* 56; *Total Annual Responses:* 56; *Total Annual Hours:* 336. (For policy questions regarding this collection contact Deborah McLeod at 410–786–0013. For all other issues call 410–786–1326.)

3. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Information Collection Requirements in 42 CFR 478.18, 478.34, 478.36, 478.42, QIO Reconsiderations and Appeals; *Use:* In the event that a beneficiary, provider, physician, or other practitioner does not agree with the initial determination of a Quality Improvement Organization (QIO) or a QIO subcontractor, it is within that party's rights to request reconsideration. The information collection requirements 42 CFR 478.18, 478.34, 478.36, and 478.42, contain procedures for QIOs to use in reconsideration of initial determinations. The information requirements contained in these regulations are on QIOs to provide information to parties requesting the reconsideration. These parties will use the information as guidelines for appeal rights in instances where issues are actively being disputed. *Form Number:* CMS–R–72 (OMB#: 0938–0443); *Frequency:* Reporting—On occasion; *Affected Public:* Individuals or Households and Business or other for-profit institutions; *Number of Respondents:* 2,590; *Total Annual Responses:* 5,228; *Total Annual Hours:* 2,822. (For policy questions regarding this collection contact Tom Kessler at 410–786–1991. For all other issues call 410–786–1326.)

4. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Advantage and Prescription Drug Program: Final Marketing Provisions CFR 422.111(a)(3) and 423.128 (a)(3) *Use:* Medicare Advantage (MA) plans must provide notice to plan members of impending changes to plan benefits, premiums and copays in the coming year so that members will be in the best position to make an informed choice on continued enrollment or disenrollment from that plan at least 15 days before the Annual Election Period (AEP). Beginning 2009, organizations will be required to notify plan members of the coming year changes using a combined standardized document at the time of enrollment and annually thereafter.

Section 422.111 requires, to the extent that a MA plan has a Web site, annual notification through the Web site of written, hard copy notification sent to the beneficiaries. Section 423.128 requires that a part D plan have

mechanisms for providing specific information on a timely basis to current and prospective enrollees upon request. These mechanisms include, Internet Web site that includes information on part D plan description. MA organizations (formerly M+C organizations) and Prescription Drug Plan Sponsors use the information to comply with the eligibility requirements and the MA and part D contract requirements. CMS will use this information to ensure that correct information is disclosed to Medicare beneficiaries, both potential enrollees and enrollees. *Form Number:* CMS–10260 (OMB#: 0938–1051); *Frequency:* Reporting—Yearly; *Affected Public:* Business or other for-profits; *Number of Respondents:* 740; *Total Annual Responses:* 740; *Total Annual Hours:* 8,880. (For policy questions regarding this collection contact Camille Brown at 410–786–0274. For all other issues call 410–786–1326.)

5. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicaid and Children's Health Insurance (CHIP) Managed Care; *Use:* The Payment Error Rate Measurement (PERM) program measures improper payments for Medicaid and the State Children's Health Insurance Program (SCHIP). The program was designed to comply with the Improper Payments Information Act (IPIA) of 2002 and the Office of Management and Budget (OMB) guidance. Although OMB guidance requires error rate measurement for SCHIP, 2009 SCHIP legislation temporarily suspended PERM measurement for this program and changed to Children's Health Insurance Program (CHIP) effective April 01, 2009. See Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) Public Law 111–3 for more details.

There are two phases of the PERM program, the measurement phase and the corrective action phase. PERM measures improper payments in Medicaid and CHIP and produces State and national-level error rates for each program. The error rates are based on reviews of Medicaid and CHIP fee-for-service (FFS) and managed care payments made in the Federal fiscal year under review. States conduct eligibility reviews and report eligibility related payment error rates also used in the national error rate calculation. CMS created a 17 State rotation cycle so that each State will participate in PERM once every three years.

The information collected from the selected States will be used by Federal contractors to conduct Medicaid and CHIP managed care data processing reviews on which State-specific error rates will be calculated. The quarterly capitation payments will provide the contractor with the actual claims to be sampled. The managed care contracts, rate schedules, and updates to both, will be used by the federal contractor when conducting the managed care claims reviews. *Form Number:* CMS–10178 (OMB#: 0938–0994); *Frequency:* Reporting—Occasionally; *Affected Public:* State, Local, or Tribal governments; *Number of Respondents:* 34; *Total Annual Responses:* 2,040; *Total Annual Hours:* 28,050. (For policy questions regarding this collection contact Nicole Perry at 410–786–8786. For all other issues call 410–786–1326.)

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995,* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov,* or call the Reports Clearance Office on (410) 786–1326.

To be assured consideration, comments and recommendations for the proposed information collections must be received by the OMB desk officer at the address below, no later than 5 p.m. on October 26, 2009.

OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–6974. *e-mail: OIRA_submission@omb.eop.gov.*

Dated: September 18, 2009.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. E9–23124 Filed 9–24–09; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection: Comment Request; 0MB No. 0925–0601/exp. 2/28/2010, ''Request for Human Embryonic Stem Cell Line To Be Approved for Use in NIH Funded Research''

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the Office of Extramural Research, the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (0MB) for review and approval.

Proposed Collection: Title: Request for Human Embryonic Stem Cell Line to be Approved for Use in NIH Funded Research. *Type of Information Collection Request:* Extension, 0MB 0925–0601, Expiration Date 2/28/2010. *Form Number:* 2890. The form is used by applicants to request that human embryonic stem cell lines be approved for use in NIH funded research. Applicants may submit applications at any time; this request is a one-time submission. Affected Public: Business or other for-profit; Not-for-profit institutions; Federal Government; and State, Local or Tribal Government. Type of Respondents: Adult scientific professionals. The annual reporting burden is as follows:

Estimated Number of Respondents: 100; *Estimated Number of Responses per Respondent:* 1; *Average Burden Hours Per Response:* 3; and *Estimated Total Annual Burden Hours Requested:* 300. The estimated annualized cost to respondents is $10,500.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Ms. Mikia Currie, Division of Grants Policy, Office of Policy for Extramural Research Administration, NIH, Rockledge 1 Building, Room 3505, 6705 Rockledge Drive, Bethesda, MD 20892–7974, or call non-toll-free number 301–435–0941, or E-mail your request, including your address to: [*curriem@od.nih.gov*].

Comments Due Date: Comments regarding this information collection are

best assured of having their full effect if received within 60-days of the date of this publication.

Dated: September 17, 2009.

Joe Ellis,

Director, OPERA, OER, National Institutes of Health.

[FR Doc. E9–23078 Filed 9–24–09; 8:45 am]

BILLING CODE 4140–10–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0449]

Enforcement of General Tobacco Standard Special Rule for Cigarettes

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Federal Food, Drug, and Cosmetic Act (the act), as amended by the Family Smoking Prevention and Tobacco Control Act (FSPTCA), establishes a tobacco standard special rule for cigarettes. This special rule for cigarettes prohibits a cigarette or any of its component parts (including the tobacco, filter, or paper) from containing, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke. The Food and Drug Administration (FDA) is providing this notice to remind regulated industry that as of the effective date identified in the FSPTCA, cigarettes that contain certain characterizing flavors are considered adulterated under the act. FDA is also providing in this notice contact information to which individuals who observe violative products after the effective date of the tobacco standard special rule may report their observations to FDA.

DATES: Effective September 22, 2009.

ADDRESSES: To report tobacco products that fail to comply with section 907(a)(1)(A) of the act after September 22, 2009, please contact the Center for Tobacco Products, Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850–3229, 877–287–1373 or *http://www.fda.gov/flavoredtobacco*.

FOR FURTHER INFORMATION CONTACT: Michele Mital, Center for Tobacco Products, Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850–3229, 877–287–1373, *Michele.Mital@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Smoking is the leading preventable cause of death in the United States. An important way to reduce the death and disease caused by smoking is to prevent children and adolescents from starting to smoke. Congress has stated that flavors make cigarettes more appealing to youth and often result in exposure to additional carcinogens and other toxic constituents. The removal from the market of cigarettes that contain certain characterizing flavors is an important step in FDA's efforts to reduce the burden of illness and death caused by tobacco products.

The FSPTCA provides FDA with regulatory authority over the manufacture, marketing, and distribution of tobacco products. Specifically, section 907(a)(1)(A) of the act, as amended by the FSPTCA, establishes a tobacco product standard special rule for cigarettes that states in part: ''* * * a cigarette or any of its component parts (including the tobacco, filter, or paper) shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke.''

This standard applies to all tobacco products that meet the definition of a ''cigarette'' in section 900(3) of the act, as amended, even if they are not labeled as ''cigarettes'' or are labeled as cigars or as some other product.

As of the September 22, 2009, effective date, cigarettes and their component parts that fail to comply with the special rule established under section 907 of the act, as amended, are deemed adulterated under section 902 of the act, as amended. Under the act, adulterated products sold or held for sale in the United States may be subject to seizure under section 304 of the act (21 U.S.C. 334). In addition, manufacturers, distributors, and retailers may be subject to injunction actions, civil money penalties, and/or criminal prosecution for violating the requirements of the act (sections 301, 302, and 303 of the act (21 U.S.C. 331, 332, and 333, respectively)). FDA intends to use the full range of enforcement tools within the agency's authority to ensure compliance with the new requirement.

FDA encourages individuals who observe violative products after September 22, 2009, to report their observations to FDA. This collection of information was approved under OMB control number 0910–0647 and expires on March 31, 2010. Individuals may report products in violation of this standard to FDA through the contact information provided in the **ADDRESSES** section of this document.

Dated: September 21, 2009.

David Horowitz,

Assistant Commissioner for Policy.

[FR Doc. E9–23144 Filed 9–22–09; 11:15 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–2487–FN]

Medicare and Medicaid Programs; Application by the American Osteopathic Association for Continued Deeming Authority for Ambulatory Surgical Centers

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final notice.

SUMMARY: This final notice announces our decision to approve the American Osteopathic Association (AOA) for continued recognition as a national accreditation program for ambulatory surgical centers (ASCs) seeking to participate in the Medicare or Medicaid programs.

DATES: *Effective Date:* This final notice is effective on October 23, 2009 through October 23, 2013.

FOR FURTHER INFORMATION CONTACT: Cindy Melanson, (410) 786–0310. Patricia Chmielewski, (410) 786–6899.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services in an ambulatory surgical center (ASC) provided certain requirements are met. Sections 1832(a)(2)(F)(i) of the Social Security Act (the Act) establishes distinct criteria for facilities seeking designation as an ASC. Under this authority, the minimum requirements that an ASC must meet to participate in Medicare are set forth in regulations at 42 CFR part 416, which determine the basis and scope of ASC covered services, and the conditions for Medicare payment for facility services. Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to activities

relating to the survey and certification of facilities are at 42 CFR part 488.

Generally, to enter into an agreement, an ASC must first be certified by a State survey agency as complying with conditions or requirements set forth in part 416 of our regulations. Then, the ASC is subject to regular surveys by a State survey agency to determine whether it continues to meet those requirements. There is an alternative, however, to surveys by State agencies.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by an approved national accreditation organization that all applicable Medicare conditions are met or exceeded, we may ''deem'' those provider entities as having met the requirements. Accreditation by an accreditation organization is voluntary and is not required for Medicare participation.

If an accreditation organization is recognized by the Secretary as having standards for accreditation that meet or exceed Medicare requirements, a provider entity accredited by the national accrediting body's approved program may be deemed to meet the Medicare conditions. A national accreditation organization applying for approval of deeming authority under part 488, subpart A, must provide us with reasonable assurance that the accreditation organization requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning re-approval of accrediting organizations are set forth at § 488.4 and § 488.8(d)(3). The regulations at § 488.8(d)(3) require accreditation organizations to reapply for continued approval of deeming authority every 6 years, or sooner as we determine.

II. Deeming Applications Approval Process

Section 1865(a)(3)(A) of the Act provides a statutory timetable to ensure that our review of deeming applications is conducted in a timely manner. The Act provides us with 210 calendar days after the date of receipt of an application to complete our survey activities and application review process. Within 60 days of receiving a completed application, we must publish a notice in the **Federal Register** that identifies the national accreditation body making the request, describes the request, and provides no less that a 30-day public comment period. At the end of the 210-day period, we must publish an approval or denial of the application.

III. Provisions of the Proposed Notice

On May 26, 2009, we published a proposed notice (74 FR 24857) announcing the American Osteopathic Association's (AOA) request for re-approval as a deeming organization for ASCs. In the proposed notice, we detailed our evaluation criteria. Under section 1865(a)(2) of the Act and our regulations at § 488.4 (Application and reapplication procedures for accreditation organizations), we conducted a review of the AOA application in accordance with the criteria specified by our regulation, which include, but are not limited to the following:

- An onsite administrative review of AOA's—(1) Corporate policies; (2) financial and human resources available to accomplish the proposed surveys; (3) procedures for training, monitoring, and evaluation of its surveyors; (4) ability to investigate and respond appropriately to complaints against accredited facilities; and (5) survey review and decision-making process for accreditation;
- A comparison of AOA's ASC accreditation standards to our current Medicare ASC conditions for coverage; and
- A documentation review of AOA's survey processes to:
  - Determine the composition of the survey team, surveyor qualifications, and the ability of AOA to provide continuing surveyor training;
  - Compare AOA's processes to those of State survey agencies, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities;
  - Evaluate AOA's procedures for monitoring providers or suppliers found to be out of compliance with AOA's program requirements. The monitoring procedures are used only when AOA identifies noncompliance. If noncompliance is identified through validation reviews, the State survey agency monitors corrections as specified at § 488.7(d);
  - Assess AOA's ability to report deficiencies to the surveyed facilities and respond to the facility's plan of correction in a timely manner;
  - Establish AOA's ability to provide us with electronic data and reports necessary for effective validation and assessment of AOA's survey process;
  - Determine the adequacy of staff and other resources;
  - Review AOA's ability to provide adequate funding for performing required surveys;
  - Confirm AOA's policies with respect to whether surveys are announced or unannounced; and
  - Obtain AOA's agreement to provide us with a copy of the most current accreditation survey together with any other information related to the survey as we may require, including corrective action plans.

In accordance with section 1865(a)(3)(A) of the Act, the May 26, 2009 proposed notice (74 FR 24857) also solicited public comments regarding whether AOA's requirements met or exceeded the Medicare conditions for coverage (CfC) for ASCs. We received no public comments in response to our proposed notice.

IV. Provisions of the Final Notice

A. Differences Between AOA's Standards and Requirements for Accreditation and Medicare's Conditions and Survey Requirements

We compared the AOA's ASCs accreditation requirements and survey process with the Medicare CfCs and survey process as outlined in the State Operations Manual (SOM). Our review and evaluation of the AOA's deeming application, which were conducted as described in section III of this final notice, yielded the following:

- AOA modified its policies related to the accreditation effective date in accordance with the requirements at § 489.13;
- AOA modified its policies regarding timeframes for sending and receiving a plan of correction (PoC) in accordance with section 2728 of the SOM;
- AOA revised its policies to include timeframes for investigation of complaints in accordance with the requirements at section 5075.9 of the SOM;
- AOA developed and implemented internal monitoring procedures to ensure its surveyors are trained and qualified to meet the requirements at § 488.4(a)(4);
- AOA developed an action plan to ensure that deemed status survey files are complete, accurate, and consistent with the requirements at § 488.6(a);
- AOA developed and conducted surveyor training on the documentation of deficiencies to ensure that all cited deficiencies contain a regulatory reference, a clear and detailed description of the deficient practice, and relevant finding;
- AOA developed a policy to ensure that facilities with condition level non-compliance on a recertification survey submit an acceptable PoC, and receive a follow-up onsite focused survey, in order to meet the requirements at § 488.20(b) and § 488.28(a);
- AOA revised its policies and developed an internal tracking tool to

ensure that facilities with condition level non-compliance on an initial survey receive an onsite follow-up full survey, in order to meet the requirements at section 2005A2 of the SOM;

- AOA developed and incorporated measures to improve the accuracy and consistency of data submissions to CMS in order to meet the requirements at § 488.4(b);
- AOA revised its policies on blackout dates to meet the requirements at 2700A of the SOM;
- AOA revised its accreditation decision letters to ensure that they are accurate and contain all the required elements for our Regional Office to render a decision regarding the deemed status of an accredited ASC;
- AOA revised and updated its surveyor team handbook to include references to its ASC deeming program;
- AOA extended its onsite survey time allotted for review of the CfCs from 1 day to 2 days in order to meet the requirements at § 488.26; and
- AOA removed all references to mandatory consultative services from its policies to avoid potential conflict of interest issue.

To verify AOA's continued compliance with the provisions of this final notice, we will conduct a follow-up corporate onsite visit within 1 year of the date of publication of this notice.

B. Term of Approval

Based on the review and observations described in section III of this final notice, we have determined that the AOA's requirements for ASCs meet or exceed our requirements. Therefore, we approve AOA as a national accreditation organization for ASCs that request participation in the Medicare program, effective October 23, 2009 through October 23, 2013.

V. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 10, 2009.

Charlene Frizzera,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. E9–22956 Filed 9–24–09; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–4141–N]

Medicare Program; Medicare Appeals; Adjustment to the Amount in Controversy Threshold Amounts for Calendar Year 2010

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the annual adjustment in the amount in controversy (AIC) threshold amounts for Administrative Law Judge (ALJ) hearings and judicial review under the Medicare appeals process. The adjustment to the AIC threshold amounts will be effective for requests for ALJ hearings and judicial review filed on or after January 1, 2010. The 2010 AIC threshold amounts are $130 for ALJ hearings and $1,260 for judicial review.

DATES: *Effective Date:* This notice is effective on January 1, 2010.

FOR FURTHER INFORMATION CONTACT: Liz Hosna, (410) 786–4993.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1869(b)(1)(E) of the Social Security Act (the Act), as amended by section 521 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA), established AIC threshold amounts for ALJ hearing requests and judicial review at $100 and $1000, respectively, for Medicare Part A and Part B appeals. Section 940 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, amended section 1869(b)(1)(E) of the Act to require the AIC threshold amounts for ALJ hearings and judicial review to be adjusted annually. The AIC threshold amounts are to be adjusted, as of January 2005, by the percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average) for July 2003 to July of the year preceding the year involved and rounded to the nearest multiple of $10. Section 940(b)(2) of the MMA provided conforming amendments to apply the AIC adjustment requirement to Medicare Part C (Medicare Advantage ''MA'') appeals and certain health maintenance organization and competitive health plan appeals. Health care prepayment plans are also subject to MA appeals rules, including the AIC adjustment requirement. Section 101 of the MMA provides for the application of the AIC adjustment requirement to Medicare Part D appeals.

A. Medicare Part A and Part B Appeals

The statutory formula for the annual adjustment to the AIC threshold amounts for ALJ hearings and judicial review of Medicare Part A and Part B appeals, set forth at section 1869(b)(1)(E) of the Act, is included in the applicable implementing regulations, 42 CFR part 405, subpart I, at § 405.1006(b). The regulations require the Secretary of the Department of Health and Human Services (the Secretary) to publish changes to the AIC threshold amounts in the **Federal Register** (§ 405.1006(b)(2)). In order to be entitled to a hearing before an ALJ, a party to a proceeding must meet the AIC requirements at § 405.1006(b). Similarly, a party must meet the AIC requirements at § 405.1006(c) at the time judicial review is requested for the court to have jurisdiction over the appeal (§ 405.1136(a)).

B. Medicare Part C (Medicare Advantage) Appeals

Section 940(b)(2) of the MMA applies the AIC adjustment requirement to Part C (MA) appeals by amending section 1852(g)(5) of the Act. The implementing regulations for Medicare Part C appeals are found at 42 CFR part 422, subpart M. Specifically, § 422.600 and § 422.612 discuss the AIC threshold amounts for ALJ hearings and judicial review.

Section 422.600 grants any party to the reconsideration, except the MA organization, who is dissatisfied with the reconsideration determination, a right to an ALJ hearing as long as the amount remaining in controversy after reconsideration meets the threshold requirement established annually by the Secretary. Section 422.612 states that any party, including the MA organization, may request judicial review if, in part, the amount in controversy meets the threshold requirement established annually by the Secretary.

C. Health Maintenance Organizations, Competitive Medical Plans, and Health Care Prepayment Plans

Section 1876(c)(5)(B) of the Act states that the annual adjustment to the amount in controversy dollar amounts set forth in section 1869(b)(1)(E) of the Act applies to certain beneficiary appeals within the context of health maintenance organizations and competitive medical plans. The applicable implementing regulations for Medicare Part C appeals are set forth in 42 CFR part 422, subpart M, and as discussed above, apply to these appeals. The Medicare Part C appeals rules also apply to health care prepayment plan appeals.

D. Medicare Part D (Prescription Drug Plan) Appeals

The annually adjusted AIC threshold amounts for ALJ hearings and judicial review that apply to Medicare Parts A, B, and C appeals also apply to Medicare Part D appeals. Section 101 of the MMA added section 1860D–4(h)(1) of the Act regarding Part D appeals. This statutory provision requires a prescription drug plan sponsor to meet the requirements set forth in sections 1852(g)(4) and (g)(5) of the Act, in a similar manner as MA organizations. As noted above, the annually adjusted AIC threshold requirement was added to section 1852(g)(5) of the Act by section 940(b)(2)(A) of the MMA. The implementing regulations for Medicare Part D appeals can be found at 42 CFR part 423, subpart M. The regulations impart at § 423.562(c) that, unless the Part D appeals rules provide otherwise, the Part C appeals rules (including the annually adjusted AIC threshold amount) apply to Part D appeals to the extent they are appropriate. More specifically, § 423.610 and § 423.630 of the Part D appeals rules discuss the AIC threshold amounts for ALJ hearings and judicial review. Section 423.610(a) grants a Part D enrollee, who is dissatisfied with the Independent Review Entity (IRE) reconsideration determination, a right to an ALJ hearing if the amount remaining in controversy after the IRE reconsideration meets the threshold amount established annually by the Secretary. Section 423.630(a) allows a Part D enrollee to request judicial review of an ALJ's decision if, in part, the AIC meets the threshold amount established annually by the Secretary.

II. Annual AIC Adjustments

A. AIC Adjustment Formula and AIC Adjustments

As previously noted, section 940 of the MMA requires that the AIC threshold amounts be adjusted annually, beginning in January of 2005, by the percentage increase in the medical care component of the consumer price index (CPI) for all urban consumers (U.S. city average) for July 2003 to the July of the preceding year involved and rounded to the nearest multiple of $10.

B. Calendar Year 2010

The AIC threshold amount for ALJ hearing requests will rise to $130 and the AIC threshold amount for judicial review will rise to $1,260 for the 2010 calendar year. These new amounts are based on the 26.3 percent increase in the medical care component of the CPI from July of 2003 to July of 2009. The CPI level was at 297.6 in July of 2003 and rose to 375.739 in July of 2009. This change accounted for the 26.3 percent increase. The AIC threshold amount for ALJ hearing requests changes to $126.26 based on the 26.3 percent increase. In accordance with section 940 of the MMA, this amount is rounded to the nearest multiple of $10. Therefore, the 2010 AIC threshold amount for ALJ hearings is $130. The AIC threshold amount for judicial review changes to $1,262.56 based on the 26.3 percent increase. This amount was rounded to the nearest multiple of $10, resulting in a 2010 AIC threshold amount of $1,260.

C. Summary Table of Adjustments in the AIC Threshold Amounts

In Table 1 below, we list the (CY) 2005 through 2010 threshold amounts.

TABLE 1—AMOUNT-IN-CONTROVERSY THRESHOLD AMOUNTS

	CY 2005	CY 2006	CY 2007	CY 2008	CY 2009	CY 2010
ALJ Hearing	$100	$110	$110	$120	$120	$130
Judicial Review	$1050	$1090	$1130	$1180	$1,220	$1,260

*CY—Calendar Year.

III. Collection of Information Requirements (If Applicable)

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program; No. 93.773 Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 1, 2009.

Charlene Frizzera,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. E9–22955 Filed 9–24–09; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3215–N]

Medicare Program; Meeting of the Medicare Evidence Development and Coverage Advisory Committee—November 18, 2009

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces that a public meeting of the Medicare Evidence Development & Coverage Advisory Committee (MEDCAC) (''Committee'') will be held on Wednesday, November 18, 2009. The Committee generally provides advice and recommendations concerning the adequacy of scientific evidence needed to determine whether certain medical items and services can be covered under the Medicare statute. This meeting will focus on the quality of evidence surrounding the diagnosis and treatment of secondary lymphedema. This meeting is open to the public in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 2, section 10(a)).

DATES: *Meeting date:* The public meeting will be held on Wednesday,

November 18, 2009 from 7:30 a.m. until 4:30 p.m., Eastern Standard Time (EST).

Deadline for Submission of Written Comments: Written comments must be received at the address specified in the **ADDRESSES** section of this notice by 5 p.m., Eastern Daylight Time (EDT) on October 19, 2009. Once submitted all comments are final.

Deadlines for Speaker Registration and Presentation Materials: The deadline to register to be a speaker and to submit powerpoint presentation materials and writings that will be used in support of an oral presentation, is 5 p.m., EDT on Monday, October 19, 2009. Speakers may register by phone or via e-mail by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Presentation materials must be received at the address specified in the **ADDRESSES** section of this notice.

Deadline for All Other Attendees Registration: Individuals may register by phone or via e-mail by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice by 5 p.m., EDT on Wednesday, November 11, 2009.

Deadline for Submitting a Request for Special Accommodations: Persons attending the meeting who are hearing or visually impaired, or have a condition that requires special assistance or accommodations, are asked to contact the Executive Secretary as specified in the **FOR FURTHER INFORMATION CONTACT** section of this notice no later than 5 p.m., EDT Friday, November 6, 2009.

ADDRESSES: *Meeting Location:* The meeting will be held in the main auditorium of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244.

Submission of Presentations and Comments: Presentation materials and written comments that will be presented at the meeting must be submitted via e-mail to *MedCACpresentations@cms.hhs.gov* or by regular mail to the contact listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice by the date specified in the **DATES** section of this notice.

FOR FURTHER INFORMATION CONTACT: Maria Ellis, Executive Secretary for MEDCAC, Centers for Medicare & Medicaid Services, Office of Clinical Standards and Quality, Coverage and Analysis Group, C1–09–06, 7500 Security Boulevard, Baltimore, MD 21244 or contact Ms. Ellis by phone (410–786–0309) or via e-mail at *Maria.Ellis@cms.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

MEDCAC, formerly known as the Medicare Coverage Advisory Committee (MCAC), provides advice and recommendations to CMS regarding clinical issues. (For more information on MCAC, *see* the December 14, 1998 **Federal Register** (63 FR 68780.)) This notice announces the November 18, 2009, public meeting of the Committee. During this meeting, the Committee will discuss the quality of evidence surrounding the diagnosis and treatment of secondary lymphedema. Background information about this topic, including panel materials, is available at *http://www.cms.hhs.gov/coverage*. We encourage the participation of appropriate organizations with expertise in the diagnosis and treatment of secondary lymphedema.

II. Meeting Format

This meeting is open to the public. The Committee will hear oral presentations from the public for approximately 45 minutes. The Committee may limit the number and duration of oral presentations to the time available. Your comments should focus on issues specific to the list of topics that we have proposed to the Committee. The list of research topics to be discussed at the meeting will be available on the following Web site prior to the meeting: *http://www.cms.hhs.gov/mcd/index_list.asp?list_type=mcac*. We require that you declare at the meeting whether you have any financial involvement with manufacturers (or their competitors) of any items or services being discussed.

The Committee will deliberate openly on the topics under consideration. Interested persons may observe the deliberations, but the Committee will not hear further comments during this time except at the request of the chairperson. The Committee will also allow a 15-minute unscheduled open public session for any attendee to address issues specific to the topics under consideration. At the conclusion of the day, the members will vote and the Committee will make its recommendation(s) to CMS.

III. Registration Instructions

CMS' Coverage and Analysis Group is coordinating meeting registration. While there is no registration fee, individuals must register to attend. You may register by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice by the deadline listed in the **DATES** section of this notice. Please provide your full name (as it appears on your state-issued driver's license), address, organization, telephone, fax number(s), and e-mail address. You will receive a registration confirmation with instructions for your arrival at the CMS complex or you will be notified the seating capacity has been reached.

IV. Security, Building, and Parking Guidelines

This meeting will be held in a Federal government building; therefore, Federal security measures are applicable. We recommend that confirmed registrants arrive reasonably early, but no earlier than 45 minutes prior to the start of the meeting, to allow additional time to clear security. Security measures include the following:

- Presentation of government-issued photographic identification to the Federal Protective Service or Guard Service personnel.
- Inspection of vehicle's interior and exterior (this includes engine and trunk inspection) at the entrance to the grounds. Parking permits and instructions will be issued after the vehicle inspection.
- Inspection, via metal detector or other applicable means, of all persons entering the building. We note that all items brought into CMS, whether personal or for the purpose of presentation or to support a presentation, are subject to inspection. We cannot assume responsibility for coordinating the receipt, transfer, transport, storage, set-up, safety, or timely arrival of any personal belongings or items used for presentation or to support a presentation.

Note: Individuals who are not registered in advance will not be permitted to enter the building and will be unable to attend the meeting. The public may not enter the building earlier than 45 minutes prior to the convening of the meeting. All visitors must be escorted in areas other than the lower and first floor levels in the Central Building.

Authority: 5 U.S.C. App. 2, section 10(a).

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 21, 2009.

Barry M. Straube,

Chief Medical Officer and Director, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services.

[FR Doc. E9–23255 Filed 9–24–09; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Bacterial Pathogenesis SEP.
Date: October 7–8, 2009.
Time: 10 a.m. to 1 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting).
Contact Person: Rolf Menzel, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3196, MSC 7808 Bethesda, MD 20892, 301–435–0952, *menzelro@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Chronic Fatigue Syndrome, Fibromyalgia Syndrome, Temporomandibular Disorders.
Date: October 13–14, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting).
Contact Person: Lynn E. Luethke, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5166, MSC 7844 Bethesda, MD 20892, (301) 435–1018, *luethkel@csr.nih.gov.*

Name of Committee: Oncology 1–Basic Translational Integrated Review Group; Tumor Progression and Metastasis Study Section.
Date: October 15–16, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Westin Arlington, 801 North Glebe Road, Arlington, VA 22203.
Contact Person: Manzoor Zarger, MS, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6208, MSC 7804 Bethesda, MD 20892, (301) 435–2477, *zargerma@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Clinical Research and Field Studies of Infectious Diseases Study Section.
Date: October 16, 2009.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.
Contact Person: Soheyla Saadi, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3211, MSC 7808 Bethesda, MD 20892, 301–435–0903, *saadisoh@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Clinical Research and Field Studies.
Date: October 16, 2009.
Time: 1:30 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.
Contact Person: Soheyla Saadi, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3211, MSC 7808 Bethesda, MD 20892, 301–435–0903, *saadisoh@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Mechanistic Cardiac Function.
Date: October 20, 2009.
Time: 2:30 p.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call).
Contact Person: Russell T. Dowell, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4128, MSC 7814 Bethesda, MD 20892, (301) 435–1850, *dowellr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Methodology and Measurement in the Behavioral and Social Sciences.
Date: October 23, 2009.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Courtyard by Marriott Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.
Contact Person: Gabriel B. Fosu, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rocklege Drive, Room 3215, MSC 7808 Bethesda, MD 20892, (301) 435–3562, *fosug@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; ICOHRTA Review.
Date: October 23, 2009.
Time: 8 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: InterContinental Mark Hopkins San Francisco, One Nob Hill, 999 California Street, San Francisco, CA 94108.
Contact Person: Dan D. Gerendasy, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5132, MSC 7843 Bethesda, MD 20892, 301–594–6830, *gerendad@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; AITRP Review.
Date: October 23, 2009.
Time: 1 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: InterContinental Mark Hopkins San Francisco, One Nob Hill, 999 California Street, San Francisco, CA 94108.
Contact Person: Dan D. Gerendasy, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5132, MSC 7843 Bethesda, MD 20892, 301–594–6830, *gerendad@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Innovative Ultrasound Imaging and Small Business. (Overflow).
Date: October 23, 2009.
Time: 8 p.m. to 10 p.m.
Agenda: To review and evaluate grant applications.
Place: Millennium Knickerbocker Hotel Chicago, 163 East Walton Place, Chicago, IL 60611.
Contact Person: Xiang-Ning Li, MD, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5112, MSC 7854 Bethesda, MD 20892, 301–435–1744, *lixiang@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 16, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–23035 Filed 9–24–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1814–N]

Medicare Program; Listening Session Regarding: Defining an Episode Logic for the Medicare Physician Resource Use Measurement Program; November 10, 2009

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces a listening session being conducted as part of the proposal to further the Medicare program's ability to assess the relative resources used for beneficiary care using episodes of care as the unit of measurement. This listening session will solicit comments on the range of issues in the analysis of the applicability of currently available tools to identify discrete episodes of care for Medicare beneficiaries. Physicians, physician associations, and all other interested parties are invited to participate. The meeting is open to the public, but attendance is limited to space and teleconference lines available.

DATES: *Meeting Date:* The listening session will be held on November 10, 2009 from 9 a.m. until 1 p.m. Eastern standard time (e.s.t.).

Meeting Registration and Request for Special Accommodations Deadline: Registration opens on September 25, 2009. For security reasons, registration must be completed no later than 5 p.m. e.s.t. on November 3, 2009. Requests for special accommodations must be received by 5 p.m. e.s.t. on November 3, 2009.

Deadline for Submission of Written Comments or Statements: Written comments or statements on the issues paper may be sent via mail, fax or electronically to the address specified in the **ADDRESSES** section of this notice and must be received by 5 p.m. e.s.t. on November 17, 2009.

ADDRESSES: *Meeting Location:* The listening session will be held in the main auditorium of the Central Building of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Registration and Special Accommodations: Persons interested in attending the meeting or participating by teleconference must register by completing the online registration via the Web site at *http://www2.eventsvc.com/stage/palmettogba/111009*. Individuals who require special accommodations should send an e-mail request or via regular mail to as specified in the **FOR FURTHER INFORMATION CONTACT** of this notice.

Written Comments or Statements: Written comments or statements may be mailed to Mail stop C4–03–06, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244–1850; e-mail to *PhysicianVBP@cms.hhs.gov*,; or faxed to 410–786–8005.

FOR FURTHER INFORMATION CONTACT: Colleen Bruce, 410–786–5529. You may also send inquiries about this listening session via e-mail to *colleen.bruce@cms.hhs.gov* or via regular mail as specified in the **ADDRESSES** section of this notice.

I. Background

Section 131(c) of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) establishes the Physician Resource Use Measurement Reporting Program that requires the Secretary to provide confidential feedback reports to physicians on resource use. Section 131 (d) of MIPPA requires the Secretary to develop a plan for the transition to a value-based purchasing program for physician and other professional services for which these measurements could also be used. We have established the Physician Resource Use Measurement and Reporting Program and provided reports to physicians in Phase I of the program using currently available methods for defining episodes and creating reports on relative resource use based on those episodes. Findings from these efforts and several years of research of the applicability of currently available grouper tools to Medicare beneficiaries and data suggest there may be some benefit to further refinement of our approach to defining episodes of care. We have established the program and provided reports (*http://rurinfo.mathematica-mpr.com/*) to physicians in several geographic areas. Several units of measurement have been utilized in an effort to determine the most useful unit of measurement. Comparing the relative resources used to deliver care for an episode of care is one of the methods used in the Medicare Physician Resource Use Measurement and Reporting Program. (For more detail information, see the Calendar Year (CY) 2009 Physician Fee Schedule final rule with comment period in the November 19, 2008 **Federal Register** (73 FR 69867).)

Currently, an episode of care is created through the use of a software program that identifies claims that are clinically related and then groups them into an episode. These episodes usually include costs of care for an individual beneficiary across settings of care. In addition to providing reports to individual practitioners under the Medicare Physician Resource use Measurement and Reporting Program, the Congress has given the Secretary authority to create reports for physician groups. In the CY 2010 Medicare Physician Fee Schedule proposed rule (July 13, 2009, (74 FR 33589)), we have proposed reporting to groups of physicians. Reporting to groups of physicians would allow these episodes to be used to compare costs for episodes across regions or systems of care, or across beneficiary populations.

We have solicited feedback from physicians and physician groups on the reports. Furthermore, we have been conducting research on the applicability of the commonly used grouper tools that create the episodes. Through these efforts we have identified potential areas for further refinement of our approach to defining episodes of care. We are specifically concerned that the tool be designed to address the unique attributes of the Medicare population, settings of care and payment system.

We have also determined that for all involved: physicians, other providers, beneficiaries, and policymakers, a tool that is used to determine what costs should be included in an episode of care needs to be in the public domain so it can be fully transparent.

At the listening session, CMS staff will present findings from research on the key attributes of a grouper logic for Medicare beneficiaries and seek input on other strategies for improving the manner in which episodes for Medicare beneficiaries are designed. Issues to be considered include the challenges associated with—

- Beneficiaries with multiple co-morbidities,
- Post-acute care diagnoses not matching with inpatient diagnoses,
- Whether physician services delivered in a hospital stay should be grouped to the same episode as the hospitalization, and
- Risk-adjustment.

We recognize that to use this type of grouper logic other significant issues, such as attribution and benchmarking methods will also need to be addressed, but we do not intend on discussing these at this session.

We intend on using the input from this session, the comments received in writing and our research findings to write a request for proposal for interested applicants to develop a logic and software that are specific to Medicare beneficiaries.

II. Listening Session Format

The listening session will be held on November 10, 2009 to consider the key issues related to drafting the request for proposal. The session will begin at 9 a.m. e.s.t. with an overview of the objectives for the session and a brief summary of the Medicare Physician Resource Use Measurement and Reporting Program. Beginning at approximately 9:30 a.m. e.s.t. the remainder of the meeting will be devoted to receiving public comments. The agenda will provide opportunities for brief 2-minute comments on each of

the key issues from on-site session attendees. As time allows, telephone participants will also have the opportunity to provide brief 2-minute comments. The meeting will conclude by 1 p.m. e.s.t. with brief comments on next steps.

III. Registration Instructions

For security reasons, any persons wishing to attend this meeting must register by the date listed in the **DATES** section of this notice. Persons interested in attending the meeting or participating by teleconference must register by completing the on-line registration via the Web site at *http://www2.eventsvc.com/stage/palmettogba/111009.* The on-line registration system will generate a confirmation page to indicate the completion of your registration. Please print this page as your registration receipt.

Individuals may also participate in the listening session by teleconference. Registration is required as the number of call-in lines will be limited. The call-in number will be provided upon confirmation of registration.

An audio download of the listening session will be available through the CMS Resource Use Web site within 72 hours after completion of the listening session. Use Web site at *http://www.cms.hhs.gov/center/physician.asp.*

IV. Security, Building, and Parking Guidelines

This meeting will be held in a Federal government building; therefore, Federal security measures are applicable. In planning your arrival time, we recommend you to arrive to the central building by 8 a.m so that you will have enough time to check-in before the session begins. The on-site check-in for visitors will begin at 8:15 a.m. e.s.t.

Security measures will include inspection of vehicles, inside and out, at the entrance to the grounds. In addition, all persons entering the building must check in by name with Security, provide a government-issued ID, and pass through a metal detector. All items brought to the building, whether personal or for the purpose of demonstration or to support a presentation, including items such as laptops, cell phones, and palm pilots, are subject to physical inspection.

Authority: Section 131(d) The Medicare Improvements for Patients and Providers Act of 2008.

Dated: September 17, 2009.

Charlene Frizzera,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. E9–22959 Filed 9–24–09; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–7015–N]

Medicare Program; Meeting of the Advisory Panel on Medicare Education, October 20, 2009

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Advisory Panel on Medicare Education (the Panel) in accordance with the Federal Advisory Committee Act. The Panel advises and makes recommendations to the Secretary of Health and Human Services and the Administrator of the Centers for Medicare & Medicaid Services on opportunities to enhance the effectiveness of consumer education strategies concerning the Medicare program. This meeting is open to the public.

DATES: *Meeting Date:* October 20, 2009 from 8:30 a.m. to 3 p.m., eastern daylight time (e.d.t.).

Deadline for Meeting Registration, Presentations and Comments: October 13, 2009, 5 p.m., e.d.t.

Deadline for Requesting Special Accommodations: October 6, 2009, 5 p.m., e.d.t.

ADDRESSES: *Meeting Location:* Hilton Washington Hotel Embassy Row, 2015 Massachusetts Avenue, NW., Washington, DC 20036, (202) 265–6800.

Meeting Registration, Presentations, and Written Comments: Lynne Johnson, Designated Federal Official, Division of Forum and Conference Development, Office of External Affairs, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Mailstop S1–05–06, Baltimore, MD 21244–1850 or contact Ms. Johnson via e-mail at *Lynne.Johnson@cms.hhs.gov*.

Registration: The meeting is open to the public, but attendance is limited to the space available. Persons wishing to attend this meeting must register by contacting Lynne Johnson at the address listed in the **ADDRESSES** section of this notice or by telephone at (410) 786–0090, by the date listed in the **DATES** section of this notice.

FOR FURTHER INFORMATION CONTACT: Lynne Johnson, (410) 786–0090. Please refer to the CMS Advisory Committees' Information Line (1–877–449–5659 toll free)/(410–786–9379 local) or the Internet (*http://www.cms.hhs.gov/FACA/04_APME.asp*) for additional information and updates on committee activities. Press inquiries are handled through the CMS Press Office at (202) 690–6145.

SUPPLEMENTARY INFORMATION: Section 9(a)(2) of the Federal Advisory Committee Act authorizes the Secretary of Health and Human Services (the Secretary) to establish an advisory panel if the Secretary determines that the panel is ''in the public interest in connection with the performance of duties imposed * * * by law.'' Such duties are imposed by section 1804 of the Social Security Act (the Act), requiring the Secretary to provide informational materials to Medicare beneficiaries about the Medicare program, and section 1851(d) of the Act, requiring the Secretary to provide for ''activities * * * to broadly disseminate information to [M]edicare beneficiaries * * * on the coverage options provided under [Medicare Advantage] in order to promote an active, informed selection among such options.''

The Panel is also authorized by section 1114(f) of the Act (42 U.S.C. 1311(f)) and section 222 of the Public Health Service Act (42 U.S.C. 217a). The Secretary signed the charter establishing this Panel on January 21, 1999 (64 FR 7899, February 17, 1999) and approved the renewal of the charter on January 21, 2009 (74 FR 13442, March 27, 2009). The Panel advises and makes recommendations to the Secretary and the Administrator of the Centers for Medicare & Medicaid Services (CMS) on opportunities to enhance the effectiveness of consumer education strategies concerning the Medicare program.

The goals of the Panel are as follows:

- To provide recommendations on the development and implementation of a national Medicare education program that describes benefit options under Medicare.
- To enhance the Federal government's effectiveness in informing the Medicare consumer.
- To make recommendations on how to expand outreach to vulnerable and underserved communities, including racial and ethnic minorities, in the context of a national Medicare education program.
- To assemble an information base of best practices for helping consumers evaluate benefit options and build a

community infrastructure for information, counseling, and assistance.

The current members of the Panel are: Gwendolyn T. Bronson, SHINE/SHIP Counselor, Massachusetts SHINE Program; Dr. Yanira Cruz, President and Chief Executive Officer, National Hispanic Council on Aging; Stephen L. Fera, Vice President, Social Mission Programs, Independence Blue Cross; Nan Kirsten-Forté, Executive Vice President, Consumer Services, WebMD; Cathy Graeff, R.Ph., M.B.A., National, Senior Vice President, Communications and Industry Relations, National Council for Prescription Drug Programs; Dr. Carmen R. Green, Director, Pain Research Division, Associate Professor, Anesthesiology, University of Michigan Health System; Dr. Jessie C. Gruman, President and Chief Executive Officer, Center for the Advancement of Health; Cindy Hounsell, J.D., President, Women's Institute for a Secure Retirement; Kathy Hughes, Vice Chairwoman, Oneida Nation; Gail Hunt, President and Chief Executive Officer, National Alliance for Caregiving; Dr. Andrew M. Kramer, Professor of Medicine, University of Colorado, Denver; Dr. Frank B. McArdle, Manager, Hewitt Research Office, Hewitt Associates; Sandy Markwood, Chief Executive Officer, National Area Agencies on Aging; David Roberts, M.P.A., Vice President, Government Relations, Healthcare Information and Management Systems Society; Julie Bodën Schmidt, Associate Vice President, Training and Technical Assistance Department, National Association of Community Health Centers; Rebecca Snead, Executive Vice President and Chief Executive Officer, National Alliance of State Pharmacy Associations.

The agenda for the October 20, 2009 meeting will include the following:

- Recap of the previous (July 8, 2009) meeting.
- Subgroup Committee Work Summary.
- Medicare Outreach and Education Strategies.
- Public Comment.
- Listening Session with CMS Leadership.
- Next Steps.

Individuals or organizations that wish to make a 5-minute oral presentation on an agenda topic should submit a written copy of the oral presentation to Lynne Johnson at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice. The number of oral presentations may be limited by the time available. Individuals not wishing to make a presentation may submit written comments to Ms. Johnson at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice.

Individuals requiring sign language interpretation or other special accommodations should contact Ms. Johnson at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice.

Authority: Sec. 222 of the Public Health Service Act (42 U.S.C. 217a) and sec. 10(a) of Pub. L. 92–463 (5 U.S.C. App. 2, sec. 10(a) and 41 CFR 102–3).

(Catalog of Federal Domestic Assistance Program No. 93.733, Medicare—Hospital Insurance Program; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 18, 2009.

Charlene Frizzera,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. E9–23122 Filed 9–24–09; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; ZRG1 DKUS–K 11 Nephrology and Urology Small Business Review.

Date: October 13–14, 2009.

Time: 9 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Krystyna E. Rys-Sikora, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4112, MSC 7814, Bethesda, MD 20892, 301–451–1325, *ryssokok@csr.nih.gov*.

Name of Committee: Molecular, Cellular and Developmental Neuroscience; Integrated Review Group Cellular and Molecular Biology of Neurodegeneration Study Section.

Date: October 14–15, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Catamaran Resort Hotel, 3999 Mission Boulevard, San Diego, CA 92109.

Contact Person: Laurent Taupenot, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4183, MSC 7850, Bethesda, MD 20892, 301–435–1203, *taupenol@csr.nih.gov*.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review; Group Microscopic Imaging Study Section.

Date: October 14, 2009.

Time: 12 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Malgorzata Klosek, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188, MSC 7849, Bethesda, MD 20892, (301) 435–2211, *klosekm@csr.nih gov*.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Therapeutic Approaches to Genetic Diseases.

Date: October 15, 2009.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.

Contact Person: Michael K. Schmidt, PhD, Scientific Review Officer Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2214, MSC 7890, Bethesda, MD 20892, (301) 435–1147, *mschmidt@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Therapeutic Approaches to Genetic Diseases-SEP.

Date: October 15, 2009.

Time: 4 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.

Contact Person: Michael K. Schmidt, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2214, MSC 7890, Bethesda, MD 20892, (301) 435–1147, *mschmidt@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Drug Discovery for the Nervous System.

Date: October 16, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Allerton Hotel, 701 North Michigan Avenue, Chicago, IL 60611.

Contact Person: Mary Custer, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148,

MSC 7850, Bethesda, MD 20892–7850. (301) 435–1164, *custerm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Drug Discovery Competitive Revisions.
Date: October 16, 2009.
Time: 5 p.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: The Allerton Hotel, 701 North Michigan Avenue, Chicago, IL 60611.
Contact Person: Mary Custer, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7850, Bethesda, MD 20892–7850. (301) 435–1164, *custerm@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group; Biology and Diseases of the Posterior Eye Study Section.
Date: October 19–20, 2009.
Time: 8 a.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Palomar, 2121 P Street, NW., Washington, DC 20037.
Contact Person: Michael H. Chaitin, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7850, Bethesda, MD 20892, (301) 435–0910, *chaitinm@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group; Membrane Biology and Protein Processing Study Section.
Date: October 19–20, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036.
Contact Person: Janet M. Larkin, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1102, MSC 7840, Bethesda, MD 20892, 301–435–1026, *larkinja@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cardiovascular Devices and SBTS–E (10) B.
Date: October 19, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Roberto J. Matus, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7854, Bethesda, MD 20892, 301–435–2204, *matusr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business Biomedical Sensing, Measurement and Instrumentation.
Date: October 19–20, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Guo Feng Xu, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5122, MSC 7854, Bethesda, MD 20892, 301–435–1032, *xuguofen@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Development and Aging.
Date: October 19, 2009.
Time: 2 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: James Harwood, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5168, MSC 7840, Bethesda, MD 20892, 301–435–1256, *harwoodj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Virology.
Date: October 20–21, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: John C. Pugh, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, MSC 7808, Bethesda, MD 20892, (301) 435–2398, *pughjohn@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; LIRR and RIBT Member Conflicts.
Date: October 20–21, 2009.
Time: 9 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: George M. Barnas, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4220, MSC 7818, Bethesda, MD 20892, 301–435–0696, *barnasg@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Special Topics in Human Aging.
Date: October 20, 2009.
Time: 3 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: John Burch, PhD, Scientific Review Officer, National Institute of Health, Center for Scientific Review, 6701 Rockledge Drive, Room 3213, MSC 7808, Bethesda, MD 20892, 301–435–1019, *burchjb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Diversity Fellowships—Division of Translational and Clinical Sciences.
Date: October 21, 2009.
Time: 8 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Abdelouahab Aitouche, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2183, MSC 7818, Bethesda, MD 20892, 301–435–2365, *aitouchea@csr.nih.gov.*

Name of Committee: Biology of Development and Aging Integrated Review Group; International and Cooperative Projects—1 Study Section.
Date: October 22, 2009.
Time: 8 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: InterContinental Mark Hopkins San Francisco, One Nob Hill, San Francisco, CA 94108.
Contact Person: Manana Sukhareva, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3214, MSC 7808, Bethesda, MD 20892, 301–435–1116, *sukharem@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Bacterial Pathogenesis Study Section.
Date: October 22–23, 2009.
Time: 8 a.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: The Allerton Hotel, 701 North Michigan Avenue, Hollow Square, Chicago, IL 60611.
Contact Person: Richard G. Kostriken, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, (301) 402–4454, *kostrikr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business Medical Imaging.
Date: October 22–23, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Dupont Hotel, 1500 New Hampshire Avenue, NW., Washington, DC 20036.
Contact Person: Leonid V. Tsap, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5128, MSC 7854, Bethesda, MD 20892, (301) 435–2507, *tsapl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Risk Prevention and Health Behavior Across the Lifespan.
Date: October 22–23, 2009.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.
Contact Person: Claire E. Gutkin, PhD, MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3138, MSC 7759, Bethesda, MD 20892, 301–594–3139, *gutkincl©csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel;

Dissemination and Implementation Research in Health.

Date: October 23, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Melinda Tinkle, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3141, MSC 7770, Bethesda, MD 20892, (301) 594–6594, *tinklem@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Ultrasound Imaging: Instrumentation, Innovation and Small Business.

Date: October 23, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Millennium Knickerbocker Hotel Chicago, 163 East Walton Place, Chicago, IL 60611.

Contact Person: Xiang-Ning Li, MD, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5112, MSC 7854, Bethesda, MD 20892, 301–435–1744, *lixiang@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–09–084: Developmental Biology AREA.

Date: October 23, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel George, 15 E. Street, NW., Washington, DC 20001.

Contact Person: Cathy Wedeen, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3213, MSC 7808, Bethesda, MD 20892, 301–435–1191, *wedeenc@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Community Based Participatory Research SEP.

Date: October 23, 2009.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Palomar, 2121 P Street, NW., Washington, DC 20037.

Contact Person: Katherine N. Bent, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3160, MSC 7770, Bethesda, MD 20892, (301) 435–0695, *bentkn@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–23079 Filed 9–24–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Cancer Institute Board of Scientific Advisors.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Cancer Institute Board of Scientific Advisors.

Date: November 2–3, 2009.

Time: November 2, 2009, 8 a.m. to 6 p.m.

Agenda: Director's Report: Ongoing and New Business; Reports of Program Review Group(s); and Budget Presentations; Reports of Special Initiatives; RFA and RFP. Concept Reviews; and Scientific Presentations.

Place: National Institutes of Health, Building 31, 31 Center Drive, 6th Floor, Conf. Rm. 10, Bethesda, MD 20892.

Time: November 3, 2009, 8:30 a.m. to 12 p.m.

Agenda: Reports of Special Initiatives; RFA and RFP Concept Reviews; and Scientific Presentations.

Place: National Institutes of Health, Building 31, 31 Center Drive, 6th Floor, Conf, Rm. 10, Bethesda, MD 20892.

Contact Person: Paulette S. Gray, PhD, Executive Secretary, Director, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, 8th Floor, Rm. 8001, Bethesda, MD 20892, 301–496–5147, *grayp@mail.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *deainfo.nci.nih.gov/advisory/bsa.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: September 21, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–23073 Filed 9–24–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Medical Imaging Study Section, October 5, 2009, 8 a.m. to October 5, 2009, 4 p.m., Four Points by Sheraton Washington DC Downtown, 1201 K Street, NW., Washington, DC, 20005 which was published in the **Federal Register** on September 16, 2009, 74 FR 47589–47592.

The meeting will be held October 4, 2009, 7 p.m. to October 5, 2009, 5 p.m. The meeting location remains the same. The meeting is closed to the public.

Dated: September 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–23068 Filed 9–24–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Epidemiology of Cancer Linked Applications.
Date: October 6, 2009.
Time: 7:30 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications
Place: Embassy Suites Hotel at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.
Contact Person: Denise Wiesch, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, (301) 435–0684, *wieschd@csr.nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Behavioral Genetics and Epidemiology Study Section.
Date: October 6–7, 2009.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036.
Contact Person: Elisabeth Koss, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3152, MSC 7770, Bethesda, MD 20892, (301) 435–1721, *kosse@csr.nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Central Visual Processing Study Section.
Date: October 6, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Doubletree Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Judith A. Finkelstein, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5178, MSC 7844, Bethesda, MD 20892, 301–435–1249, *finkelsj@csr.nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Lung Cellular, Molecular, and Immunobiology Study Section.
Date: October 6–7, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Bahia Resort Hotel, 998 W. Mission Bay Drive, San Diego, CA 92109.
Contact Person: George M. Barnas, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2180, MSC 7818, Bethesda, MD 20892, 301–435–0696, *barnasg@csr.nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Somatosensory and Chemosensory Systems Study Section.
Date: October 6–7, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Beacon Hotel and Corporate Quarters, 1615 Rhode Island Avenue, NW., Washington, DC 20036.
Contact Person: Bernard F. Driscoll, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892, (301) 435–1242, *driscolb@csr.nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Clinical Molecular Imaging and Probe Development.
Date: October 6, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Four Points by Sheraton Washington DC Downtown 1201 K Street, NW., Washington, DC 20005.
Contact Person: Eileen W. Bradley, DSC, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5100, MSC 7854, Bethesda, MD 20892, (301) 435–1179, *bradleye@csr.nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Pain and Chemosensory Neuroscience.
Date: October 6–7, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications,
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting)
Contact Person: John Bishop, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250, *bishopj@csr.nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function D Study Section.
Date: October 6–7, 2009.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Washington Plaza Hotel, 10 Thomas Circle, NW., Washington, DC 20005.
Contact Person: James W. Mack, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4154, MSC 7806, Bethesda, MD 20892, (301) 435–2037, *mackj2@csr.nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Molecular Genetics C Study Section.
Date: October 6–7, 2009.
Time: 8 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: One Washington Circle Hotel, One Washington Circle, NW., Washington, DC 20037.
Contact Person: Barbara Whitmarsh, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2206, MSC 7890, Bethesda, MD 20892, 301/435–4511, *whitmarshb@csr.nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Respiratory Integrative Biology and Translational Research Study Section.
Date: October 6–7, 2009.
Time: 8:30 a.m. to 11 a.m.
Agenda: To review and evaluate grant applications.
Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Everett E. Sinnett, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2178, MSC 7818, Bethesda, MD 20892, (301) 435–1016, *sinnett@nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Synthetic and Biological Chemistry B Study Section.
Date: October 6–7, 2009.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites Washington DC, 1250 22nd Street, NW., Washington, DC 20037.
Contact Person: Kathryn M. Koeller, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7806, Bethesda, MD 20892, 301–435–2681, *koellerk@csr.nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Reproductive Endocrinology.

Date: October 6, 2009.
Time: 11:30 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: Bahia Resort Hotel, 998 W. Mission Bay Drive, San Diego, CA 92109.
Contact Person: Syed M. Amir, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6172, MSC 7892, Bethesda, MD 20892, 301–435–1043, *amirs@csr.nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Review of PAR A–SO.
Date: October 6, 2009.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: Four Points by Sheraton Washington DC Downtown, 1201 K Street, NW., Washington, DC 20005.
Contact Person: Eileen W. Bradley, DSC, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5100, MSC 7854, Bethesda, MD 20892, (301) 435–1179, *bradleye@csr.nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neurotechnology 2.
Date: October 6, 2009.
Time: 1 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Renaissance M Street Hotel. 1143 New Hampshire Avenue, NW., Washington, DC 20037.
Contact Person: Robert C. Elliott, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3130, MSC 7850, Bethesda, MD 20892, 301–435–3009, *elliotro@csr.nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; High End Instrumentation.
Date: October 6, 2009.
Time: 3 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Four Points by Sheraton Washington DC Downtown, 1201 K Street, NW., Washington, DC 20005.
Contact Person: Eileen W. Bradley, DSC, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5100, MSC 7854, Bethesda, MD 20892, (301) 435–1179, *bradleye@csr.nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Shared Instrumentation Grants.
Date: October 6, 2009,
Time: 4 p.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Four Points by Sheraton Washington DC Downtown, 1201 K Street, NW., Washington, DC 20005.
Contact Person: Eileen W. Bradley, DSC, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5100, MSC 7854, Bethesda, MD 20892, (301) 435–1179, *bradleye@csr.nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Review of Competitive Revisions.
Date: October 6, 2009.
Time: 12 p.m. to 1 p.m.
Agenda: To review and evaluate grant applications.
Place: Four Points by Sheraton Washington DC Downtown, 1201 K Street, NW., Washington, DC 20005.
Contact Person: Lee Rosen, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892, (301) 435–1171, *rosenl@csr.nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Healthcare Delivery and Methodologies Nursing Science; Children and Families Study Section.
Date: October 7, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications,
Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.
Contact Person: Melinda Tinkle, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3141, MSC 7770, Bethesda, MD 20892, (301) 594–6594, *tinklem@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Neurodifferentiation, Plasticity, and Regeneration Study Section.
Date: October 7–8, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Crowne Plaza Washington National Airport, 1489 Jefferson Davis Highway, Arlington, VA 22202.
Contact Person: Joanne T. Fujii, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4184, MSC 7850, Bethesda, MD 20892, (301) 435–1178, *fujiij@csr.nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Xenobiotic and Nutrient Disposition and Action Study Section.
Date: October 7, 2009.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Patricia Greenwel, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2172, MSC 7818, Bethesda, MD 20892, 301–435–1169, *greenwep@csr.nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Cardiac Contractility, Hypertrophy, and Failure Study Section.
Date: October 7–8, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Churchill Hotel, 1914 Connecticut Avenue, NW., Washington, DC 20009.
Contact Person: Olga A. Tjurmina, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4030B, MSC 7814, Bethesda, MD 20892, (301) 451–1375, *ot3d@nih.gov.*

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Gene and Drug Delivery Systems Study Section.
Date: October 7–8, 2009.
Time: 8 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Amy L. Rubinstein, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 5152 MSC 7844, Bethesda, MD 20892, 301–435–1159, *rubinsteinal@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group; Nuclear and Cytoplasmic Structure/Function and Dynamics Study Section.
Date: October 7–8, 2009.
Time: 8 a.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.
Contact Person: Alexandra M. Ainsztein, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5144, MSC 7840, Bethesda, MD 20892, 301–451–3848, *ainsztea@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Vector Biology Study Section.
Date: October 7–8, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Liangbiao Zheng, PhD, Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3214, MSC 7808, Bethesda, MD 20892, 301–402–5671, *zhengli@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Cognitive Neuroscience Study Section.
Date: October 7, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Doubletree Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Judith A. Finkelstein, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5178, MSC 7844, Bethesda, MD 20892, 301–435–1249, *finkelsj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; The Genetics of Schizophrenia.
Date: October 7, 2009.
Time: 9 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036.
Contact Person: Elisabeth Koss, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, MSC 7770, Bethesda, MD 20892, (301) 435–1721, *kosse@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts.
Date: October 7, 2009.
Time: 2:30 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call).
Contact Person: Ryan G. Morris, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4205, MSC 7814, Bethesda, MD 20892, 301–435–1501, *morrisr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Biology of Disease Vectors.
Date: October 7, 2009.
Time: 4 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Liangbiao Zheng, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3214, MSC 7808, Bethesda, MD 20892, 301–402–5671, *zhengli@csr.nih.gov.*

Name of Committee: Biology of Development and Aging Integrated Review Group; Development—1 Study Section.
Date: October 8–9, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Sheraton Delfina, 530 W. Pico Boulevard, Santa Monica, CA 90405.
Contact Person: Cathy Wedeen, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3213, MSC 7808, Bethesda, MD 20892, 301–435–1191, *wedeenc@csr.nih.gov.*

Name of Committee: Emerging Technologies and Training Neurosciences Integrated Review Group; Molecular Neurogenetics Study Section.
Date: October 8, 2009.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Beacon Hotel and Corporate Quarters, 1615 Rhode Island Avenue, NW., Washington, DC 20036.
Contact Person: Paek-Gyu Lee, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5203, MSC 7812, Bethesda, MD 20892, (301) 435–0902, *leepg@csr.nih.gov.*

Name of Committee: Immunology Integrated Review Group; Cellular and Molecular Immunology—A Study Section.
Date: October 8–9, 2009.
Time: 8 a.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Crystal City, 2399 Jefferson Davis Highway, Arlington, VA 22202.
Contact Person: Calbert A. Laing, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4210, MSC 7812, Bethesda, MD 20892, 301–435–1221, *laingc@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function C Study Section.
Date: October 8–9, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.
Contact Person: William A. Greenberg, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 4168, MSC 7806, Bethesda, MD 20892, (301) 435–1726, *greenbergwa@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Biophysics of Neural Systems Study Section.
Date: October 8, 2009.
Time: 8 a.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.
Contact Person: Geoffrey G. Schofield, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040–A, MSC 7850, Bethesda, MD 20892, 301–435–1235, *geoffreys@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Neural Oxidative Metabolism and Death Study Section.
Date: October 8, 2009.
Time: 8 a.m. to 7 p.m.
Agenda: To review and evaluate grant applications.
Place: Admiral Fell Inn, 888 South Broadway, Baltimore, MD 21231.
Contact Person: Carol Hamelink, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5040H, MSC 7850, Bethesda, MD 20892, (301) 451–1328, *hamelinc@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Cellular and Molecular Biology of Glia Study Section.
Date: October 8–9, 2009.
Time: 8 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Toby Behar, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4136, MSC 7850, Bethesda, MD 20892, (301) 435–4433, *behart@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group; Molecular and Integrative Signal Transduction Study Section.
Date: October 8, 2009.
Time: 8 a.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Sheraton La Jolla Hotel, 3299 Holiday Court, La Jolla, CA 92037.
Contact Person: Raya Mandler, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5134, MSC 7840, Bethesda, MD 20892, (301) 402–8228, *rayam@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Development Methods of In Vivo Imaging and Bioengineering Research.
Date: October 8, 2009.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.
Contact Person: Behrouz Shabestari, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, MSC 7854, Bethesda, MD 20892, (301) 435–2409, *shabestb@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Synthetic and Biological Chemistry A Study Section.
Date: October 8–9, 2009.
Time: 8 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: Doubletree Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Mike Radtke, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4176,

MSC 7806, Bethesda, MD 20892, 301–435–1728, *radtkem@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Synapses, Cytoskeleton and Trafficking Study Section.
Date: October 8–9, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Express, 550 North Point Street, San Francisco, CA 94133.
Contact Person: Jonathan K. Ivins, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4186, MSC 7850, Bethesda, MD 20892, (301) 594–1245, *ivinsj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PARO9–153: Collaborative RO1s in Molecular Neurogenetics.
Date: October 8, 2009.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Beacon Hotel and Corporate Quarters, 1615 Rhode Island Avenue, NW., Washington, DC 20036.
Contact Person: Paek-Gyu Lee, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4201, MSC 7812, Bethesda, MD 20892, (301) 435–1277, *leepg@csr.nih.gov.*

Name of Committee: Vascular and Hematology Integrated Review Group; Hematopoiesis Study Section.
Date: October 8–9, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.
Contact Person: Manjit Hanspal, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7804, Bethesda, MD 20892, 301–435–1195, *hanspalm@csr.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Prokaryotic Cell and Molecular Biology Study Section.
Date: October 8–9, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Diane L. Stassi, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3202, MSC 7808, Bethesda, MD 20892, 301–435–2514, *stassid@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neurotoxicology and Alcohol Study Section.
Date: October 8, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: One Washington Circle Hotel, One Washington Circle, NW., Washington, DC 20037.
Contact Person: Brian Hoshaw, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5181, MSC 7844, Bethesda, MD 20892, 301–435–1033, *hoshawb@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Clinical Neuroimmunology and Brain Tumors Study Section.
Date: October 8–9, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.
Contact Person: Jay Joshi, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5196, MSC 7846, Bethesda, MD 20892, (301) 435–1184, *joshij@csr.nih.gov.*

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Psychosocial Development, Risk and Prevention Study Section.
Date: October 8–9, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Palomar Hotel, 2121 P Street, NW., Washington, DC 20037.
Contact Person: Anna L. Riley, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, MSC 7759, Bethesda, MD 20892, 301–435–2889, *rileyann@csrnih.gov.*

Name of Committee: Biology of Development and Aging Integrated Review Group; Cellular Mechanisms in Aging and Development Study Section.
Date: October 8–9, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Mayflower Park Hotel, 405 Olive Way, Seattle, WA 98101.
Contact Person: John Burch, PhD, Scientific Review Officer, National Institute of Health, Center for Scientific Review, 6701 Rockledge Drive, Room 3213, MSC 7808, Bethesda, MD 20892, 301–435–1019, *burchjb@csr.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies; Health Services Organization and Delivery Study Section.
Date: October 8–9, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Westin Seattle, 1900 5th Avenue, Seattle, WA 98101.
Contact Person: Kathy Salaita, SCD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3172, MSC 7770, Bethesda, MD 20892, 301–451–8504, *salaitak@csr.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies; Community Influences on Health Behavior.
Date: October 8–9, 2009.
Time: 8:30 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: The Westin Seattle, 1900 5th Avenue, Seattle, WA 98101.
Contact Person: Ellen K. Schwartz, EDD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3168, MSC 7770, Bethesda, MD 20892, 301–435–0681, *schwarte@csr.nih.gov.*

Name of Committee: Immunology Integrated Review Group; Vaccines Against Microbial Diseases Study Section.
Date: October 8–9, 2009.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Beacon Hotel and Corporate Quarters, 1615 Rhode Island Avenue, NW., Washington, DC 20036.
Contact Person: Jian Wang, MD, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4218, MSC 7812, Bethesda, MD 20892, (301) 435–2778, *wangjia@csr.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genetics of Health and Disease Study Section.
Date: October 8–9, 2009.
Time: 8:30 a.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: InterContinental Chicago, 505 North Michigan Avenue, Chicago, IL 60611.
Contact Person: Cheryl M. Corsaro, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2204, MSC 7890, Bethesda, MD 20892, (301) 435–1045, *corsaroc@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Virology—B Study Section.
Date: October 8–9, 2009.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.
Contact Person: Robert Freund, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3200, MSC 7848, Bethesda, MD 20892, 301–435–1050, *freundr@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Drug Discovery and Mechanisms of Antimicrobial Resistance Study Section.
Date: October 8–9, 2009.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: St. Gregory Hotel & Suites, 2033 M Street, NW., Washington, DC 20036.
Contact Person: Guangyong Ji, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3188, MSC 7808, Bethesda, MD 20892, 301–435–1146, *jig@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Virology—A Study Section.

Date: October 8–9, 2009.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.
Contact Person: Joanna M. Pyper, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, (301) 435–1151, *pyperj@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Neural Basis of Psychopathology, Addictions and Sleep Disorders Study Section.
Date: October 8–9, 2009.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites Hotel Washington DC, 1250 22nd Street, NW., Washington, DC 20015.
Contact Person: Julius Cinque, MS, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7846, Bethesda, MD 20892, (301) 435–1252, *cinquej@csr.nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Cardiovascular and Sleep Epidemiology Study Section.
Date: October 8, 2009.
Time: 8:30 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: The Allerton Hotel, 701 North Michigan Avenue, Chicago, IL 60611.
Contact Person: J. Scott Osborne, PhD, MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4114, MSC 7816, Bethesda, MD 20892, (301) 435–1782, *osbornes@csr.nih.gov*.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Developmental Brain Disorders Study Section.
Date: October 8–9, 2009.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Pier 5 Hotel, 711 Eastern Avenue, Baltimore, MD 21202.
Contact Person: Pat Manos, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5200, MSC 7846, Bethesda, MD 20892, 301–435–1785, *manospa@csr.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Biobehavioral Regulation, Learning and Ethology Study Section.
Date: October 8–9, 2009.
Time: 9 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: George Washington University Inn, 824 New Hampshire Avenue, NW., Washington, DC 20037.
Contact Person: Melissa Gerald, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3172, MSC 7848, Bethesda, MD 20892, (301) 435–0692, *geraldmel@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cardiac Contractility.
Date: October 8, 2009.
Time: 2 p.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call)
Contact Person: Maqsood A. Wani, DVM, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2114, MSC 7814, Bethesda, MD 20892, 301–435–2270, *wanimaqs@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Arthritis, Connective Tissue, and Skin Sciences Member Conflict Special Emphasis.
Date: October 8, 2009.
Time: 4 p.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call)
Contact Person: Jean D. Sipe, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4106, MSC 7814, Bethesda, MD 20892, 301/435–1743, *sipej@csr.nih.gov*.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Musculoskeletal Rehabilitation Sciences Study Section.
Date: October 9, 2009.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.
Contact Person: Jo Pelham, BA., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4102, MSC 7814, Bethesda, MD 20892, (301) 435–1786, *pelhamj@csr.nih.gov*.

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Biobehavioral Mechanisms of Emotion, Stress and Health Study Section.
Date: October 9, 2009.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: InterContinental Harbor Court Baltimore Hotel, 550 Light Street, Baltimore, MD 21202.
Contact Person: Maribeth Champoux, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, MSC 7848, Bethesda, MD 20892, (301) 594–3163, *champoum@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Shared Instrumentation Imaging.
Date: October 9, 2009.
Time: 8 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.
Contact Person: Behrouz Shabestari, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, MSC 7854, Bethesda, MD 20892, (301) 435–2409, *shabestb@csr.nih.gov*.

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Host Interactions with Bacterial Pathogens Study Section.
Date: October 9, 2009.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.
Contact Person: Fouad A. El-Zaatari, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7808, Bethesda, MD 20892, (301) 435–1149, *elzaataf@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; BBBP Shared Instrumentation Special Emphasis Panel.
Date: October 9, 2009.
Time: 9 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The George Washington University Inn, 824 New Hampshire Avenue, NW., Washington, DC 20037.
Contact Person: Melissa Gerald, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3172, MSC 7848, Bethesda, MD 20892, (301) 435–0692, *geraldmel@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cost-Effectiveness and CAM Research.
Date: October 9, 2009.
Time: 11 a.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Bill Bunnag, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3156, MSC 7770, Bethesda, MD 20892, (301) 435–1177, *bunnagb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; VMD–ARRA Competitive Revision Applications.
Date: October 9, 2009.
Time: 11 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Beacon Hotel and Corporate Quarters, 1615 Rhode Island Avenue, NW., Washington, DC 20036.
Contact Person: Jian Wang, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4095D, MSC 7812, Bethesda, MD 20892, (301) 435–2778, *wangjia@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Dental Sciences Member Conflicts.

Date: October 9, 2009.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Priscilla B. Chen, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4104, MSC 7814, Bethesda, MD 20892, (301) 435–1787, *chenp@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–23060 Filed 9–24–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Initial Review Group; Subcommittee G—Education.

Date: November 3–4, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington DC/Rockville, Rockville, MD 20852.

Contact Person: Jeannette F Korczak, PhD, Scientific Review Administrator, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 6116 Executive Blvd., Room 8115, Bethesda, MD 20892, 301–496–9767, *korczakj@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: September 17, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–23059 Filed 9–24–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1336–N]

Medicare Program; Medicare Provider Feedback Group Town Hall Meeting—October 29, 2009

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the annual Medicare Provider Feedback Group (MPFG) Town Hall meeting. This meeting is open to all Medicare Fee-for-Service (FFS) providers and suppliers that participate in the Medicare program, including physicians, hospitals, home health agencies, third-party billers, and interested parties, to present their individual views and opinions on selected FFS Medicare topics. In addition, we will be soliciting input on how we can improve communications to better serve the Medicare providers and suppliers.

DATES: *Meeting Date:* The Town Hall meeting announced in this notice will be held on Thursday, October 29, 2009 from 2 p.m. to 4 p.m. Eastern Daylight Time (EDT).

Deadlines:

Deadline for Attendance Registration—Registration will be open beginning September 28, 2009 and will close on October 23, 2009. Registration after 5 p.m. EDT on October 23, 2009 will not be accepted.

Deadline for Written Feedback—Written feedback will be accepted through November 6, 2009.

ADDRESSES: *Meeting Location:* The Town Hall meeting will be held in the main auditorium of the central building of the Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244. The meeting will also be available by teleconference.

Web sites:

Meeting Registration: Individuals must complete the online registration at *http://registration.intercall.com/go/cms2.*

Meeting Materials: The meeting agenda and discussion material will be available to download by October 23, 2009, at *http://www.cms.hhs.gov/center/provider.asp.*

FOR FURTHER INFORMATION CONTACT: Colette Shatto, (410) 786–6932. You may also send inquiries about this meeting by e-mail to *MFG@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Since 2005, CMS has held five Medicare Provider Feedback Group (MPFG) Town Hall meetings. The purpose of these meetings is to capture individual provider and supplier feedback on relevant Fee-for-Service (FFS) Medicare policy and operational issues. These meetings allow us to further advance our efforts to strengthen the Medicare program and enhance our relationship with providers and suppliers. The meetings also provide a venue to allow us to continue a process of communication with individual providers and suppliers through the following year.

II. Meeting Format and Agenda

The meeting will begin with an overview of the goals and objectives of the MPFG efforts to gather feedback from individual Medicare providers and suppliers. This meeting will be held on-site at CMS and by teleconference. The meeting is open to the public, but on-site attendance is limited to space available. The meeting agenda and discussion materials will be available to download by October 23, 2009. These materials can be located at *http://www.cms.hhs.gov/center/provider.asp.*

The feedback provided during this meeting will assist us as we evaluate FFS Medicare policy, operational issues, and CMS' provider and supplier communication activities. Topics to be discussed include, but are not limited to, 5010, ICD–10, Medicare Contracting Reform: Lessons Learned from Medicare Administrative Contractor (MAC) Implementations, Recovery Audit Contractors (RACs), Provider Communications, and Program Integrity.

There will be a discussion session that offers meeting participants an opportunity to provide feedback on how CMS services physicians, providers, and suppliers, as well as make suggestions on how this process can be improved. Time for participants to provide feedback will be limited according to

the number of registered participants; however, written submissions will be accepted. Individuals who wish to provide written feedback should e-mail their feedback to Colette Shatto at *MFG@cms.hhs.gov.* Written feedback will be accepted through November 6, 2009. Consideration will be given to feedback received on the topics discussed at the meeting, but written responses will not be provided.

Registered participants from the meeting will be included as volunteer participants in the MPFG and may be contacted throughout the year for follow-up meetings to solicit additional opinions or clarify any issues that may arise from the October 29, 2009 meeting.

III. Registration Instructions

The Division of Provider Relations and Evaluations, Provider Communications Group, Center for Medicare Management is coordinating the meeting registration. While there is no registration fee, individuals must register to participate both on-site and by teleconference. Individuals must complete the on-line registration located at *http://registration.intercall.com/go/cms2.*

The on-line registration system will capture contact information and practice characteristics (for example, names, e-mail addresses, and provider and supplier types). Registration will be open beginning September 28, 2009 and will close on October 23, 2009. Registration after 5 p.m. EDT on October 23, 2009 will not be accepted.

The on-line registration system will generate a confirmation page to indicate the completion of your registration. Participants should print this page as his or her registration receipt. Teleconference instructions will be issued as part of the confirmation page once participants have registered through the on-line registration instrument. Seating capacity is limited to the first 250 registrants.

If seating capacity has been reached for on-site participants, notification will be sent that the meeting has reached capacity; however, those wishing to participate may still do so by teleconference.

IV. Security, Building, and Parking Guidelines

Because this meeting will be located on Federal property, for security reasons, any persons wishing to attend this meeting must register by 5 p.m. EDT on October 23, 2009. Individuals who have not registered by the registration deadline will not be allowed to enter the building to attend the meeting or attend the meeting by teleconference.

The on-site check-in for visitors will be held from 12:30 p.m. to 1:30 p.m EDT. Participants should allow sufficient time to go through the security checkpoints. It is suggested that participants arrive at 7500 Security Boulevard no later than 1:30 p.m. EDT in order to arrive promptly at the meeting by 2 p.m.

Security measures will include inspection of vehicles, inside and out, at the entrance to the grounds. In addition, all persons entering the building must pass through a metal detector. All items brought to the building, whether personal or for the purpose of the meeting, are subject to inspection. In order to gain access to the building, participants will be required to show a government-issued photo identification (for example, driver's license or passport), and must be listed on an approved security list before persons are permitted entrance. Persons not registered in advance will not be permitted into the CMS building and will not be permitted to attend the meeting.

We cannot assume responsibility for coordinating the receipt, transfer, transport, storage, set-up, safety, or timely arrival of any personal belongings or items used for the purpose of presentation.

Individuals requiring sign language interpretation or other special accommodation must contact the Designated Federal Officer specified in the ''**FOR FURTHER INFORMATION CONTACT**'' section of this notice by October 23, 2009.

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 3, 2009.

Charlene Frizzera,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. E9–22164 Filed 9–24–09; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0664]

Anti-Infective Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Anti-Infective Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on October 27, 2009, from 8 a.m. to 5 p.m.

Location: Hilton Washington DC/Silver Spring, The Ballrooms, 8727 Colesville Rd., Silver Spring, MD. The hotel phone number is 301–589–5200.

Contact Person: Minh Doan, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, 5630 Fishers Lane, rm. 1093) Rockville, MD 20857, 301–827–7001, FAX: 301–827–6776, e-mail: *minh.doan@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington DC area), code 3014512530. Please call the Information Line for up-to-date information on this meeting. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the agency's Web site and call the appropriate advisory committee hot line/phone line to learn about possible modifications before coming to the meeting.

Agenda: The committee will discuss biologics license application (BLA) 125349, for raxibacumab injection, manufactured by Human Genome Sciences, Inc., proposed for the treatment of inhalational anthrax disease.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm*. Scroll down to the appropriate advisory committee link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before October 16, 2009. Oral presentations from the public will

be scheduled between approximately 1:30 p.m. and 2:30 p.m. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before October 9, 2009. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by October 12, 2009.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Minh Doan at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 18, 2009.

David Horowitz,

Assistant Commissioner for Policy.

[FR Doc. E9–23143 Filed 9–24–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3216–N]

Medicare Program; Request for Nominations for Members for the Medicare Evidence Development & Coverage Advisory Committee

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the request for nominations for consideration for membership on the Medicare Evidence Development & Coverage Advisory Committee (MEDCAC). Among other things, the MEDCAC advises the Secretary of the Department of Health and Human Services (the Secretary) and the Administrator of the Centers for Medicare & Medicaid Services, as requested by the Secretary, whether medical items and services are ''reasonable and necessary'' and therefore eligible for coverage under Title XVIII of the Social Security Act.

We are requesting nominations for both voting and nonvoting members to serve on the MEDCAC. Nominees are selected based upon their individual qualifications and not as representatives of professional associations or societies. We have a special interest in ensuring that women, minority groups, and physically challenged individuals are adequately represented on the MEDCAC. Therefore, we encourage nominations of qualified candidates from these groups.

The MEDCAC reviews and evaluates medical literature, reviews technology assessments, and examines data and information on the effectiveness and appropriateness of medical items and services that are covered or eligible for coverage under Medicare.

DATES: Nominations will be considered if postmarked by Monday, October 26, 2009 and mailed to the address specified in the **ADDRESSES** section of this notice.

ADDRESSES: You may mail nominations for membership to the following address: Centers for Medicare & Medicaid Services, Office of Clinical Standards and Quality, Attention: Maria Ellis, 7500 Security Boulevard, Mail Stop: Central Building 1–09–06, Baltimore, MD 21244.

FOR FURTHER INFORMATION CONTACT: Maria Ellis, Executive Secretary for MEDCAC, Centers for Medicare & Medicaid Services, Office of Clinical Standards and Quality, Coverage and Analysis Group, C1–09–06, 7500 Security Boulevard, Baltimore, MD 21244 or contact Ms. Ellis by phone (410–786–0309) or via e-mail at *Maria.Ellis@cms.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On December 14, 1998, we published a notice in the **Federal Register** (63 FR 68780) announcing establishment of the Medicare Coverage Advisory Committee (MCAC). The Secretary signed the initial charter for the Medicare Coverage Advisory Committee on November 24, 1998. On January 26, 2007 the Secretary published a notice in the **Federal Register** (72 FR 3853), changing the Committee's name to the Medicare Evidence Development and Coverage Advisory Committee (MEDCAC). The charter for the committee was renewed by the Secretary and will terminate on November 24, 2010, unless renewed again by the Secretary.

The MEDCAC is governed by provisions of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. 2), which sets forth standards for the formulation and use of advisory committees, and is authorized by section 222 of the Public Health Service Act as amended (42 U.S.C. 217A).

The MEDCAC consists of a pool of 100 appointed members including: 6 patient advocates, who are standard voting members, and 6 representatives of industry interests, who are nonvoting members. Members are selected from among authorities in clinical medicine of all specialties, administrative medicine, public health, biologic and physical sciences, health care data and information management and analysis, patient advocacy, the economics of health care, medical ethics, and other related professions such as epidemiology and biostatistics, and methodology of trial design.

The MEDCAC functions on a committee basis. The committee reviews and evaluates medical literature, reviews technology assessments, and examines data and information on the effectiveness and appropriateness of medical items and services that are covered or eligible for coverage under Medicare. The Committee works from an agenda provided by the Designated Federal Official that lists specific issues, and develops technical advice to assist us in determining reasonable and necessary applications of medical services and technology when we make national coverage decisions for Medicare. The Committee also advises CMS as part of Medicare's coverage evidence development activities.

II. Provisions of the Notice

As of December 2009, there will be 45 terms of membership expiring, 3 of which are nonvoting industry representatives.

Accordingly, we are requesting nominations for both voting and nonvoting members to serve on the MEDCAC. Nominees are selected based upon their individual qualifications and not as representatives of professional associations or societies. We have a special interest in ensuring that women,

minority groups, and physically challenged individuals are adequately represented on the MEDCAC. Therefore, we encourage nominations of qualified candidates from these groups.

All nominations must be accompanied by curricula vitae. Nomination packages must be sent to Maria Ellis at the address listed in the **ADDRESSES** section of this notice. Nominees for voting membership must also have expertise and experience in one or more of the following fields:

- Clinical medicine of all specialties.
- Administrative medicine.
- Public health.
- Patient advocacy.
- Biologic and physical sciences.
- Health care data and information management and analysis.
- The economics of health care.
- Medical ethics.
- Other related professions such as epidemiology and biostatistics, and methodology of clinical trial design.

We are looking for experts in a number of fields. Our most critical needs are for experts in hematology; genomics; end of life care; Bayesian statistics; clinical epidemiology; clinical trial methodology; knee, hip, and other joint replacement surgery; ophthalmology; psychopharmacology; registries; rheumatology; screening and diagnostic testing analysis; and stroke. We also need experts in biostatistics in clinical settings, cardiovascular epidemiology, cost effectiveness analysis, dementia, endocrinology, geriatrics, gynecology, minority health, observational research design, stroke, epidemiology, and women's health.

The nomination letter must include a statement that the nominee is willing to serve as a member of the MEDCAC and appears to have no conflict of interest that would preclude membership. We are requesting that all curricula vitae include the following:

- Date of birth.
- Place of birth.
- Social security number.
- Title and current position.
- Professional affiliation.
- Home and business address.
- Telephone and fax numbers.
- E-mail address.
- List of areas of expertise.

In the nominations letter, we are requesting that the nominee specify whether applying for a Voting position or Industry Representative. Potential candidates will be asked to provide detailed information concerning such matters as financial holdings, consultancies, and research grants or contracts in order to permit evaluation of possible sources of conflict of interest.

Members are invited to serve for overlapping 2-year terms. A member may serve after the expiration of the member's term until a successor takes office. Any interested person may nominate one or more qualified persons. Self-nominations are also accepted.

The current Secretary's Charter for the MEDCAC is available on the CMS Web site at: *http://www.cms.hhs.gov/FACA/Downloads/medcaccharter.pdf*, or you may obtain a copy of the charter by submitting a request to the contact listed in the **FOR FURTHER INFORMATION** section of this notice.

Authority: 5 U.S.C. App. 2, section 10(a)(1) and (a)(2).

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 21, 2009.

Barry M. Straube,

CMS Chief Medical Officer, Director, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services.

[FR Doc. E9–23257 Filed 9–24–09; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of Listing of Members of the National Institutes of Health's Senior Executive Service 2009 Performance Review Board (PRB)

The National Institutes of Health (NIH) announces the persons who will serve on the National Institutes of Health's Senior Executive Service 2009 Performance Review Board. This action is being taken in accordance with Title 5, U.S.C., Section 4314(c)(4), which requires that members of performance review boards be appointed in a manner to ensure consistency, stability, and objectivity in performance appraisals and requires that notice of the appointment of an individual to serve as a member be published in the **Federal Register**.

The following persons will serve on the NIH Performance Review Board, which oversees the evaluation of performance appraisals of NIH Senior Executive Service (SES) members: Ms. Colleen Barros (Chair); Dr. Michael Gottesman; Ms. Lenora Johnson; Ms. Robin Kawazoe; Dr. Raynard Kington; Ms. Janis Mullaney; Dr. Sally Rockey.

For further information about the NIH Performance Review Board, contact the Office of Human Resources, Workforce Relations Division, National Institutes of Health, Building 31, Room B3C07, Bethesda, Maryland 20892, telephone 301–402–9203 (not a toll-free number).

Dated: September 20, 2009.

Francis S. Collins,

Director, National Institutes of Health.

[FR Doc. E9–23265 Filed 9–24–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0026]

Apothecon et al.; Withdrawal of Approval of 103 New Drug Applications and 35 Abbreviated New Drug Applications; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of February 11, 2009 (74 FR 6896). The document announced the withdrawal of approval of 103 new drug applications (NDAs) and 35 abbreviated new drug applications (ANDAs). The document published with an error in the identification of the ANDA for Amiodarone Hydrochloride Injection, 50 milligrams/milliliter, held by Hospira, Inc. This document corrects that error.

DATES: Effective March 13, 2009.

FOR FURTHER INFORMATION CONTACT: Florine P. Purdie, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 6366, Silver Spring, MD 20993–0002, 301–796–3601.

SUPPLEMENTARY INFORMATION: In FR Doc. E9–2901, appearing on page 6896 in the **Federal Register** of Wednesday, February 11, 2009, the following correction is made:

On page 6900, in the first column of the table, third item from the bottom of the page, the entry ''ANDA 75–108'' is corrected to read ''ANDA 76–108''.

Dated: September 9, 2009.

Douglas C. Throckmorton,

Deputy Director, Center for Drug Evaluation and Research.

[FR Doc. E9–23170 Filed 9–24–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOMELAND SECURITY

I&A Request Customer Survey

AGENCY: Department of Homeland Security, Office of Intelligence and Analysis.

ACTION: 60-Day Notice and request for comments; New Information Collection Request.

SUMMARY: The Department of Homeland Security, Office of Intelligence and Analysis, has submitted the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35).

DATES: Comments are encouraged and will be accepted until November 24, 2009. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Written comments and questions about this Information Collection Request should be forwarded to Office of Intelligence and Analysis, Attn.: Jason Clark, 202–447–3140.

SUPPLEMENTARY INFORMATION: The Implementing Recommendations of the 9/11 Commission act of 2007 (Pub. L. 110–53) identifies the U/SIA as having the primary Federal responsibility for outreach and sharing threat related information and intelligence with State, local and tribal officials (S&L). Section 511 of the 9/11 Act with regards to consumer feedback requires I&A to create a voluntary mechanism for any State, local, tribal law enforcement officer or other emergency response provider who is a consumer of the intelligence or other information products of I&A to provide feedback to the Department on quality and utility of such intelligence products. This is new collection for a pilot program. I&A Managers will use the survey results to establish exactly who within our S&L target audience our products are reaching and to generally gauge and make improvements to intelligence products that increase customer satisfaction and program effectiveness. The results of the customer satisfaction surveys will be shared with DHS HQ, I&A, and as mandated by section 511 of the 9/11 act presented to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Analysis

Agency: Department of Homeland Security, Office of Intelligence and Analysis.

Title: I&A Customer Survey.

Form: DHS Form 6001.

OMB Number: 1601–NEW.

Frequency: Annually.

Affected Public: State, Local or Tribal Government.

Number of Respondents: 144.

Estimated Number of Responses per Respondent: 25.

Estimated Time per Respondent: 2 minutes.

Total Burden Hours: 120 annual burden hours.

Margaret H. Graves,

Acting Chief Information Officer.

[FR Doc. E9–23244 Filed 9–24–09; 8:45 am]

BILLING CODE 9110–9N–P

DEPARTMENT OF HOMELAND SECURITY

National Protection and Programs Directorate; Chemical Security Assessment Tool Revision

AGENCY: National Protection and Programs Directorate, Office of Infrastructure Protection Infrastructure Security Compliance Division, DHS.

ACTION: 30-Day Notice and request for comments: Revision of information collection request 1670–0007.

SUMMARY: The Department of Homeland Security, National Protection and Programs Directorate, Office of Infrastructure Protection, Infrastructure Security Compliance Division (ISCD) will be submitting the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is a revision to information collection 1670–0007. A 60-day public notice for comments was previously published in the **Federal Register** on July 1, 2009 at 74 FR 31459. No comments were received. The purpose of this notice is to solicit comments during a 30-day public comment period prior to the submission of this collection to OMB. The submission describes the nature of the information collection, the categories of respondents, the estimated burden and cost.

DATES: Comments are encouraged and will be accepted until October 26, 2009. This process is conducted in accordance with 5 CFR 1320.8.

ADDRESSES: Interested persons are invited to submit comments on the proposed information collection through Federal Rulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Comments must be identified by docket number DHS–2009–0033.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained through Federal Rulemaking Portal at *http://www.regulations.gov.*

SUPPLEMENTARY INFORMATION: Section 550 of Public Law 109–295 provides the Department of Homeland Security with the authority to regulate the security of high-risk chemical facilities. Before the enactment of section 550, the Federal government did not have the authority to regulate the security of most of our nation's chemical facilities. On April 9, 2007, the Department issued an Interim Final Rule (IFR), implementing this statutory mandate at 72 FR 17688. Section 550 requires a risk-based approach to security.

The Chemical Facility Anti-Terrorism Standards (CFATS), 6 CFR part 27, are the Department's regulations under section 550 governing security at high-risk chemical facilities. CFATS represents a national-level effort to minimize terrorism risk to such facilities. Its design and implementation balance maintaining economic vitality with securing facilities and their surrounding communities. The regulations were designed, in collaboration with the private sector and other stakeholders, to take advantage of protective measures already in place and to allow facilities to employ a wide range of tailored measures to satisfy the regulations' Risk-Based Performance Standards (RBPS).

CFATS also establishes, in 6 CFR 27.400, the requirements that covered persons must follow to safeguard certain

documents and other information developed under the regulations. This information is identified as ''Chemical-terrorism Vulnerability Information'' (CVI) and by law receives protection from public disclosure and misuse.

The Department collects the primary core regulatory data electronically through the Chemical Security Assessment Tool (CSAT).

Solicitation of Comments

No comments were received in response to the 60-day public comment period. However, the department has adjusted the cost estimates based on improved cost information.

The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Analysis

Agency: Department of Homeland Security, National Protection and Programs Directorate.

Title: Chemical Security Assessment Tool.

OMB Number: 1670–0007.

CFATS Helpdesk

Frequency: On occasion.
Affected Public: Private Sector.
Number of Respondents: 25,000.
Estimated Time Per Respondent: 0.25 hours.
Total Burden Hours: 6,250 hours.
Total Burden Cost (capital/startup): $0.00.
Total Burden Cost (operating/maintaining): $525,000.

Chemical-Terrorism Vulnerability Information Authorization

Frequency: On occasion.
Affected Public: Private Sector.
Number of Respondents: 8,073.
Estimated Time Per Respondent: 1 hour.
Total Burden Hours: 8,073 hours.
Total Burden Cost (capital/startup): $0.00.
Total Burden Cost (operating/maintaining): $678,132.

CSAT User Registration

Frequency: On occasion.
Affected Public: Private Sector.
Number of Respondents: 4,167.
Estimated Time Per Respondent: 1 hour.
Total Burden Hours: 4,167 hours.
Total Burden Cost (capital/startup): $0.00.
Total Burden Cost (operating/maintaining): $350,028.

CSAT Top Screen

Frequency: On occasion.
Affected Public: Private Sector.
Number of Respondents: 4,167.
Estimated Time Per Respondent: 30.3 hours.
Total Burden Hours: 189,390 hours.
Total Burden Cost (capital/startup): $0.00.
Total Burden Cost (operating/maintaining): $15,908,772.

Security Vulnerability Assessment and Alternative Security Program Submitted in Lieu of the Security Vulnerability Assessment

Frequency: On occasion.
Affected Public: Private Sector.
Number of Respondents: 825.
Estimated Time Per Respondent: 250 hours.
Total Burden Hours: 309,375 hours.
Total Burden Cost (capital/startup): $0.00.
Total Burden Cost (operating/maintaining): $25,987,500.

Site Security Plan (SSP) and Alternative Security Program Submitted in Lieu of the Site Security Plan

Frequency: On occasion.
Affected Public: Private Sector.
Number of Respondents: 825.
Estimated Time Per Respondent: 200 hours.
Total Burden Hours: 247,500 hours.
Total Burden Cost (capital/startup): $0.00.
Total Burden Cost (operating/maintaining): $20,790,000.

Thomas Chase Garwood, III,

Chief Information Officer, National Protection and Programs Directorate, Department of Homeland Security.

[FR Doc. E9–23219 Filed 9–24–09; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

National Protection and Programs Directorate

Chemical-Terrorism Vulnerability Information (CVI)

AGENCY: National Protection and Programs Directorate, Office of Infrastructure Protection, Infrastructure Security Compliance Division, DHS.

ACTION: 30-Day Notice and request for comments: New information collection request 1670–NEW.

SUMMARY: The Department of Homeland Security, National Protection and Programs Directorate, Office of Infrastructure Protection, Infrastructure Security Compliance Division (ISCD) will be submitting the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is a new information collection. A 60-day public notice for comments was previously published in the **Federal Register** on July 1, 2009 at 74 FR 31460. No comments were received. The purpose of this notice is to solicit comments during a 30-day public comment period prior to the submission of this collection to OMB. The submission describes the nature of the information collection, the categories of respondents, the estimated burden and cost.

DATES: Comments are encouraged and will be accepted until October 26, 2009. This process is conducted in accordance with 5 CFR 1320.8.

ADDRESSES: Interested persons are invited to submit comments on the proposed information collection through Federal Rulemaking Portal at *http://www.regulations.gov*. Follow the instructions for submitting comments. Comments must be identified by docket number DHS–2009–0034.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained through Federal Rulemaking Portal at *http://www.regulations.gov*.

SUPPLEMENTARY INFORMATION: The Chemical Facility Anti-Terrorism Standards (CFATS), 6 CFR part 27, are the Department's regulations under section 550 governing security at high-risk chemical facilities. CFATS represents a national-level effort to minimize terrorism risk to such facilities. Its design and implementation balance maintaining economic vitality with securing facilities and their

surrounding communities. In collaboration with the private sector and other stakeholders, the regulations were designed, to take advantage of protective measures already in place and to allow facilities to employ a wide range of tailored measures to satisfy the regulations' Risk-Based Performance Standards (RBPS).

CFATS also establishes, in 6 CFR 27.400, the requirements that covered persons must follow to safeguard certain documents and other information developed under the regulations. This information is identified as ''Chemical-terrorism Vulnerability Information'' (CVI) and by law receives protection from public disclosure and misuse.

The instruments within this collection will be used to manage the CVI program in support of CFATS.

Solicitation of Comments

No comments were received in response to the 60-day public comment period. However, the department has adjusted the cost estimates based on improved cost information.

The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

Analysis

Agency: Department of Homeland Security, National Protection and Programs Directorate.

Title: CFATS Chemical-terrorism Vulnerability Information.

OMB Number: 1670–NEW.

Chemical-terrorism Vulnerability Information Authorization

Frequency: On occasion.

Affected Public: Private Sector.

Number of Respondents: 8,073.

Estimated Time per Respondent: 1 hour.

Total Burden Hours: 8,073 hours.

Total Burden Cost (capital/startup): $0.00.

Total Burden Cost (operating/maintaining): $678,132.

Determination of CVI

Frequency: On occasion.

Affected Public: CVI Authorized Users.

Number of Respondents: 250.

Estimated Time per Respondent: 0.25 hours.

Total Burden Hours: 62.5 hours.

Total Burden Cost (capital/startup): $0.00.

Total Burden Cost (operating/maintaining): $5,250.

Determination of a Need To Know

Frequency: On occasion.

Affected Public: CVI Authorized Users.

Number of Respondents: 12,500.

Estimated Time per Respondent: 0.25 hours.

Total Burden Hours: 3,125 hours.

Total Burden Cost (capital/startup): $0.00.

Total Burden Cost (operating/maintaining): $262,500.

Disclosure of CVI Information

Frequency: On occasion.

Affected Public: CVI Authorized Users.

Number of Respondents: 250.

Estimated Time per Respondent: 0.25 hours.

Total Burden Hours: 62.5 hours.

Total Burden Cost (capital/startup): $0.00.

Total Burden Cost (operating/maintaining): $5,250.

Notification of Emergency or Exigent Circumstances

Frequency: On occasion.

Affected Public: CVI Authorized Users.

Number of Respondents: 250.

Estimated Time per Respondent: 0.25 hours.

Total Burden Hours: 62.5 hours.

Total Burden Cost (capital/startup): $0.00.

Total Burden Cost (operating/maintaining): $5,250.

Tracking Log for CVI Received

Frequency: On occasion.

Affected Public: CVI Authorized Users.

Number of Respondents: 25,000.

Estimated Time per Respondent: 0.08 hours.

Total Burden Hours: 24,000 hours.

Total Burden Cost (capital/startup): $0.00.

Total Burden Cost (operating/maintaining): $2,016,000.

Thomas Chase Garwood, III,

Chief Information Officer, National Protection and Programs Directorate, Department of Homeland Security.

[FR Doc. E9–23239 Filed 9–24–09; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

National Protection and Programs Directorate; Chemical Facility Anti-Terrorism Standards

AGENCY: National Protection and Programs Directorate, Office of Infrastructure Protection, Infrastructure Security Compliance Division, DHS.

ACTION: 30-Day Notice and request for comments: New information collection request 1670–NEW.

SUMMARY: The Department of Homeland Security, National Protection and Programs Directorate, Office of Infrastructure Protection, Infrastructure Security Compliance Division (ISCD) will be submitting the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is a new information collection. A 60-day public notice for comments was previously published in the **Federal Register** on July 1, 2009 at 74 FR 31458. No comments were received. The purpose of this notice is to solicit comments during a 30-day public comment period prior to the submission of this collection to OMB. The submission describes the nature of the information collection, the categories of respondents, the estimated burden and cost.

DATES: Comments are encouraged and will be accepted until October 26, 2009. This process is conducted in accordance with 5 CFR 1320.8.

ADDRESSES: Interested persons are invited to submit comments on the proposed information collection through Federal Rulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Comments must be identified by docket number DHS–2009–0035.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained through Federal Rulemaking Portal at *http://www.regulations.gov.*

SUPPLEMENTARY INFORMATION: The Chemical Facility Anti-Terrorism

Standards (CFATS), 6 CFR part 27, are the Department's regulations under Section 550 governing security at high-risk chemical facilities. CFATS represents a national-level effort to minimize terrorism risk to such facilities. Its design and implementation balance maintaining economic vitality with securing facilities and their surrounding communities. In collaboration with the private sector and other stakeholders, the regulations were designed to take advantage of protective measures already in place and to allow facilities to employ a wide range of tailored measures to satisfy the regulations' Risk-Based Performance Standards (RBPS). The instruments within this collection will be used to manage the CFATS program.

Solicitation of Comments

No comments were received in response to the 60-day public comment period. However, the department has adjusted the cost estimates based on improved cost information.

The Office of Management and Budget is particularly interested in comments which

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Analysis

Agency: Department of Homeland Security, National Protection and Programs Directorate.

Title: Chemical Facility Anti-Terrorism Standards.

OMB Number: 1670–NEW.

Request for Redetermination

Frequency: On occasion.
Affected Public: Private Sector.
Number of Respondents: 1,041.75.
Estimated Time per Respondent: 0.25 hours.
Total Burden Hours: 260 hours.
Total Burden Cost (capital/startup): $0.00.
Total Burden Cost (operating/maintaining): $21,877.

Request for an Extension

Frequency: On occasion.
Affected Public: Private Sector.
Number of Respondents: 1,454.25.
Estimated Time per Respondent: 0.25 hours.
Total Burden Hours: 364 hours.
Total Burden Cost (capital/startup): $0.00.
Total Burden Cost (operating/maintaining): $30,539.

Notification of a New Top Screen

Frequency: On occasion.
Affected Public: Private Sector.
Number of Respondents: 6250.
Estimated Time per Respondent: 0.25 hours.
Total Burden Hours: 1,563 hours.
Total Burden Cost (capital/startup): $0.00.
Total Burden Cost (operating/maintaining): $131,250.

Request for a Technical Consultation

Frequency: On occasion.
Affected Public: Private Sector.
Number of Respondents: 1,454.25.
Estimated Time per Respondent: 0.25 hours.
Total Burden Hours: 364 hours.
Total Burden Cost (capital/startup): $0.00.
Total Burden Cost (operating/maintaining): $30,539.

Thomas Chase Garwood, III,

Chief Information Officer, National Protection and Programs Directorate, Department of Homeland Security.

[FR Doc. E9–23241 Filed 9–24–09; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2009–0101]

The National Infrastructure Advisory Council

AGENCY: Directorate for National Protection and Programs, Department of Homeland Security.

ACTION: Committee Management; Notice of Federal Advisory Council meeting.

SUMMARY: The National Infrastructure Advisory Council (NIAC) will meet on Tuesday, October 13, 2009, at the Park Hyatt's Park Ballroom, 24th and M Street, NW., Washington, DC 20037.

DATES: The National Infrastructure Advisory Council will meet Tuesday, October 13, 2009, from 1:30 p.m. to 4:30 p.m. Please note that the meeting may close early if the committee has completed its business.

For additional information, please consult the NIAC Web site, *http://www.dhs.gov/niac,* or contact Matthew Sickbert by phone at 703–235–2888 or by e-mail at *Matthew.Sickbert@associates.dhs.gov.*

ADDRESSES: The meeting will be held at the Park Hyatt's Park Ballroom, 24th and M Street, NW., Washington, DC 20037. While we will be unable to accommodate oral comments from the public, written comments may be sent to Nancy J. Wong, Department of Homeland Security, National Protection and Programs Directorate, Washington, DC 20528. Written comments should reach the contact person listed no later than September 29, 2009. Comments must be identified by DHS–2009–0101 and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: matthew.sickbert@associates.dhs.gov.* Include the docket number in the subject line of the message.
- *Fax:* 703–235–3055.
- *Mail:* Nancy J. Wong, Department of Homeland Security, National Protection and Programs Directorate, Washington, DC 20528.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the National Infrastructure Advisory Council, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Nancy J. Wong, NIAC Designated Federal Officer, Department of Homeland Security, Washington, DC 20528; telephone 703–235–2888.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. (Pub. L. 92–463). The National Infrastructure Advisory Council shall provide the President through the Secretary of Homeland Security with advice on the security of the critical infrastructure sectors and their information systems.

The National Infrastructure Advisory Council will meet to address issues relevant to the protection of critical

infrastructure as directed by the President. The October 13, 2009 meeting will include a final report from the Frameworks for Dealing with Disasters and Related Interdependencies Working Group and a status reports from the Critical Infrastructure Resilience Working Group.

The meeting agenda is as follows:

I. Opening of Meeting.
II. Roll Call of Members.
III. Opening Remarks and Introductions.
IV. Approval of September 2009 Minutes.
V. New Business.
VI. Closing Remarks.
VII. Adjournment.

Procedural

While this meeting is open to the public, participation in The National Infrastructure Advisory Council deliberations is limited to committee members, Department of Homeland Security officials, and persons invited to attend the meeting for special presentations.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the NIAC Secretariat at 703–235–2888 as soon as possible.

Signed: September 21, 2009.

Nancy J. Wong,

Designated Federal Officer for the NIAC.

[FR Doc. E9–23230 Filed 9–24–09; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2009–0117]

The Critical Infrastructure Partnership Advisory Council

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: Notice of Critical Infrastructure Partnership Advisory Council (CIPAC) meeting.

SUMMARY: The CIPAC will meet on October 7, 2009, in Washington, DC. The meeting will be open to the public.

DATES: The CIPAC will meet Wednesday, October 7, 2009, from 8 a.m. to 4 p.m. Please note that the meeting may adjourn early if the committee has completed its business. For additional information, please consult the CIPAC Web site, *http://www.dhs.gov/cipac*, or contact the CIPAC Secretariat by phone at 703–235–3999 or by e-mail at *cipac@dhs.gov.*

ADDRESSES: The meeting will be held in the Grand Ballroom of the J.W. Marriott, 1331 Pennsylvania Avenue, Washington, DC, 20004. While we will be unable to accommodate oral comments from the public, written comments may be sent to Nancy Wong, Department of Homeland Security, National Protection and Programs Directorate, Washington, DC, 20528. Comments must be identified by DHS–2009–0117 and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: cipac@dhs.gov.* Include the docket number in the subject line of the message.
- *Fax:* 703–235–3055.
- *Mail:* Nancy Wong, Department of Homeland Security, National Protection and Programs Directorate, Washington, DC 20528.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov*, including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the CIPAC, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Nancy Wong, CIPAC Designated Federal Official, Department of Homeland Security, Washington, DC 20528; telephone 703–235–3999.

SUPPLEMENTARY INFORMATION: CIPAC represents a partnership between government and critical infrastructure and key resources (CIKR) owners and operators and provides a forum in which they can engage in a broad spectrum of activities to support and coordinate critical infrastructure protection.

The CIPAC will meet to discuss issues relevant to the protection of critical infrastructure. The October 7, 2009, meeting will include panel discussions between participating CIKR Sectors regarding information sharing and cybersecurity.

Procedural

While this meeting is open to the public, participation in the CIPAC deliberations is limited to committee members, Department of Homeland Security officials, and persons invited to attend the meeting for special presentations.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the CIPAC Secretariat at 703–235–3999 as soon as possible.

Signed: September 17, 2009.

Nancy Wong,

Designated Federal Official for the CIPAC.

[FR Doc. E9–23243 Filed 9–24–09; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2009–0412]

Collection of Information Under Review by Office of Management and Budget: OMB Control Numbers: 1625–0016, 1625–0023, 1625–0027, and 1625–0052

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this request for comments announces that the U.S. Coast Guard is forwarding four Information Collection Requests (ICRs), abstracted below, to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB) requesting an extension of its approval for the following collections of information: (1) 1625–0016, Welding and Hot Work Permits; Posting of Warning Signs; (2) 1625–0023, Barge Fleeting Facility Records; (3) 1625–0027, Vessel Documentation; and (4) Nondestructive Testing of Certain Cargo Tanks on Unmanned Barges. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Please submit comments on or before October 26, 2009.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2009–0412] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT) or to OIRA. To avoid duplication, please submit your comments by only one of the following means:

(1) *Electronic submission:* (a) To Coast Guard docket at *http://www.regulation.gov.* (b) To OIRA by e-mail via: *oira_submission@omb.eop.gov.*

(2) *Mail or Hand delivery:* (a) DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001. Hand deliver between the hours of 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329. (b) To OIRA, 725 17th Street, NW., Washington, DC 20503, attention Desk Officer for the Coast Guard.

(3) *Fax:* (a) To DMF, 202–493–2251. (b) To OIRA at 202–395–5806. To ensure your comments are received in time, mark the fax, attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICRs are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–611), Attn Paperwork Reduction Act Manager, U.S. Coast Guard, 2100 2nd St SW., Stop 7101, Washington DC 20593–7101.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Arthur Requina, Office of Information Management, telephone 202–475–3523 or fax 202–475–3929, for questions on these documents. Contact Ms. Renee V. Wright, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION: The Coast Guard invites comments on whether these ICRs should be granted based on it being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of information subject to the collections; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology.

Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG 2009–0412]. For your comments to OIRA to be considered, it is best if they are received on or before October 26, 2009.

Public participation and request for comments: We encourage you to respond to this request by submitting comments and related materials. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

Submitting comments: If you submit a comment, please include the docket number [USCG–2009–0412], indicate the specific section of the document to which each comment applies, providing a reason for each comment. We recommend you include your name, mailing address, an e-mail address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission. You may submit comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. If you submit them by mail or 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. In response to your comments, we may revise the ICR or decide not to seek an extension of approval for this collection. The Coast Guard and OIRA will consider all comments and material received during the comment period.

Viewing comments and documents: Go to *http://www.regulations.gov* to view documents mentioned in this Notice as being available in the docket. Click on the ''read comments'' box, which will then become highlighted in blue. In the ''Keyword'' box insert ''USCG–2009–0412'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF in room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone can search the electronic form of all comments received in 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 statement regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

Previous Request for Comments. This request provides a 30-day comment period required by OIRA. The Coast Guard has published the 60-day notice (74 FR 26872, June 4, 2009) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments.

Information Collection Request.

1. *Title:* Welding and Hot Work Permits; Posting of Warning Signs.

OMB Control Number: 1625–0016.

Type of Request: Revision of a currently approved collection.

Respondents: Owners and operators of certain waterfront facilities and vessels.

Abstract: The information is needed to ensure safe operations on certain waterfront facilities and vessels.

Forms: CG–4201.

Burden Estimate: The estimated burden has increased from 226 hours to 425 hours a year.

2. *Title:* Barge Fleeting Facility Records.

OMB Control Number: 1625–0023.

Type of Request: Revision of a currently approved collection.

Respondents: Operators of barge fleeting facilities.

Abstract: Title 33 CFR 165.803 requirements are intended to prevent barges from breaking away from a fleeting facility and drifting downstream out of control in the congested Lower Mississippi River waterway system.

Forms: None.

Burden Estimate: The estimated burden has decreased from 61,919 hours to 60,390 hours a year.

3. *Title:* Vessel Documentation.

OMB Control Number: 1625–0027.

Type of Request: Revision of a currently approved collection.

Respondents: Owners/builders of yachts and commercial vessels of at least five net tons.

Abstract: Title 46 U.S.C. Chapters 121, 123, 125 and 313 requires the documentation of vessels. A Certificate of Documentation is required for operation of a vessel in certain trades, serves as evidence of vessel nationality, and permits a vessel to be subject to preferred mortgages.

Forms: CG–1258, CG–1261, CG–1270, CG–1280, CG–1340, CG–1356, CG–4593, CG–5397, and CG–5542.

Burden Estimate: The estimated burden has increased from 50,531 hours to 54,466 hours a year.

4. *Title:* Nondestructive Testing of Certain Cargo Tanks on Unmanned Barges.

OMB Control Number: 1625–0052.

Type of Request: Revision of a currently approved collection.

Respondents: Owners of tank barges.

Abstract: Under 46 U.S.C. 3703, the Coast Guard is responsible for ensuring safe shipment of liquid dangerous cargoes and has promulgated regulations for certain barges to ensure safety standards are met.

Forms: None.

Burden Estimate: The estimated burden has increased from 104 hours to 130 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: September 16, 2009.

M.B. Lytle,

Captain, U.S. Coast Guard, Acting Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. E9–23162 Filed 9–24–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5280–N–37]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

DATES: *Effective Date:* September 25, 2009.

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7262, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: September 17, 2009.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.

[FR Doc. E9–22873 Filed 9–24–09; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5300–N–20]

Notice of Availability: Notice of Funding Availability (NOFA) for Fiscal Year (FY) 2009 Green and Healthy Homes Technical Studies Program

AGENCY: Office of Healthy Homes and Lead Hazard Control, HUD.

ACTION: Notice.

SUMMARY: Through this notice, HUD announces the availability on its website of the application information, submission deadlines, funding criteria, and other requirements for the FY2009 Green and Healthy Homes Technical Studies Program NOFA. The Green and Healthy Homes Technical Studies Program NOFA makes $2.4 million available under the Department of Housing and Urban Development Appropriations Act, 2009 (Pub. L. 111–8, approved March 11, 2009). The notice providing information regarding the application process, funding criteria and eligibility requirements is available on the HUD Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm* or *http://www.hud.gov/offices/lead.* The Catalogue for Federal Domestic Assistance (CFDA) number for the Green and Healthy Homes Technical Studies program is 14.911. Applications must be submitted electronically through *OHHLHCNOFAreview@HUD.gov.*

FOR FURTHER INFORMATION CONTACT: For information concerning the Green and Healthy Homes Technical Studies Program, contact Warren Friedman, Senior Advisor to the Director, Office of Healthy Homes and Lead Hazard Control, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 8236, Washington DC 20410–3000; telephone 202–402–7574 (this is not a toll-free number). Persons with speech or hearing impairments may access this telephone number via TTY by calling the toll-free Federal Information Relay Service during working hours at 800–877–8339.

Dated: September 15, 2009.

Matthew Ammon,

Acting Director, Office of Healthy Homes and Lead Hazard Control.

[FR Doc. E9–23224 Filed 9–24–09; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5300–N–17]

Notice of Availability: Notice of Funding Availability (NOFA) for Fiscal Year (FY) 2009 Healthy Homes Demonstration Program

AGENCY: Office of Healthy Homes and Lead Hazard Control, HUD.

ACTION: Notice.

SUMMARY: HUD announces the availability on its Web site of the application information, submission deadlines, funding criteria, and other requirements for the FY 2009 Healthy Homes Demonstration Program NOFA. The Healthy Homes Demonstration Program NOFA makes $6 million available under the Department of Housing and Urban Development Appropriations Act, 2009 (Public Law 111–8, approved March 11, 2009). The notice providing information regarding the application process, funding criteria and eligibility requirements is available on the HUD Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm* or *http://www.hud.gov/offices/lead.* The Catalogue for Federal Domestic Assistance (CFDA) number for the Healthy Homes Demonstration Program is 14.901. Applications must be submitted electronically through *OHHLHCNOFAreview@HUD.gov.*

FOR FURTHER INFORMATION CONTACT: For information concerning the Healthy Homes Demonstration Program, contact Warren Friedman, Senior Advisor to the Director, Office of Healthy Homes and Lead Hazard Control, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 8236, Washington, DC 20410–3000; telephone 202–402–7574 (this is not a toll-free number). Persons with speech or hearing impairments may access this telephone number via TTY by calling the toll-free Federal Information Relay Service during working hours at 800–877–8339.

Dated: September 4, 2009.

Matthew Ammon,

Acting Director, Office of Healthy Homes and Lead Hazard Control.

[FR Doc. E9–23226 Filed 9–24–09; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5300–N–31]

Notice of Availability: Notice of Funding Availability (NOFA) for Fiscal Year (FY) 2009 Lead Hazard Control Capacity Building Grant Program

AGENCY: Office of Healthy Homes and Lead Hazard Control, HUD.

ACTION: Notice.

SUMMARY: Through this notice, HUD announces the availability on its Web site of the application information, submission deadlines, funding criteria, and other requirements for the FY2009 Lead Hazard Control Capacity Building Grant Program NOFA. The Lead Hazard Control Capacity Building Grant Program NOFA makes $1.7 million available under the Department of Housing and Urban Development Appropriations Act, 2009 (Pub. L. 111–8, approved March 11, 2009). The notice providing information regarding the application process, funding criteria and eligibility requirements is available on the HUD Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm* or *http://www.hud.gov/offices/lead*. The Catalogue for Federal Domestic Assistance (CFDA) number for the Lead Hazard Control Capacity Building Grant Program is 14.912. Applications must be submitted electronically through *OHHLHCNOFAreview@HUD.gov.*

FOR FURTHER INFORMATION CONTACT: For information concerning the Lead Hazard Control Capacity Building Grant Program, contact Warren Friedman, Senior Advisor to the Director, Office of Healthy Homes and Lead Hazard Control, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 8236, Washington, DC 20410–3000; telephone 202–402–7574 (this is not a toll-free number). Persons with speech or hearing impairments may access this telephone number via TTY by calling the toll-free Federal Information Relay Service during working hours at 800–877–8339.

Dated: September 15, 2009.

Matthew Ammon,

Acting Director, Office of Healthy Homes and Lead Hazard Control.

[FR Doc. E9–23220 Filed 9–24–09; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Notice of Proposed Renewal of Information Collection: OMB Control Number 1093–0005, Payments in Lieu of Taxes

AGENCY: Office of Budget, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of Budget, Office of the Secretary, Department of the Interior (DOI), announces that it has submitted a request for proposed extension of an information collection to the Office of Management and Budget and requests public comments on this submission.

DATES: OMB has up to 60 days to approve or disapprove the information collection request, but may respond after 30 days; therefore, public comments should be submitted to OMB by October 26, 2009, in order to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Send your written comments by facsimile to (202) 395–5806 or e-mail (*OIRA_DOCKET@omb.eop.gov*) to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of the Interior Desk Officer (1093–0005). Also, please send a copy of your comments to U.S. Department of the Interior, Office of the Secretary, Office of Budget, Attn. Brian Yost, 1849 C St., NW., MS 4119 MIB, Washington, DC 20240, or fax to (202) 208–3911, or via e-mail to *Brian_Yost@ios.doi.gov.* Individuals providing comments should reference OMB control number 1093–0005, ''Payment in Lieu of Taxes (PILT Act), Statement of Federal Land Payments (43 CFR 44).''

FOR FURTHER INFORMATION CONTACT: Requests for additional information on this information collection should be directed to Brian Yost at U.S. Department of the Interior, Office of the Secretary, Office of Budget, 1849 C St., NW., MS 4119 MIB, Washington, DC 20240. You may also fax requests for further information to (202) 208–3911, or e-mail him at *Brian_Yost@ios.doi.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Office of Management and Budget (OMB) regulations at 5 CFR part 1320, which implement the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected parties have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d). This notice identifies an information collection activity that the Office of the Secretary, Office of Budget has submitted to OMB for renewal.

Public Law 97–258 (31 U.S.C. 6901–6907), as amended, the Payments in Lieu of Taxes (PILT) Act, was designed by Congress to help local governments recover some of the expenses they incur in providing services on public lands. These local governments receive funds under various Federal land payment programs such as the National Forest Revenue Act, the Mineral Lands Leasing Act, and the Taylor Grazing Act. PILT payments supplement the payments that local governments receive under theses other programs.

The PILT Act requires that the Governor of each State furnish the Department of the Interior with a listing of payments disbursed to local governments by the States on behalf of the Federal Government under 12 statutes described in Section 4 of the Act (31 U.S.C. 6903). The Department of the Interior uses the amounts reported by the States to reduce PILT payments to units of general local governments from that which they might otherwise receive. If such listings were not furnished by the Governor of each affected State, the Department would not be able to compute the PILT payments to units of general local government within the States in question.

In fiscal year 2004, administrative authority for the PILT program was transferred from the Bureau of Land Management to the Office of the Secretary of the Department of the Interior. Applicable DOI regulations pertaining to the PILT program to be administered by the Office of the Secretary were published as a final rule in the **Federal Register** on December 7, 2004. The OMB granted a three-year extension to the information collection by the Office of the Secretary, Office of Budget on December 21, 2006. This Office is now planning to extend the information collection approval authority in order to enable the Department of the Interior to continue to comply with the PILT Act.

II. Data

(1) *Title:* Payments in Lieu of Taxes (PILT Act), Statement of Federal Land Payments (43 CFR 44).

OMB Control Number: 1093–0005.

Current Expiration Data: December 31, 2009.

Type of Review: Information Collection Renewal.

Affected Entities: State, Local and Tribal Government.

Estimated annual number of respondents: 43.

Frequent of response: Annual.

(2) *Annual reporting and record keeping burden:*

Average annual reporting burden per respondent: 75 hours

Total annual reporting: 3,225 hours.

(3) *Description of the need and use of the information:* The statutorily-required information is needed to compute payments due units of general local government under the PILT Act (31 U.S.C. 6901–6907). The Act requires that the Governor of each State furnish a statement as to amounts paid to units of general local government under 12 revenue-sharing statutes in the prior fiscal year.

(4) As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments on the information collection was published on June 17, 2009 (74 FR 28717). No comments were received. This notice provides the public with an additional 30 days in which to comment on the proposed information collection activity.

III. Request for Comments

The Department of the Interior invites comments on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) The accuracy of the agency's estimate of the burden of the collection and the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other collection techniques or other forms of information technology.

''Burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

All written comments, with names and addresses, will be available for public inspection in the Main Interior Building, 1849 C Street, NW., Washington, DC during normal business hours, excluding legal holidays. If you wish us to withhold your personal information, you must prominently state at the beginning of your comment what personal information you want us to withhold. We will honor your request to the extent allowable by law. For an appointment to inspect comments, please contact Brian Yost by telephone on (202) 208–7409, or by e-mail at *Brian_Yost@ios.doi.gov.* A valid picture identification is required for entry into the Department of the Interior.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

Dated: September 18, 2009.

Pam Haze,

Deputy Assistant Secretary, Budget and Business Management.

[FR Doc. E9–23117 Filed 9–24–09; 8:45 am]

BILLING CODE 4310–RK–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

National Business Center, Financial Management & Budget Directorate; Privacy Act of 1974, as Amended; Amendments to Existing System of Records

AGENCY: Office of the Secretary, National Business Center, Financial Management & Budget Directorate, Interior.

ACTION: Proposed amendment to an existing System of Records notice.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (5 U.S.C. 552a), the Office of the Secretary, National Business Center, Financial Management & Budget Directorate (NBC/FMB) is issuing public notice of its intent to modify an existing Privacy Act system of records, OS–13, ''Aircraft Services Administrative Management and Fiscal Records'' (formerly known as OS–08 and as OAS–2). The revisions will reflect a transfer of system ownership from the previous Office of Aircraft Services to the NBC—Financial Management & Budget Directorate (FMB), and will clarify and standardize the number of the system.

DATES: Comments must be received by November 4, 2009.

ADDRESSES: Send written comments to the U.S. Department of the Interior, Office of the Secretary, Privacy Officer, 1951 Constitution Avenue, NW., MS 116 SIB, Washington, DC 20240. You may also e-mail comments to *Linda_Thomas@nbc.gov,* or fax them to (202) 219–2374. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

FOR FURTHER INFORMATION CONTACT: Associate Director, National Business Center, Financial Management & Budget Directorate, 1849 C Street, NW (MS 1346), Washington, DC 20240. You may also telephone (202) 208–3119.

SUPPLEMENTARY INFORMATION: The NBC/FMB is proposing to amend the system notice for INTERIOR/OS–8, ''Aircraft Services Administrative Management and Fiscal Records'' to identify a transfer of system ownership from the old Office of Aircraft Services to the NBC/FMB. Additionally, the number for this system of records, ''Aircraft Services Administrative Management and Fiscal Records,'' has previously been OS–08 and OAS–2, but is hereby revised to OS–13 to standardize the number within the Office of the Secretary numbering system. The changes identified to the system will be effective as proposed at the end of the comment period unless comments are received which would require a contrary determination. The Department will publish a revised notice if changes are made based upon a review of comments received.

Dated: September 21, 2009.

Linda S. Thomas,

Privacy Officer, Office of the Secretary.

Privacy Act; Systems of Records

SYSTEM NAME:

Aircraft Administrative Management and Fiscal Records, OS–13.

SYSTEM LOCATIONS:

(1) National Business Center, Financial Management & Budget Directorate, 1849 C Street, NW. (ms 1346), Washington, DC 20240,

(2) National Business Center, Financial Management & Budget

Directorate, 7301 W. Mansfield, Denver, CO 80235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and former employees of the National Business Center, Aviation Management Directorate (formerly known as the Office of Aircraft Services), and employees transferred from AMD to the Financial Management & Budget Directorate, Informational Technology Directorate, and the Acquisition Services Directorate.

CATEGORIES OF RECORDS COVERED BY THE SYSTEM:

The system contains information relative to payroll records, including pay, leave and cost distribution records, including deductions for bonds, insurance, income taxes, allotments to financial institutions, overtime, authorizations, and related documents. Travel records, including administrative approvals, travel expenses claimed and/or paid, receipts for expenditure claims. Government transportation requests, travel advance accounts and related records. Safety records, including claims under the Military Personnel and Civil Employees Claims Act. Records of issuance of Government identification cards and Government driver's licenses. Related records concerning administrative and fiscal management.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 3101, 5101–5115, 5501–5596, 5701–5709, 31 U.S.C. 66a, 240–243, 40 U.S.C. 483(b); 43 U.S.C. 1467, 44 U.S.C. 3103; Executive Order No. 11807.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USER AND THE PURPOSES OF SUCH USES:

The primary use of the records are (a) for administrative and fiscal management. Disclosure outside the Department of the Interior may be made:

(1) To the U.S. Department of the Treasury for preparation of (a) payroll checks, (b) payroll deduction and other checks to Federal, State and local agencies, and (c) checks for reimbursement of employees and others;

(2) To the Internal Revenue Service and to the State, Commonwealth, Territorial, and local governments for tax purposes,

(3) To the Civil Service Retirement System or Federal Employee Retirement System, and to other employee retirement systems;

(4) To another Federal agency to which an employee has transferred,

(5) To another agency having a subject matter interest in the records,

(6)(a) To any of the following entities or individuals, when the circumstances set forth in paragraph (b) are met:

(i) The U.S. Department of Justice (DOI);

(ii) A court or an adjudicative other administrative body:

(iii) A party in litigation before a court or an adjudicative or other administrative body; or

(iv) Any DOI employee acting in his or her individual capacity if DOI or DOJ has agreed to represent that employee or pay for private representation of the employee;

(b) When

(i) One of the following is a party to the proceeding or has an interest in the proceeding:

(A) DOI or any component of DOI:

(B) Any other Federal agency appearing before the Office of Hearings and Appeals;

(C) Any DOI employee acting in his or her official capacity;

(D) Any DOI employee acting in his or her individual capacity if DOI or DOJ has agreed to represent that employee or pay for private representation of the employee;

(E) The United States, when DOJ determines that DOI is likely to be affected by the proceeding; and

(ii) DOI deems the disclosures to be:

Relevant and necessary to the proceeding; and

Compatible with the purpose for which the records were compiled.

(7) To any criminal, civil, or regulatory law enforcement authority (whether Federal, State, territorial, local, Tribal or foreign) when a record, either alone or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil or regulatory in nature, and the disclosure is compatible with the purpose for which the records were compiled.

(8) To Federal, State, local agencies or commercial businesses where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, pilot qualification card, grant or other benefit,

(9) State, local agencies or commercial businesses where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, pilot qualification card, grant or other benefit.

(10) To a Member of Congress from the record of an individual in response to an inquiry made at the request of that individual;

(11) To other Federal agencies conducting computer matching programs to help eliminate fraud and abuse and to detect unauthorized overpayments made to individuals.

(12) To other Federal agencies conducting computer matching programs to help eliminate fraud and abuse and to detect unauthorized overpayments made to individuals.

(13) To a congressional office in response to a written inquiry that an individual covered by the system, or the heir of such individual if the covered individual is deceased, has made to the office.

(14) To an official of another Federal agency to provide information needed in the performance of official duties related to reconciling or reconstructing data files or to enable that agency to respond to an inquiry by the individual to whom the record pertains.

(15) To representatives of the National Archives and Records Administration to conduct records management inspections under the authority of 44 U.S.C. 2904 and 2906.

(16) To State and local governments and Tribal organizations to provide information needed in response to court order and/or discovery purposes related to litigation, when the disclosure is compatible with the purpose for which the records were compiled.

(17) To an expert, consultant, or contractor (including employees of the contractor) of DOI that performs services requiring access to these records on DOI's behalf to carry out the purposes of the system.

(18) To appropriate agencies, entities, and persons when:

(a) It is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; and

(b) The Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interest, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and

(c) The disclosure is made to such agencies, entities and persons who are reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

(19) To the Office of Management and Budget during the coordination and clearance process in connection with legislative affairs as mandated by OMB Circular A–19.

(20) To the Department of the Treasury to recover debts owed to the United States.

(21) To the news media when the disclosure is compatible with the

purpose for which the records were compiled.

Disclosure to consumer reporting agencies: Pursuant to 5 U.S.C. 552a(b)(12), records can be disclosed to consumer reporting agencies as they are defined in the Fair Credit Reporting Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

RETRIEVABILITY:

Records may be retrieved by individual name or social security number.

SAFEGUARDS:

TECHNICAL SECURITY:

Access to records is limited to Departmental and contract personnel who are granted password access, and have an official need to use the records in the performance of their duties in accordance with requirements found in the DOI's Privacy Act regulations (43 CFR 2.51). Additionally, electronic records are protected by a firewall, network authentication (secure server), encryption, and file integrity auditing software meeting the requirements of 43 CFR 2.51 which conform to Office of Management and Budget and Departmental guidelines reflecting the implementation of the Federal Information Security Management Act, including compliance with applicable National Institute of Standards and Technology (NIST) guidelines.

PHYSICAL SECURITY:

Data is secured in locked file cabinets or in secured rooms accessible only by authorized personnel. The computer servers in which records are stored are located in computer facilities that are secured by alarm systems and off-master key access. A Privacy Act Warning Notice appears where records containing information on individuals are stored or displayed. Backup tapes are stored in a locked and controlled room in a secure, off-site location.

ADMINISTRATIVE SECURITY:

All Departmental and/or contract employees must undergo mandatory records, security, and IT training before access is granted, and annually thereafter. They must sign Rules of Behavior, and are supervised by Federal employees.

RETENTION AND DISPOSAL:

Records will be disposed of in accordance with the National Archives and Records Administration General Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Financial Management & Budget Directorate, 1849 C Street, NW (ms 1346), Washington, DC 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records shall be addressed to the appropriate System Manager. The request shall be in writing, signed by the requestor, and comply with the content requirements of 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the appropriate System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

[FR Doc. E9–23107 Filed 9–24–09; 8:45 am]

BILLING CODE 4310–RM–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Privacy Act of 1974; as Amended; Revisions to an Existing System of Records

AGENCY: Office of the Secretary, National Business Center, Aviation Management Directorate, Interior.

ACTION: Notice of revisions to an existing System of Records notice.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (5 U.S.C. 552a), the Office of the Secretary, National Business Center, Aviation Management Directorate (AMD) is issuing public notice of its intent to modify an existing Privacy Act system of records, INTERIOR OS–12, ''Official Pilot Folders,'' (previously also known as AAS–97, ''Pilot Flight Time Report'', and as OAS–1, ''Official Pilot Folder''). The revisions will reflect the reorganization of the previous Office of Aircraft Services, with changes in office names, locations, contact numbers, and will also standardize the name and number of the system of records.

DATES: Comments must be received by November 4, 2009.

ADDRESSES: Any person interested in commenting on this amendment may do so by submitting comments in writing to the Office of the Secretary Privacy Act Officer at U.S. Department of the Interior, Office of the Secretary, Privacy Officer, 1951 Constitution Avenue, NW., MS 116 SIB, Washington, DC 20240; or e-mailing comments to *Linda_Thomas@nbc.gov.* Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

FOR FURTHER INFORMATION CONTACT: Associate Director, National Business Center, Aviation Management, 300 E. Mallard Drive, Suite 200, Boise, ID 83706. You may also telephone (208) 433–5000.

SUPPLEMENTARY INFORMATION: The Office of the Secretary, National Business Center, Aviation Management Directorate maintains and is proposing to amend the system of notice for OS–12, ''Official Pilot Folders'' (formerly OAS–97, ''Pilot Flight Time Report'', OAS–1, ''Official Pilot Folder''). The amendments are to identify that the Office of Aircraft Services was reorganized under the Office of the Secretary, National Business Center as the Aviation Management Directorate (AMD). AMD's area offices were re-categorized as regional offices; and locations and contact numbers were changed. Additionally, the system designation is clarified to be OS–12, ''Official Pilot Folders.'' The system changes will be effective as proposed at the end of the comment period unless comments are received which would require a contrary determination. The Department will publish a revised notice if changes are made based upon a review of comments received.

Dated: September 21, 2009.

Linda S. Thomas,

Privacy Officer, Office of the Secretary.

SYSTEM NAME:

Official Pilot Folders, OS–12.

SYSTEM LOCATIONS:

(1) Office of the Secretary, National Business Center, Aviation Management Directorate, 300 E. Mallard Drive, Suite 200, Boise, ID 83706;

(2) Office of the Secretary, National Business Center, Aviation Management Directorate, Alaska Regional Office, 4405 Lear Court, AK 95502–1052.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Professional, dual-function, and incidental pilots employed by Department of the Interior bureaus and offices.

CATEGORIES OF RECORDS COVERED BY THE SYSTEM:

The system contains information relative to certificates, qualifications, experience levels, flight activity, currency and proficiency of the pilots employed by the Department.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Reorganization Plan 3 of 1950; FAA Regulations at 14 CFR Parts 1, 61, and 91; Department of the Interior Manual at 350 Departmental Manual 1 and following.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USER AND THE PURPOSES OF SUCH USES:

The primary use of the records is to determine pilot qualifications and to monitor compliance with Office of the Secretary, National Business Center, Aviation Management Directorate directives and Federal Aviation Regulations. Disclosure outside the Department of the Interior may be made without the consent of the individual to whom the record pertains under the following routine uses:

(1)(a) To any of the following entities or individuals, when the circumstances set forth in paragraph (b) are met:

(i) The U.S. Department of Justice (DOJ);

(ii) A court or an adjudicative or other administrative body;

(iii) A party in litigation before a court or an adjudicative or other administrative body; or

(iv) Any DOI employee acting in his or her individual capacity if DOI or DOJ has agreed to represent that employee or pay for private representation of the employee;

(b) When:

(i) One of the following is a party to the proceeding or has an interest in the proceeding:

(A) DOI or any component of DOI;

(B) Any other Federal agency appearing before the Office of Hearings and Appeals;

(C) Any DOI employee acting in his or her official capacity;

(D) Any DOI employee acting in his or her individual capacity if DOI or DOJ has agreed to represent that employee or pay for private representation of the employee;

(E) The United States, when DOJ determines that DOI is likely to be affected by the proceeding; and

(ii) DOI deems the disclosure to be:

(A) Relevant and necessary to the proceeding; and

(B) Compatible with the purpose for which the records were compiled.

(2) To a congressional office in response to a written inquiry that an individual covered by the system, or the heir of such individual if the covered individual is deceased, has made to the office.

(3) To any criminal, civil, or regulatory law enforcement authority (whether federal, state, territorial, local, tribal or foreign) when a record, either alone or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature, and the disclosure is compatible with the purpose for which the records were compiled.

(4) To an official of another Federal agency to provide information needed in the performance of official duties related to reconciling or reconstructing data files or to enable that agency to respond to an inquiry by the individual to whom the record pertains.

(5) To Federal, state, territorial, local, tribal, or foreign agencies that have requested information relevant or necessary to the hiring, firing or retention of an employee or contractor, or the issuance of a security clearance, license, pilot qualification card, contract, grant or other benefit, when the disclosure is compatible with the purpose for which the records were compiled.

(6) To representatives of the National Archives and Records Administration to conduct records management inspections under the authority of 44 U.S.C. 2904 and 2906.

(7) To state and local governments and tribal organizations to provide information needed in response to court order and/or discovery purposes related to litigation, when the disclosure is compatible with the purpose for which the records were compiled.

(8) To an expert, consultant, or contractor (including employees of the contractor) of DOI that performs services requiring access to these records on DOI's behalf to carry out the purposes of the system.

(9) To appropriate agencies, entities, and persons when:

(a) It is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; and

(b) The Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interest, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and

(c) The disclosure is made to such agencies, entities and persons who are reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

(10) To the Office of Management and Budget during the coordination and clearance process in connection with legislative affairs as mandated by OMB Circular A–19.

(11) To the Department of the Treasury to recover debts owed to the United States.

(12) To the news media when the disclosure is compatible with the purpose for which the records were compiled.

(13) To a consumer reporting agency if the disclosure requirements of the Debt Collection Act, as outlined at 31 U.S.C. 3711(e)(1), have been met.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in manual and automated form. Any electronic records will be maintained at the offices of the above system locations on the Aviation Management Directorate's local area network server. Any paper records will be maintained within locked offices at the same locations.

RETRIEVABILITY:

Records may be retrieved by Social Security number, name, agency or location.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access. Records are maintained in accordance with 43 CFR 2.51. Additional safeguards are as follows:

TECHNICAL SECURITY:

Access to records is limited to Departmental and contract personnel who are granted password access, and have an official need to use the records in the performance of their duties in accordance with requirements found in the DOI's Privacy Act regulations (43 CFR 2.51). Additionally, electronic records are protected by a firewall, network authentication (secure server), encryption, and file integrity auditing software meeting the requirements of 43 CFR 2.51 which conform to Office of Management and Budget and

Departmental guidelines reflecting the implementation of the Federal Information Security Management Act.

PHYSICAL SECURITY:

Each geographic location is physically secured by entry access cards. When data is not in use by authorized personnel, paper and microfiche records are stored in locked file cabinets or in secured rooms. Electronically stored records are protected from unauthorized access through use of access codes, entry logs, and other system-based protection methods. The computer servers in which records are stored are located in computer facilities that are secured by alarm systems and off-master key access. A Privacy Act Warning Notice appears where records containing information on individuals are stored or displayed. Backup tapes are stored in a locked and controlled room in a secure, off-site location.

ADMINISTRATIVE SECURITY:

Only persons with need to access these files to accomplish their work are able to access them. All Departmental and/or contract employees must undergo mandatory records, security, and IT training before access is granted, and annually thereafter. They also sign Rules of Behavior that include proper use and safeguarding of information in systems before having access to agency systems. Such rules apply to be contractors and regular Departmental employees. Finally, all work on this system occurs in government offices with appropriate supervision by Federal employees.

RETENTION AND DISPOSAL:

Records will be disposed of in accordance with the National Archives and Records Administration (NARA) Records Schedule for these records, 7558.4, which was approved by NARA June 5, 2009 under its job number N1–048–09–2. That schedule states: ''Destroy 7 years after cut-off or when no longer needed, whichever is later.''

SYSTEM MANAGERS AND ADDRESSES:

(1) Associate Director, Office of the Secretary, National Business Center, Aviation Management Directorate, 300 E. Mallard Drive, Suite 200, Boise, ID 83706;

(2) Regional Director, Office of the Secretary, National Business Center, Aviation Management Directorate, Alaska Regional Office, 4405 Lear Court AK 95502–1052.

NOTIFICATION PROCEDURES:

An individual requesting notification of the existence of records on himself or herself should send a signed, written inquiry to the Systems Manager identified above. The request envelope and letter should both be clearly marked ''PRIVACY ACT INQUIRY.'' A request for notification must meet the requirements of 43 CFR 2.60.

RECORDS ACCESS PROCEDURES:

An individual requesting records on himself or herself should send a signed, written inquiry to the Systems Manager identified above. The request should describe the records sought as specifically as possible. The request envelope and letter should both be clearly marked ''PRIVACY ACT REQUEST FOR ACCESS.'' A request for access must meet the requirements of 43 CFR 2.63.

CONTESTING RECORDS PROCEDURES:

An individual requesting corrections or the removal of material from his or her records should send a signed, written request to the System Manager identified above. A request for corrections or removal must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individuals to whom it applies: professional, dual-function and incidental pilots employed by Interior bureaus/offices.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E9–23109 Filed 9–24–09; 8:45 am]

BILLING CODE 4310–RM–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

[Docket No. MMS–2009–OMM–0007]

MMS Information Collection Activity: 1010–0177, Global Positioning System for MODUs, Extension of a Collection; Submitted for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of revision of an information collection (1010–0177).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork requirements associated with 30 CFR 250, Subpart A, ''General,'' and related documents. This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements.

DATES: Submit written comments by October 26, 2009.

ADDRESSES: Submit comments by either fax (202) 395–5806 or e-mail (*OIRA_DOCKET@omb.eop.gov*) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010–0177). Please also submit a copy of your comments to MMS by any of the means below.

- *Electronically:* go to *http://www.regulations.gov*. In the entry titled ''Enter Keyword or ID,'' enter docket ID MMS–2009–OMM–0007 then click search. Under the tab ''View By Relevance'' you can submit public comments and view supporting and related materials available for this collection of information. The MMS will post all comments.
- Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Cheryl Blundon; 381 Elden Street, MS–4024; Herndon, Virginia 20170–4817. Please reference Information Collection 1010–0177 in your subject line and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Regulations and Standards Branch, (703) 787–1607. You may also contact Cheryl Blundon to obtain a copy, at no cost, of the regulation and the Notice to Lessees and/or Operators (NTL) that requires the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, Subpart A, General–NTL–Gulf of Mexico OCS Region–GPS (Global Positioning System) for Mobile Offshore Drilling Units (MODUs).

OMB Control Number: 1010–0177.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior (Secretary) to prescribe rules and regulations to administer leasing of the OCS. Such rules and regulations apply to all operations conducted under a lease. Operations on the OCS must preserve, protect, and develop oil and natural gas resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; to preserve and maintain free enterprise competition; and to ensure that the extent of oil and natural gas resources

of the OCS is assessed at the earliest practicable time. Section 43 U.S.C. 1332(6) states that ''operations in the outer Continental Shelf should be conducted in a safe manner by well-trained personnel using technology, precautions, and techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health.''

To carry out these responsibilities, the Minerals Management Service (MMS) issues regulations to ensure that operations in the OCS meet statutory requirements; provide for safety and protect the environment; and result in diligent exploration, development, and production of OCS leases. In addition, we also issue Notices to Lessees (NTLs) that provide clarification, explanation, and interpretation of our regulations. These NTLs are used to convey purely informational material and to cover situations that might not be adequately addressed in our regulations.

Regulations at 30 CFR part 250 implement these statutory requirements. The MMS uses the information collected from these requirements to assess the whereabouts of any Mobile Offshore Drilling Unit (MODU) becoming unmoored due to extreme weather situations, as well as, to follow the path of that facility to determine if other facilities/pipelines, etc., were damaged in any way. The offshore oil and gas industry uses the information to determine the safest and quickest way to either remove the obstacles or to fix and reuse them.

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2) and under regulations at 30 CFR 250.197. Data and information to be made available to the public or for limited inspection. No items of a sensitive nature are collected. Responses are required to obtain or retain a benefit.

Frequency: On occasion.

Description of Respondents: Potential respondents comprise Federal oil and gas lessees and operators that drill using MODUs.

Estimated Reporting and Recordkeeping Hour Burden: The estimated annual hour burden for this information collection is a total of 9 hours. The following chart details the individual components and estimated hour burdens. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

NTL—GULF OF MEXICO OCS REGION—GPS FOR MODUS

	Hour burden	Average No. of annual responses	Annual burden hours
	Non-hour cost burdens		
1—Notify MMS with tracking/locator data access; purchase and install tracking/locator devices (these are future MODUs submissions after initial purchase and notification in subsequent years).	15 mins	30 devices	8 (rounded).
	30 devices per year for replacement and/or new × $5,000 = $150,000.		
2—Notify Hurricane Response Team as soon as operator is aware a rig has moved off location.	10 mins	6 notifications	1
Total Burden		36 responses	9 hours.
		$ 150,000 non-hour cost burden.	

Estimated Reporting and Recordkeeping Non-Hour Cost Burden: We have identified one non-hour paperwork cost burden associated with the collection of information, see the burden table.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.*) requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, on June 8, 2009, we published a **Federal Register** notice (74 FR 27166) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. In addition, § 250.199 provides the OMB control numbers for the information collection requirements imposed by the 30 CFR part 250 regulations. The regulation also informs the public that they may comment at any time on the collections of information and provides the address to which they should send comments. We have received no comments in response to these efforts.

If you wish to comment in response to this notice, you may send your comments to the offices listed under the **ADDRESSES** section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by October 26, 2009.

Public Availability of Comments: Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your

personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

MMS Information Collection Clearance Officer: Arlene Bajusz, (202) 208–7744.

Dated: September 2, 2009.

E.P. Danenberger,

Chief, Office of Offshore Regulatory Programs.

[FR Doc. E9–23222 Filed 9–24–09; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2009–N199; 80221–1113–0000–F5]

Endangered Species Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (Act) prohibits activities with endangered and threatened species unless a Federal permit allows such activity. The Act also requires that we invite public comment before issuing these permits.

DATES: Comments on these permit applications must be received on or before October 26, 2009.

ADDRESSES: Written data or comments should be submitted to the U.S. Fish and Wildlife Service, Endangered Species Program Manager, Region 8, 2800 Cottage Way, Room W–2606, Sacramento, CA 95825 (telephone: 916–414–6464; fax: 916–414–6486). Please refer to the respective permit number for each application when submitting comments.

FOR FURTHER INFORMATION CONTACT: Daniel Marquez, Fish and Wildlife Biologist; *see* **ADDRESSES** (telephone: 760–431–9440; fax: 760–431–9624).

SUPPLEMENTARY INFORMATION: The following applicants have applied for scientific research permits to conduct certain activities with endangered species under section 10(a)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*). We seek review and comment from local, State, and Federal agencies and the public on the following permit requests. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Permit No. TE–221294

Applicant: Michael J. Galloway, San Diego, California.

The applicant requests a permit to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys throughout the range of the species in California for the purpose of enhancing its survival.

Permit No. TE–053598

Applicant: Nicole Shorey, San Diego, California.

The applicant requests an amendment to an existing permit (April 4, 2002, 67 FR 16114) to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys throughout the range of the species in California for the purpose of enhancing its survival.

Permit No. TE–227185

Applicant: Andrew B. Eastty, San Diego, California.

The applicant requests a permit to take (harass by survey and monitor nests) the southwestern willow flycatcher (*Empidonax trailli extimus*) and take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys and population monitoring throughout the range of the species in California; Lincoln County, Nevada; Yuma, Pima, Santa Cruz, Cochise, La Paz and Maricopa Counties in Arizona; Hidalgo, Luna, Dona Ana, Otero, Eddy, Lea, Sierra, Socorro and Lincoln Counties, New Mexico; and El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, and Brewster Counties in Texas for the purpose of enhancing their survival.

Permit No. TE–221295

Applicant: Angelica Mendoza, San Bernardino, California.

The applicant requests a permit to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys within the San Jacinto Ranger District of the San Bernardino National Forest, Riverside County, California for the purpose of enhancing its survival.

Permit No. TE–221411

Applicant: The Center for Natural Lands Management, Fallbrook, California.

The applicant requests a permit to take (harass by survey) the least Bell's vireo (*Vireo bellii pusillus*); take (harass by survey and monitor nests) the southwestern willow flycatcher (*Empidonax trailli extimus*); take (capture, handle, and release) the giant kangaroo rat (*Dipodomys ingens*), Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*) and San Bernardino kangaroo rat (*Dipodomys merriami parvus*); take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*); and take (capture, collect, and kill) the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna*), the Riverside fairy shrimp (*Streptocephalus wootoni*), the San Diego fairy shrimp (*Branchinecta sandiegonensis*), and the vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with surveys and or nest monitoring activities throughout the range of each species in California for the purpose of enhancing their survival.

Permit No. TE–095858

Applicant: Arianne B. Preite, Anaheim Hills, California.

The applicant requests an amendment to an existing permit (December 8, 2004, 69 FR 71070) to take (harass by survey) the light footed clapper rail (*Rallus longirostris levipes*) in conjunction with surveys throughout the range of the species in California for the purpose of enhancing its survival.

Permit No. TE–225938

Applicant: Frank R. Dittmer, San Diego, California.

The applicant requests a permit to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys throughout the range of the species in California for the purpose of enhancing its survival.

Permit No. TE–185595

Applicant: Kelly E. Buja, Sacramento, California.

The applicant requests an amendment to an existing permit (June 27, 2008, 73 FR 36552) to take (harass by survey, capture, handle, and release) the California tiger salamander (*Ambystoma californiense*) in conjunction with surveys and population monitoring

throughout the range of the species in California for the purpose of enhancing its survival.

Permit No. TE–225970

Applicant: Charlotte M. Marks, Sacramento, California.

The applicant requests a permit to take (harass by survey, capture, handle, and release) the California tiger salamander (*Ambystoma californiense*) in conjunction with surveys and population monitoring throughout the range of the species in California for the purpose of enhancing its survival.

Permit No. TE–225974

Applicant: Midpeninsula Regional Open Space District, Los Altos, California.

The applicant requests a permit to take (survey, capture, handle, release, and conduct habitat enhancement activities) the San Francisco garter snake (*Thamnophis sirtalis*) in conjunction with population monitoring and habitat enhancement activities in San Mateo County, California, for the purpose of enhancing its survival.

Permit No. TE–073205

Applicant: Cristina P. Sandoval, Goleta, California.

The applicant requests an amendment to an existing permit, which we granted May 26, 2005, for a Federally threatened species. The original permit allowed the applicant to take (harass by survey, locate and monitor nests, erect nest exclosures, collect and incubate eggs that are abandoned and/or in danger of predation, captive-rear chicks, and release them into the wild) the western snowy plover (*Charadrius alexandrinus nivosus*) in conjunction with surveys and population monitoring activities at the Coal Point Reserve in Santa Barbara County, California, for the purpose of enhancing its survival. The applicant requests an amendment to take (survey, locate, population monitor, place decoys, and play taped vocalizations) the California least tern (*Sterna antilluarum browni*) in conjunction with surveys and population monitoring activities at the Coal Point Reserve in Santa Barbara County, California for the purpose of enhancing their survival.

Permit No. TE–117947

Applicant: Kevin B. Clark, San Diego, California.

The applicant requests an amendment to an existing permit (February 13, 2006, 71 FR 7563) to take (capture, collect, and kill) the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna*), the Riverside fairy shrimp (*Streptocephalus wootoni*), the San Diego fairy shrimp (*Branchinecta sandiegonensis*), and the vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with surveys throughout the range of each species in California for the purpose of enhancing their survival.

Permit No. TE–227263

Applicant: Emilie A. Strauss, San Rafael, California.

The applicant requests a permit to take (harass by survey) the California clapper rail (*Rallus longirostris obsoletus*) in conjunction with surveys and population monitoring studies throughout the range of the species in California, for the purpose of enhancing its survival.

Permit No. TE–795930

Applicant: Helm Biological Consulting, Lincoln, California.

The applicant requests an amendment to an existing permit (February 16, 1996, 61 FR 6253) to take (collect soil containing Federally listed fairy shrimp cysts, translocate, and inoculate cysts into restored vernal pools) the Conservancy fairy shrimp *(Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna*), the Riverside fairy shrimp (*Streptocephalus wootoni*), the San Diego fairy shrimp (*Branchinecta sandiegonensis*), and the vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with vernal pool restoration and population enhancement activities throughout the range of each species in California for the purpose of enhancing their survival.

We invite public review and comment on each of these recovery permit applications. Comments and materials we receive will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

Dated: September 21, 2009.

Michael Long,

Acting Regional Director, Region 8, Sacramento, California.

[FR Doc. E9–23195 Filed 9–24–09; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Final Environmental Impact Statement for the Mandan, Hidatsa, Arikara (MHA) Nation's Proposed Clean Fuels Refinery, Fort Berthold Indian Reservation, Ward County, ND

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Extension of comment period.

SUMMARY: On August 28, 2009, the Bureau of Indian Affairs (BIA) and the U.S. Environmental Protection Agency (EPA) as co-lead agencies; and the Mandan, Hidatsa and Arikara (MHA) Nation and the U.S. Army Corps of Engineers as cooperating agencies, published a Notice of Availability for a Final Environmental Impact Statement (FEIS) for the proposed Clean Fuels Refinery (74 FR 44380). This notice announces an extension of the public comment period until October 28, 2009.

DATES: Public comments on the FEIS must arrive on or before October 28, 2009.

ADDRESSES: You may mail or hand carry written comments to Mike Black, Regional Director, Bureau of Indian Affairs, Great Plains Regional Office, 115 4th Avenue, SE., Aberdeen, SD.

FOR FURTHER INFORMATION CONTACT: Mike Black, BIA, 605–226–7343, or Steve Wharton, EPA, 303–312–6935 or 800–227–8917.

SUPPLEMENTARY INFORMATION:

The Three Affiliated Tribes (MHA Nation) has requested that BIA accept into trust status 469 acres for the MHA Nation to construct, own, operate, and maintain a petroleum refinery on 190 acres of the 469-acre parcel. The remaining acres would be used to grow forage for buffalo. The land in the northeast corner of the Fort Berthold Indian Reservation is located along Highway 23, four miles west of the town of Makoti in Ward County, North Dakota.

The MHA Nation has also applied to EPA for a National Pollutant Discharge Elimination System (NPDES) permit under the Clean Water Act for discharges from the proposed refinery.

Feedstock for the proposed refinery would include 10,000 barrels per stream day (BPSD) of synthetic crude oil via existing pipeline from Alberta, Canada; 3,000 BPSD of field butane from local suppliers; 6 million standard cubic feet per day of natural gas via existing pipeline; and 300 barrels of bio-diesel or 8,500 bushels per day of soybeans. From the feedstock, the refinery would

produce about 5,750 BPSD of diesel fuel, 6,770 BPSD of gasoline, and 300 BPSD of propane.

The FEIS analyzes potential environmental effects of two Federal agency decisions: (1) Whether BIA should accept lands into trust in support of the MHA Nation's proposal to construct and operate a clean fuels refinery and produce buffalo forage; and (2) whether EPA should issue a Clean Water Act NPDES permit for the process water discharges associated with the operation of the proposed refinery. The FEIS has identified the Agencies' preferred alternatives. BIA and EPA will be making their decisions in separate Records of Decision (RODs), which will be issued after the 30-day wait period on the FEIS. The MHA Nation will be deciding whether to build and operate the refinery.

BIA has identified its preferred alternative as Alternative 3. In this alternative, BIA would not place the land into trust status and the refinery could be constructed by the Tribes. If the proposed refinery is constructed, EPA has identified Alternative A, issuance of an NPDES permit for effluent discharges associated with the refinery as its preferred water discharge alternative. EPA and BIA recommend that the design of the refinery, if constructed, be modified consistent with Alternative 4.

Public Availability of the FEIS

The FEIS is available on the Web at: *http://www.epa.gov/region8/compliance/nepa.*

Hard copies of the document are available for review for public review at the following locations:

—Bureau of Indian Affairs, Great Plains Regional Office, 115 4th Avenue, SE., Aberdeen, SD.
—Bureau of Indian Affairs, Fort Berthold Agency, 202 Main Street, New Town, ND.
—EPA Region 8 Library, 1595 Wynkoop Street, Denver, CO.
—Three Affiliated Tribes Governmental Offices, 404 Frontage Road, New Town, ND
—*Each of the MHA Nation's Segment Offices:* Four Bears (Tribal Gov. Center), Mandaree, Shell Creek (New Town), Lucky Mound (Parshall), Twin Buttes, and White Shield, and
—Rensch garage in Makoti, ND.

Authority

This notice is published in accordance with section 1506.10 of the Council on Environmental Quality Regulations (40 CFR parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), and related Department of the Interior requirements in the Department of the Interior Manual (516 DM 1–6), and is in exercise of authority delegated to the Principal Deputy Assistant Secretary—Indian Affairs by 209 DM 8.

Dated: September 22, 2009.

Larry Echo Hawk,

Assistant Secretary—Indian Affairs.

[FR Doc. E9–23342 Filed 9–24–09; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–330–09–L12320000–AL0000–LVRCAZ070000]

Notice of Final Supplementary Rules on Public Lands Managed by the Lake Havasu Field Office, Arizona and California

AGENCY: Bureau of Land Management, Interior.

ACTION: Final supplementary rules.

SUMMARY: The Bureau of Land Management (BLM) Lake Havasu Field Office is issuing revised supplementary rules to implement decisions of the Lake Havasu Field Office Resource Management Plan (2007), to protect valuable and fragile natural and cultural resources, and to provide for public safety and enjoyment.

DATES: These supplementary rules are effective October 26, 2009.

ADDRESSES: Bureau of Land Management, Lake Havasu Field Office, 2610 Sweetwater Avenue, Lake Havasu City, Arizona 86406 or e-mail to *Lake_Havasu@blm.gov.*

FOR FURTHER INFORMATION CONTACT: Mike Henderson, Assistant Field Manager, or Michael Dodson, Field Staff Law Enforcement Ranger, Bureau of Land Management, Lake Havasu Field Office, 2610 Sweetwater Avenue, Lake Havasu City, Arizona 86406; telephone 928–505–1200, e-mail *Mike_Henderson@blm.gov* or *Michael_Dodson@blm.gov.*

SUPPLEMENTARY INFORMATION:

I. Background
II. Discussion of Supplementary Rules
III. Procedural Matters

I. Background

The following supplementary rules cover 1.3 million acres of the public land in the States of Arizona and California within the jurisdiction of the BLM Lake Havasu Field Office. These lands were included in the Lake Havasu Field Office Resource Management Plan (2007), and are adjacent to the Colorado River in the counties of Mohave, Maricopa, and La Paz (Arizona), and San Bernardino (California). The supplementary rules are created to implement the Lake Havasu Field Office Resource Management Plan on public lands within the planning area and to provide for continued management of these specific areas: Lake Havasu Shoreline, Parker Strip Recreation Management Area, Craggy Wash, and Swansea Townsite.

The primary purpose of the Lake Havasu Shoreline Program is to provide areas for boating, camping, and day-use. The recreation sites, designated as camps or day-use sites, are in areas traditionally used by boat-in camp visitors. This program was established to accommodate the increasing demand for shoreline recreational sites and to improve management of the natural resources. The designation of fee sites assures that specific locations are available for such use year after year.

The Parker Strip Recreation Management Area also experiences high visitor use. It contains campgrounds, day-use areas, off-highway vehicle use areas, boat ramps, picnic areas, concession operated resorts, and the Parker Dam Road National Backcountry Byway.

The Craggy Wash area is located directly adjacent to the north side of the Lake Havasu City Municipal Airport and east of State Route 95. It is heavily used for dispersed camping during the cooler months of the year (October to April). The area is also utilized by target shooters, off-highway vehicles, sightseers, bicyclists, and hikers. Frequently, as many as 300 visitors may be in the area at one time.

These supplementary rules replace existing rules for the Lake Havasu Shoreline, Aubrey Hills area, Craggy Wash area, Standard Wash area, Desert Bighorn Sheep Lambing Grounds (in Lake Havasu City, AZ), the Parker Strip Recreation Area (adjacent to the Colorado River in Arizona and California), and the Swansea Townsite (in La Paz County, Arizona). Existing supplementary rules were published in the **Federal Register** on September 15, 2003 (68 FR 54004–54007). These supplementary rules also replace previous supplementary rules published on May 21, 1998 (63 FR 27995), May 18, 1998 (63 FR 27316), and October 12, 1995 (60 FR 53194).

On March 4, 2008, the BLM published a notice of proposed supplementary rules and sought public comment, 73 FR 11662–11666. The public comment period closed May 5, 2008. BLM

received 15 comments. All comments referred to Proposed Supplementary Rule 29, regarding off-highway vehicle use on the Parker Strip Recreation Management Area. One comment also addressed Proposed Supplementary Rules 21, 26, 27, and 28.

The following information responds to the public comments:

Rule 21. You must not possess glass beverage containers on land or in the water. You may possess glass beverage containers only within the confines of a vessel. The comment stated that the rule would exclude visitors from having glass beverage containers inside mobile homes and recreational vehicles at concession resorts, and that it should be rewritten to exclude concessions and apply only to the shoreline of Lake Havasu.

BLM Response: The rule pertains to the possession of glass beverage containers throughout the Lake Havasu Shoreline Area and Parker Strip Recreation Management Area on beaches, shoreline areas, and those areas that provide immediate access to such sites. Such sites are along the shoreline of the Colorado River through both Lake Havasu and the Parker Strip, including concession shorelines in both areas. This rule is intended to keep glass from entering these areas and becoming a hazard. This rule was carried forward unchanged from the existing rule established in 2003, and is consistent with similar rules at other Federal, State and local areas with similar uses. However, upon reviewing this comment, we have decided it is reasonable to allow glass beverage containers within the confines of mobile homes, recreational vehicles, mobile vacation homes, and enclosed buildings at concession resorts. This final rule has been revised accordingly.

Rule 26. You must not park or operate vehicles in violation of posted restrictions. The comment asked for a clarification of what is meant by ''posted restrictions'' because, without clarification, the intent of the rule is difficult to understand.

BLM Response: The intent of this rule is to provide reasonable notice that the BLM will facilitate the regulation of traffic and parking within the Parker Strip Recreation Management Area by posting appropriate-sized signs or notices of restrictions and prohibitions. It is difficult to state in these supplementary rules all of the possible restrictions that may apply in specific locations, and exactly how those restrictions will be posted. The BLM believes that the proposed supplementary rule is sufficiently clear, and the final rule has not been changed.

Rule 27. Disorderly conduct is prohibited. The comment stated that the rule was too broad and does not define the particular conduct which is being prohibited, and that it should pertain to all BLM lands.

BLM Response: Disorderly conduct is defined in regulations of the BLM at Title 43 Code of Federal Regulations (CFR) 423.2 and 8365.1–4. These regulations are applicable on all public lands. Similarly, disorderly conduct is defined at Arizona Revised Statute 13–2904 and California Penal Code Section 415, and those provisions are applicable in those respective states. The BLM believes that the clarity of these definitions is sufficient, but at the same time believes it is helpful to include this provision in the supplementary rules for the Parker Strip Recreation Management Area because **Federal Register** notices may be used for posting. In addition, including this provision here helps communicate, as a visitor service, the laws and rules that apply to a specific area. The final rule remains unchanged from the proposed rule.

Rule 28. On BLM-managed campgrounds, no more than 8 (eight) persons may occupy one campsite. The commenter understands that the rule does not apply to concessions, but prefers that the rule specifically exclude concession operations because concessionaires manage the group size and occupancy of spaces within concessions.

BLM Response: This rule already clearly states that it applies ''on BLM-managed campgrounds,'' and it is unnecessary to include an additional exclusion that it does not apply to concession-managed resorts. BLM-managed campgrounds are directly managed by BLM Volunteer Campground Hosts. BLM-managed campgrounds are clearly marked as such by signing and the presence of a Volunteer Campground Host. Concession Resort Representatives manage resorts under permitted policies in accordance with BLM policy, rules, and Federal, State, and local laws. The Concession Resorts are also prominently signed as such. The final rule is therefore the same as the proposed rule.

Rule 29. The operation of off-highway vehicles within any BLM-managed campground, concession resort, or facility is prohibited. This includes, but is not limited to, off-road only motorcycles, 3- to 8-wheel all-terrain vehicles, and those motor vehicles of which the primary manufactured purpose is for off-highway, rough terrain, or non-highway utility usage. This prohibited use applies to all off-highway vehicles on the California side of the Parker Strip Recreation Management Area that are not specifically registered, insured, or legal in the State of California for highway operation. This prohibition is in effect regardless of registration or highway operations laws of another state or foreign jurisdiction. This prohibited use also applies to all off-highway vehicles on the Arizona side of the Parker Strip Recreation Management Area that are not specifically registered, insured, or legal for highway operation in the State of Arizona. This prohibition is in effect regardless of registration or highway operations laws of another state or foreign jurisdiction. Golf carts may be operated only within BLM-managed campgrounds, concession resorts, and facilities. Operation of an off-highway vehicle or golf cart upon any public highway or road, or the shoulders thereof, is prohibited. The operation of a golf cart by a person under 16 years of age is prohibited, unless under the immediate and direct supervision of a person over 21 years of age. Several commenters stated that their personal off-highway vehicles are street legal in Arizona, and questioned why the proposed supplementary rule would apply in California.

BLM Response: The State of California does not allow the operation of off-highway vehicles on streets or highways, except under very limited circumstances. The State of California does not register off-highway vehicles as street legal, so registrations from other states are not recognized in California, pursuant to Section 38006 of the California Vehicle Code. As explained for Rule 27, including this provision in the supplementary rules helps emphasize the message as a visitor service. Similar rules have been posted at all of the Parker Strip Recreation Management Area's campgrounds and concession resorts since 1998. The proposed supplementary rule further clarifies what is an off-highway vehicle and what use of such vehicles constitutes a violation. The definition of what constitutes an ''off highway vehicle'' can be found in this rule. It may also be found in Section 38001 of the California Vehicle Code.

On the California side of the Parker Strip Recreation Management Area, the total prohibition of off-highway vehicle use within the concession resorts and BLM-managed campgrounds or facilities mirrors those laws found within the California Vehicle Code, including but not limited to: Sections 530, 590, 360, 4000 and 38000 to 38506. The State of California does not allow the operation of off-highway vehicles on streets or highways, except under very limited

circumstances. The State of California only allows the operation of a golf cart on roads, highways or other areas in which the posted or safe speed limit is less than 25 miles per hour, pursuant to Section 21716 California Vehicle Code. The definition of a golf cart can be found at Section 345 of the California Vehicle Code. Parker Dam Road is posted at 55 miles per hour and golf cart operation on the highway or upon the shoulder of the highway is prohibited. Golf carts may be operated within BLM managed campgrounds, concession resorts or other facilities pursuant to 21115 and 4019 of the California Vehicle Code. The part of the rule referencing the age of a person operating a golf cart is consistent with 43 CFR 8341.1(E) and 12814.6 California Vehicle Code.

On the Arizona side of the Parker Strip Recreation Management Area, operation of off-highway vehicles is allowed within concession resorts and BLM-managed campgrounds or facilities if the off-highway vehicles meet the specific requirements of Arizona law. This rule mirrors those laws found at, but not limited to, Arizona Revised Statutes Chapters 17 and 28. The State of Arizona allows the operations of ''street legal'' off-highway vehicles on public streets and highways under certain conditions and terms. The definitions of an all terrain vehicle and an off highway vehicle may be found at Arizona Revised Statutes 28–101.3 and 101.34. Golf carts can also be registered as being ''street legal'' in the State of Arizona. The definition of a golf cart may be found at Arizona Revised Statutes 28–101(23). Those off highway vehicles and golf carts that are registered in the State of Arizona as ''street legal'' may be operated on roads, highways and streets. The part of the rule referencing the age of a person operating a golf cart is consistent with 43 CFR 8341.1(E) and Arizona Revised Statutes 28–3153.

One comment stated this rule remains too broad because it could be applied to vehicles not intended for off-road use, such as travel trailers, motor homes, or similar vehicles that are parked or stored off the road on leased lands.

BLM Response: This rule is adequately worded to clearly apply to the active operation of vehicles, specifically designed for off-highway use, that are not appropriate for highway operation.

Two comments questioned why golf carts are allowed but off-highway vehicles are not.

BLM Response: As with off-highway vehicles, the rule was written to reflect how California and Arizona State law allows the use of golf carts.

Two comments stated the off-highway prohibition was taking away their ''privilege'' of using off-highway vehicles on driveways, through park entrances, and road shoulders to travel from a resort to a riding area along the roadside, and that there was no other way to transport the off-highway vehicle to the riding area.

BLM Response: BLM cannot condone violation of State law and regulations through granting a privilege. Off-highway vehicles can be transported to the riding area by using a legal method initially employed to bring the off-highway vehicle into the resort.

Another comment was that the roads within BLM concession resorts are private roads; therefore State laws regarding use of vehicles on public roads do not apply.

BLM Response: All BLM concession resorts are located on leased public lands. Each of these resorts require a Concessions Permit and these resorts, including the lands and streets within, are under the direct criminal, civil and administrative jurisdiction of the BLM. Concession Resorts are not ''private lands or streets.'' State Law is also effective to the extent that it does not conflict with Federal Law, rules or regulations. The legal citations for the Bureau of Land Management's jurisdiction are FLMPA—43 U.S.C. 1700l; BOR OHV Rules—43 CFR 420 and 423; BLM Concessions/Permits—43 CFR 2920; BLM OHV Rules—43 CFR 8340 and 8341. Those lands that have rights-of-ways, leases and permits are still within the jurisdiction of the Bureau of Land Management. The intent of this rule is to emphasize that if State Law defines the operation of a particular vehicle in a certain area, these laws and rules also apply to those lands under the jurisdiction of the Bureau of Land Management. Although on-site representatives of concessions management enforce park management rules and procedures, they have no legal authority to manage traffic or criminal behavior, nor enforce any laws or rules, within the concession resorts. Although they may advise the public of applicable laws and rules, they must contact BLM Law Enforcement Rangers, the local County Sheriff, or the State Highway Patrol, to legally enforce such laws and rules.

II. Discussion of Supplementary Rules

The BLM has issued these supplementary rules to manage continued multiple use of public lands. Under the authority of 43 United States Code (U.S.C.) 1733(a), 16 U.S.C. 6802(f) and (g) (2), and 43 CFR 8365.1–6, the BLM establishes the following supplementary rules for public lands administered under the Lake Havasu Field Office Resource Management Plan.

These supplementary rules replace previous rules published in the **Federal Register** on September 15, 2003 (68 FR 54004) and May 21, 1998 (63 FR 27995). The supplementary rules for the Lake Havasu Shoreline Area apply to the BLM-managed lands within 1,000 linear feet of the high water mark (450-foot elevation line) of Lake Havasu, located in Mohave and La Paz Counties in Arizona, and in San Bernardino County, California. These rules also apply to portions of Lake Havasu located within 500 linear feet of designated campsites, day-use sites, fishing docks, boat docks, and swimming beaches. Included in this area are the following currently designated camps (listed by their location along the lake's Arizona shoreline from north to south): Bluebird; Wren Cove (2 sites); Mallard Cove (6 sites); Teal Point (2 sites); Widgeon Key; Road Runner (2 sites); Solitude Cove; Balance Rock Cove; Friendly Island (4 sites); Goose Bay (2 sites); Pilot Rock (3 sites); Steamboat Cove (4 sites); Buzzard Cove; Eagle Cove; Eagle Point; Ewe Camp; Rachel's Camp; Linda's Camp; Sand Isle (3 sites); Standard Wash (3 sites); Echo Cove (3 sites); Coyote Cove (2 sites); BLM Camp (2 sites); Whyte's Retreat (2 sites); Rocky Landing (3 sites); Satellite Cove (3 sites); Hum Hum Cove (2 sites); Cove of the Little Foxes; Disneyland (3 sites); Gnat Keys (2 sites); Hi Isle (10 sites); Big Horn (2 sites); Bass Bay (2 sites); Larned Landing (3 sites); Bill Williams (5 sites).

The supplementary rules for the Parker Strip Recreation Management Area replace those published on September 15, 2003 (68 FR 54004), and October 12, 1995 (60 FR 53194), and the supplementary rules for the Empire Landing and Crossroads Campgrounds, which are situated within the Parker Strip Recreation Management Area, published May 18, 1998 (63 FR 27316). These supplementary rules apply to the Parker Strip Recreation Management Area, which is defined as:

Gila and Salt River Meridian, Arizona

T. 11 N., R. 18 W., Sec. 15, 16, 22, 28, and 34.

T. 10 N., R. 18 W., Sec. 5 (W1/2, NW1/4, SW1/4), Sec. 6, Sec. 7, Lots 1–4, (NE1/4, N1/2, SE1/4, SW1/4, SE1/4) Sec. 18 (Lot 1, NW1/4, NE1/4).

T. 10 N., R. 19 W., Sec. 12, Sec. 13 (N1/2, N1/2, N1/2, SW1/4, NE1/4, NW1/4, SE1/4, NE1/4, N1/2, SE1/4, NW1/4, SW1/4, NW1/4, W1/2, SW1/4), Sec. 14, 22 and 23, Section 24 (W1/2, NW1/4).

San Bernardino Meridian, California

T. 2 N., R. 27 E., all.
T. 2 N., R. 26 E., Sec. 1, 11–15, 21–27 and 34–36.
T. 1 N., R. 26 E., Sec. 2, 3, 10, and 11.

The supplementary rules for the Craggy Wash area replace supplementary rules for Craggy Wash published September 15, 2003 (68 FR 54004). The supplementary rules for dispersed camping in the Craggy Wash area are necessary to manage the high volume of visitation to the area during the fall, winter, and spring seasons. The Craggy Wash area is defined as public lands located with the following legal description:

Gila and Salt River Meridian, Arizona

T. 14 N., R. 20 W., Sec. 4 (N½), Sec. 3 (N½), Sec. 2 (N½).
T. 15 N., R. 20 W., Sec. 33, 34, 35, 36.

The supplementary rules for Swansea Townsite replace previously published rules. The Swansea Townsite area is defined as public lands located with the following legal description:

Gila and Salt River Meridian, Arizona

T. 10 N., R. 15 W., Sec. 28, W½ SW¼; Sec. 29, S½; Sec. 32, N½; Sec. 33, W½ NW¼.

III. Procedural Matters

Executive Order 12866, Regulatory Planning and Review

These supplementary rules are not significant and are not subject to review by the Office of Management and Budget under EO 12866.

(1) These supplementary rules will not have an effect of $100 million or more on the economy. They will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

(2) These supplementary rules will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

(3) These supplementary rules do not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients.

(4) These supplementary rules do not raise novel legal or policy issues.

The supplementary rules will not affect legal commercial activity, but merely contain rules of conduct for public use of a limited selection of public lands.

Clarity

Executive Order 12866 requires each agency to write regulations that are simple and easy to understand. The BLM invites your comments on how to make these supplementary rules easier to understand, including answers to questions such as the following:

(1) Are the requirements in the supplementary rules clearly stated?

(2) Do the supplementary rules contain technical language or jargon that interferes with their clarity?

(3) Does the format of the supplementary rules (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?

(4) Would the supplementary rules be easier to understand if they were divided into more (but shorter) sections?

(5) Is the description of the supplementary rules in the **SUPPLEMENTARY INFORMATION** section of this preamble helpful in understanding them? How could this description be more helpful in making the supplementary rules easier to understand?

Please send any comments you may have on the clarity of the supplementary rules to one of the addresses specified in the **ADDRESSES** section.

Regulatory Flexibility Act

The Department of the Interior certifies that these supplementary rules will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The supplementary rules will not affect legal commercial activity, but will govern conduct for public use of a limited selection of public lands.

Small Business Regulatory Enforcement Fairness Act

These supplementary rules do not constitute a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. These supplementary rules:

(1) Do not have an annual effect on the economy of $100 million or more. (See the discussion under Regulatory Planning and Review, above.)

(2) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. (See the discussion under Regulatory Flexibility Act, above.)

(3) Do not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

These supplementary rules do not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The supplementary rules do not have a significant or unique effect on State, local, or tribal governments, or the private sector. The supplementary rules have no effect on governmental or tribal entities. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 et seq.) is not required.

Executive Order 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights (Takings)

In accordance with EO 12630, the supplementary rules do not have significant takings implications. The enforcement provision in the supplementary rules does not include any language requiring or authorizing forfeiture of personal property or any property rights. The EO 12630 addresses concerns based on the Fifth Amendment dealing with private property taken for public use without compensation. The land covered by the supplementary rules is public land managed by the BLM; therefore, no private property is affected. A takings implications assessment is not required.

Executive Order 13132, Federalism

These supplementary rules will not have a substantial direct effect on the states, on the relationship between the National Government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, the BLM has determined that these supplementary rules do not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

Executive Order 12988, Civil Justice Reform

In accordance with EO 12988, the BLM has determined that these supplementary rules do not unduly burden the judicial system and meet the requirements of sections 3(a) and 3(b)(2) of the Order.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

In accordance with EO 13175, we have found that these final rules would not include policies that have tribal implications. The supplementary rules would not affect lands held for the benefit of Tribes and Alaskan Natives.

Paperwork Reduction Act

These supplementary rules do not contain information collection requirements that the Office of Management and Budget must approve

under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

National Environmental Policy Act (NEPA)

The BLM prepared an environmental impact statement as part of the development of the Lake Havasu Field Office Resource Management Plan. During the National Environmental Policy Act process, many proposed decisions were fully analyzed, including the substance of these supplementary rules. The NEPA analysis for the decisions outlined in the Supplementary Rules was presented in the Draft RMP (BLM, 2005) and Final Environmental Impact Statement (2006). The decisions were approved in the Record of Decision (ROD) and Resource Management Plan, on May 10, 2007. The supplementary rules provide enforcement of plan decisions. The rationale for the decisions made in the plan is fully covered in the EIS. The EIS is available for review in the BLM administrative record at the address specified in the **ADDRESSES** section.

Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

These supplementary rules do not comprise a significant energy action. The supplementary rules would not have an adverse effect on energy supplies, production, or consumption. They have no connection with energy policy.

Author

The principal author of these supplementary rules is Michael Dodson, Field Staff Law Enforcement Ranger, Bureau of Land Management Lake Havasu Field Office.

For the reasons stated in the Preamble, and under the authority for supplementary rules in 43 U.S.C. 1733(a) and 1740 and 43 CFR 8365.1–6, the Arizona State Director, Bureau of Land Management, establishes the following supplementary rules:

Supplementary Rules for All Public Lands Administered Under the Lake Havasu Field Office Resource Management Plan (2007)

1. Collection of dead and down wood is allowed only within 100 feet of a dispersed campsite and only for use in campfires as defined in 43 CFR 9212.0–5(e). The amount of firewood collected may not exceed the amount reasonably necessary to enjoy a traditional campfire (43 CFR 8365.1–5(b)(5)). Destruction, gathering or vandalism of live vegetation is prohibited. On-site collection or ignition of any other form of wood, such as building materials, artifacts, picnic tables, signs, or facilities from public lands is strictly prohibited. The use of commercially available firewood from off-site sources is recommended and strongly encouraged. Bonfires or other fire that exceeds a campfire as defined in 43 CFR 9212.0–5(e) are prohibited. Any person responsible for a campfire must possess on-site at least one means of rapidly extinguishing the fire, which may include, but is not limited to, a shovel, a fire blanket, at least five gallons of water, or a proper fire extinguisher. Leaving an active campfire unattended is prohibited (43 CFR 9212.1(d)).

2. All activities involving the use of paintballs are prohibited in any wilderness area, any wilderness study area, and any area of critical environmental concern, or within one-quarter mile of any established facilities, sites, campgrounds, residences, trailheads, staging areas, roads or other special designations. This also applies to any other area posted as prohibiting paintball activities, and is in effect even if commercially available and marketed biodegradable paintball materials are being used. The use of any type of paintball materials is prohibited in these areas. In authorized areas, paintball materials must be commercially manufactured and biodegradable.

3. In the Standard Wash Off-Highway Vehicle Use Area (Open Area pending), and the Shea Road/Osborn Wash Off-Highway Vehicle Use Area (Open Area pending), all motorized vehicle use and access shall be managed to restrict such use to existing roads and trails, until such time that appropriate environmental clearances are obtained. No person shall engage in motorized travel off existing routes (such as off-highway vehicle free-play or cross-country travel) until such time as these areas are authorized opened for that use. Upon full environmental clearance of both off-highway vehicle use areas and re-designation as open areas, this paragraph of the Supplementary Rule shall become null and void. However, each Open Area may obtain clearance and be opened for such use independently of each other and at different times.

4. Dispersed camping in undeveloped areas is authorized without permit for up to 14 days within any 28-day period. After the 14th day, campers must move beyond a 25-mile radius of their previous camp. This does not apply to concessions, public agency leases, and Long-Term Visitor Areas.

5. Overnight camping at the Lake Havasu Shoreline sites, Swansea Townsite and the Three Rivers Riparian District is limited to those recreation sites specifically designated for this use. Overnight camping within these three areas at a site that is not specifically designated or assigned for such use is prohibited.

Supplementary Rules for the Lake Havasu Shoreline Area

1. You must pay a fee in order to use a designated recreation site, including occupying a site for any use exceeding 20 minutes.

2. You must not moor any watercraft or floating platform at a recreation site or offshore in the vicinity or cove of any such site for more than 20 minutes without paying the required amenity fee. The fees will be in accordance with the fee schedule, requirements, and procedures that the BLM established under the Federal Lands Recreation Enhancement Act, and are payable in U.S. funds only.

3. You must present the appropriate fee receipt upon demand to any authorized BLM official inspecting the site. The fee receipt must be visibly displayed on the fee tube, in accordance with posted instructions, or in the manner directed by a BLM official.

4. You must not reassign or transfer your fee receipt to another individual or group or to another campsite.

5. Any authorized BLM official may revoke your use privileges, without reimbursement, if you violate any BLM rule or regulation. If the BLM revokes your use privileges, you must remove all personal property and leave the recreation site within one hour of notice.

6. A recreation site is considered occupied after you have paid the appropriate amenity fee, have taken possession of the site by placing personal property at the site, and have displayed the fee receipt on the fee tube in accordance with written instructions or as directed by a BLM official. You must not occupy a site in violation of instructions from a BLM official, or when there is reason to believe that the site is occupied by another person or persons.

7. Except for authorized Federal, State, or local personnel during the commission of their duties, a site cannot be occupied by other visitors without the consent of the party that paid the amenity use fee.

8. You must not occupy a site designated as ''day-use'' between sunset and sunrise.

9. A single vessel and its occupants may not occupy more than one site.

10. During the hours of 10 p.m. to 6 a.m., in accordance with applicable

state time zone standards, you must maintain quiet within normal hearing range of the designated recreation sites.

11. You must not cut or collect any firewood, including dead and down wood or any other vegetative material, at any shoreline site.

12. You must not moor vessels to vegetation, signs, shade ramadas, tables, grills or fire rings, toilets, trash receptacles, or other objects or structures not designed for such use.

13. You must not beach or moor a vessel in excess of posted time limits.

14. You must not discharge or possess any fireworks.

15. You must keep the site free of litter and trash during the period of occupancy. You must remove all personal property, and the site must be clean upon your departure.

16. You must keep pets on a leash no longer than six (6) feet.

17. You must not leave pets unattended, and you must remove pet waste from the site or dispose of it in trash receptacles.

18. You must not violate any provisions of boating laws as described in Title 5, Chapter 3, of the Arizona Revised Statutes, or the California Harbors and Navigation Code (as applicable).

19. Possession of alcoholic beverages by a person under the age of 21 years is prohibited.

20. Consumption of alcoholic beverages by a person under the age of 21 years is prohibited.

21. You must not possess glass beverage containers on land or in the water. You may possess glass beverage containers only within the confines of a vessel, mobile home, recreational vehicle, mobile vacation home, or an enclosed building at a concession resort.

22. Reserving recreation sites in any manner, including personal property left unattended overnight on site, is prohibited.

23. Recreation sites used for camping activities must be occupied overnight by the party that paid for such use.

24. You must not leave personal property unattended for more than 24 hours. Personal property left unattended beyond such time limit is subject to disposition under the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 552).

25. It is prohibited to engage in any uses which are dependent upon, make contact with, or impact those public lands which make up the shoreline or bottom of Lake Havasu, without the proper written authorization or without having paid the appropriate amenity fees.

Supplementary Rules for the Parker Strip Recreation Management Area

The preceding Lake Havasu Shoreline Area Supplementary Rules 1, 2, 3, 4, 5, 6, 7, 8, 14, 15, 16, 17, 18, 20, 21, 23, and 25, also apply to the Parker Strip Recreation Management Area. In addition, the following rules apply to the Parker Strip Recreation Management Area:

26. You must not park or operate vehicles in violation of posted restrictions.

27. Disorderly conduct is prohibited.

28. On BLM-managed campgrounds, no more than eight persons may occupy one campsite.

29. The operation of off-highway vehicles within any concession or BLM-managed campground or facility is prohibited. This includes, but is not limited to, off-road only motorcycles, three to eight wheel all-terrain vehicles, and those motor vehicles for which the primary manufactured purpose is for off-highway, rough terrain, or non-highway utility usage. This prohibited use applies to all off-highway vehicles on the California side of the Parker Strip Recreation Management Area that are not specifically registered, insured, or legal in the State of California for highway operation. This prohibition is in effect regardless of registration or highway operations laws of another state or foreign jurisdiction. This prohibited use also applies to all off-highway vehicles on the Arizona side of the Parker Strip Recreation Management Area that are not specifically registered, insured, or legal for highway operation in the State of Arizona. This prohibition is in effect regardless of registration or highway operations laws of another state or foreign jurisdiction. Non-highway legal golf carts may be operated only within concession resorts and BLM-managed campgrounds and facilities. Operation of an off-highway vehicle or golf cart upon any public highway or road, or the shoulders thereof, is prohibited. The operation of a golf cart by a person under 16 years of age is prohibited unless under the immediate and direct supervision of a person over 21 years of age.

30. Camping within the Parker Strip Recreation Management Area is authorized at concession resorts, designated BLM campgrounds, or at least one-half mile from paved roads. Camping is prohibited in the parking or staging areas of the Copper Basin Dunes Off-Highway Vehicle Area and the Crossroads Off-Highway Vehicle Area. Dispersed camping between Parker Dam Road, the Whipple Mountains, and the adjacent Metropolitan Water District of Southern California lands is allowed only in connection with off-highway vehicle recreational activities. Camping activities may not interfere with active off-highway vehicle use in any manner.

Supplementary Rules for Craggy Wash

1. You must maintain your campsite free of trash and litter.

2. You must not operate a motor vehicle at a speed more than 15 miles per hour.

3. You must maintain quiet between the hours of 10 p.m. and 6 a.m. within hearing range of any other person or camp unit. You must not operate a generator during these hours.

4. You must not collect firewood in this area, including any dead and down wood, or any other vegetative material.

5. You must restrain a pet with a leash not longer than six (6) feet.

6. You must not leave a pet unattended.

7. You must not possess or discharge fireworks.

8. You must not leave personal property unattended for more than 24 hours.

9. In the Craggy Wash area, camping is prohibited within one mile of the Lake Havasu City limits. Camping at Craggy Wash is limited to 14 days.

Supplementary Rules for Swansea Townsite

1. Taking any vehicle through, around, or beyond a restrictive sign, recognizable barricade, fence, or traffic control barrier is prohibited. Operation of a vehicle in a wash, off a roadway, or on an unsigned historic roadway is prohibited.

2. Camping is permitted only at designated sites. Camping stay is limited to three days in any 30-day period.

3. No wood collection is permitted within the Swansea Townsite, including but not limited to dead and down wood, live plants, and lumber from historic structures.

4. No item may be collected or removed from the Swansea Townsite without the written permission of the Lake Havasu Field Office Manager. This includes but is not limited to old cans, nails, lumber, bricks, or glassware, whole or broken. The use of metal detectors without written permission is prohibited.

5. Climbing, leaning, sitting, or walking on the remains of the walled structures at the Swansea Townsite inherently damages the structures, and is unsafe, and is therefore prohibited. No person shall enter into any fenced area, shaft, tunnel, or structure.

6. Fires are allowed only at the designated sites and must be located in

the fire ring provided. Construction of new fire rings is prohibited.

Penalties

The rules are in accordance with the provisions of Presidential Proclamation 7397, 66 FR 7354 (Jan. 22, 2001); 43 CFR 8341.2(a); and 43 CFR 8364.1. On all public lands, under section 303(a) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1733(a), 43 CFR 8360.0–7, any person who violates any of these rules may be tried before a United States Magistrate and fined no more than $1000.00 or imprisoned for not more than 12 months, or both. Such violations may also be subject to enhanced fines provided for by 18 U.S.C. 3571 (not to exceed $100,000.00 and/or imprisonment not to exceed 12 months).

Michael Taylor,

Acting State Director.

[FR Doc. E9–23247 Filed 9–24–09; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R9–IA–2009–N200] [96300–1671–0000–P5]

Issuance of Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of permits.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have issued the following permits to conduct certain activities with endangered species or marine mammals.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 212, Arlington, Virginia 22203; fax 703/358-2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone 703/358-2104.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on the dates below, as authorized by the provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and/or the Marine Mammal Protection Act of 1972 (MMPA), as amended (16 U.S.C. 1361 *et seq.*), the Service issued the requested permits subject to certain conditions set forth therein. For each permit for an endangered species, the Service found that (1) the application was filed in good faith, (2) the granted permit would not operate to the disadvantage of the endangered species, and (3) the granted permit would be consistent with the purposes and policy set forth in Section 2 of the Endangered Species Act of 1973, as amended.

ENDANGERED SPECIES

Permit number	Applicant	Receipt of application **Federal Register** notice	Permit issuance date
207589 and 223466	Victoria E. Wobber, Harvard University, Dept. of Anthropology	74 FR 32192; July 7, 2009 (both permits were published in one notice for PRT–207589)	September 3, 2009
201169	Saint Louis Zoo	74 FR 28523; June 16, 2009	August 6, 2009
210155	Henry Doorly Zoo	74 FR 21816; May 11, 2009	September 1, 2009
211300	William P. Weedon	74 FR 28523, June 16, 2009	August 7, 2009
211307	Thomas H. Blue	74 FR 32192; July 7, 2009	August 13, 2009
211337	Arlan M. Buckmeier	74 FR 32192; July 7, 2009	August 13, 2009
211919	Michael C. Higgins	74 FR 37240; July 28, 2009	August 28, 2009
212751	Sassan K. Moghadam	74 FR 37240; July 28, 2009	September 8, 2009
217668	Wayne M. Pourciau	74 FR 32192; July 7, 2009	August 13, 2009
219947	Eric L. Nysse	74 FR 40230; August 11, 2009	September 10, 2009

MARINE MAMMALS

Permit number	Applicant	Receipt of application **Federal Register** notice	Permit issuance date
801652	U.S. Geological Survey	74 FR 47821; September 17, 2009	September 18, 2009

On September 18, 2009, the Service issued an amendment to a permit (PRT-801652) to the U.S. Geological Survey, to increase the number of walruses (*Odobenus rosmarus*) that may be incidentally harassed by the already authorized activities for the purpose of scientific research. We issued the amendment to the permit prior to the close of the public comment period because we found that delaying the issuance of the permit would result in the loss of a unique research opportunity that is present at this time. This action was authorized under section 104(c)(3)(A) of the MMPA. We will continue to accept and consider all comments regarding the amendment request through the close of the comment period as published in the September 17, 2009, receipt of application **Federal Register** notice (FR 74 FR 47821).

Dated: September 18, 2009

Lisa J. Lierheimer,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. E9–23192 Filed 9–24–09; 8:45 am]

BILLING CODE 4310–55–S

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before September 12, 2009. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St., NW., 8th floor, Washington DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by October 13, 2009.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

AMERICAN SAMOA

Western District

Kirwan, Michael J., Educational Television Center, Route 118, N. side of Utulei, Utulei, 09000842

FLORIDA

Hernando County

Spring Lake Community Center, 4184 Spring Lake Hwy., Brooksville, 09000843

Orange County

Rosemere Historic District, Roughly by E. Harvard St., N. Orange Ave., Cornell Ave. & E. Vanderbilt St., Orlando, 09000844

HAWAII

Hawaii County

Pua Akala Cabin, Papa'ikou ahupua, Hakalau NWR, Hilo, 09000845

NEVADA

Clark County

Berkley Square, Area bounded by Byrnes Ave., D St., Leonard Ave., and G St., Las Vegas, 09000846

NORTH CAROLINA

Dare County

Midgett, Rasmus, House, 25438 NC Hwy 12, Waves, 09000847

OHIO

Erie County

Feick Building, 158–160 E. Market St., Sandusky, 09000848

Geauga County

ASM Headquarters and Geodesic Dome, 9639 Kinsman Rd., Materials Park, 09000849

WISCONSIN

Dodge County

North Washington Street Historic District, N. Church St. generally bounded by O'Connell and N. Green St., N. Washington St. bounded by O'Connell and Elm Sts., Watertown, 09000850

Jefferson County

North Washington Street Historic District, N. Church St. generally bounded by O'Connell and N. Green St., N. Washington St. bounded by O'Connell and Elm Sts., Watertown, 09000850

Milwaukee County

Pittsburgh Plate Glass Enamel Plant, 201 E. Pittsburgh Ave., Milwaukee, 09000851

Request for REMOVAL has been made for the following resources:

NORTH DAKOTA

Cass County

Cole Hotel, 401–407 Northern Pacific Ave., Fargo, 83001928.

Dunn County

Dunn County Courthouse, (North Dakota County Courthouse TR), Owens St., Manning, 86000620

Sioux County

Former Sioux County Courthouse, (North Dakota County Courthouse TR), Belden St., Fort Yates, 85002993

[FR Doc. E9–23232 Filed 9–24–09; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R9–IA–2009–N201]
[96300–1671–0000–P5]

Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for permits to conduct certain activities with endangered species. The Endangered Species Act requires that we invite public comment on these permit applications.

DATES: Written data, comments or requests must be received by October 26, 2009.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 212, Arlington, Virginia 22203; fax 703/358-2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone 703/358-2104.

SUPPLEMENTARY INFORMATION:

Endangered Species

The public is invited to comment on the following applications for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). Submit your written data, comments, or requests for copies of the complete applications to the address shown in **ADDRESSES**.

Applicant: Hollywood Animals, Inc., Los Angeles, CA, PRT-060474, PRT-207080

The applicant requests permits to export/re-export and re-import two captive-born leopards (*Panthera pardus*) to worldwide locations for the purpose of enhancement of the species through conservation education. The permit numbers and animals are: PRT-060474, Athari; PRT-207080, Murphy. This notification covers activities to be conducted by the applicant over a three-year period and the import of any potential progeny born while overseas.

The following applicants request a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Richard R. Arend, Rochester, MN, PRT-220562

Applicant: Joe B. Tinney, Houston, TX, PRT-222864

Applicant: Lorenzo J. Ferraro, Chester Springs, PA, PRT-225871

Dated: September 18, 2009.

Lisa J. Lierheimer,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. E9–23187 Filed 9–24–09; 8:45 am]

BILLING CODE 4310–55–S

DEPARTMENT OF JUSTICE

[OMB Number 1121–0249]

Bureau of Justice Statistics; Agency Information Collection Activities: Proposed Collection; Extension of a Currently Approved Collection; Comment Request

ACTION: 30-Day Notice of Information Collection Under Review: Deaths in Custody—series of collections from local jails, state prisons, and law enforcement.

The Department of Justice (DOJ), Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 74, Number 135, page 34590 on July 16, 2009, allowing for a sixty day comment period. BJS will make both the comments and responses public.

The purpose of this notice is to allow for an additional 30 days for public comment October 26, 2009. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Margaret Noonan, Statistician (202) 353–2060, Bureau of Justice Statistics, 810 Seventh St. NW., Washington, DC 20531.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of information collection:* Extension of currently approved collection.

(2) *The title of the Form/Collection:* Deaths in Custody Reporting Program.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Forms: CJ–9 Quarterly Report on Inmates Under Jail Jurisdiction, CJ–9A Annual Summary on Inmates Under Jail Jurisdiction, CJ–10 Quarterly Report on Inmates in Private or Multi-Jurisdiction Jails, CJ–10A Annual Summary on Inmates in Private of Multi-Jurisdiction Jails, NPS–4 Quarterly Summary of Inmate Deaths in State Prison, NPS–4A State Prison Inmate Death Report, CJ–11 Quarterly Summary of Arrest-Related Deaths, and CJ–11A Arrest-Related Death Report. Corrections Statistics Program, Bureau of Justice Statistics, Office of Justice Programs, United States Department of Justice.

(4) *Affected public who will be asked to respond, as well as a brief abstract:* Local jail administrators, State prison administrators. Other: State-level central reporters from each State's criminal justice Statistical Analysis Center (SAC) as well as reporters from the District of Columbia and the New York City Police Department.

One reporter from each of the 3,000 local jail jurisdictions and one reporter from each of the 50 prison systems in the United States are asked to provide information for the following categories:

(a) The number of inmates as of January 1 and December 31st of each reporting year, by gender, either actual or estimated (local jails only);

(b) The number of inmates admitted between January 1 and December 31st of each reporting year (local jails only);

(c) The average daily population of all jail confinement facilities operated by the jurisdiction, by gender, in the previous year (local jails only);

(d) During each reporting quarter, the number of inmate deaths;

(e) The full name, date of birth, gender, race/Hispanic origin and date of death for each inmate who died during the reporting quarter;

(f) The admission date, legal status and current offenses for each inmate who died during the reporting quarter;

(g) Where the inmate died within the correctional facilities;

(h) Whether an autopsy/post-mortem to determine the cause of death of the inmate was performed and the availability of those results;

(i) The location and cause of death of each inmate death that took place during the reporting quarter;

(j) Whether the cause of death was a pre-existing medical condition or a condition that developed after admission to the facility and whether the inmate received treatment for the medical condition after admission and if so, the kind of treatment received (illness—including AIDS—deaths only, deaths due to accidental injury, intoxication, suicide or homicide do not apply);

(k) The time of day that the incident causing the inmate's death occurred and where the incident occurred (limited to accidents, suicides and homicides only); and

(l) The survey ends with a small 'notes' block.

Fifty-two state-level central reporters (one reporter from each state, one from the District of Columbia and one from the New York City Police Department) will be asked by BJS to provide information on the following categories:

(a) During each reporting quarter, the number of deaths of persons during the process of arrest by State and local law enforcement;

(b) The deceased's name, date of birth, gender, race/Hispanic origin and legal status at the time of death;

(c) The date and location of death, the manner and medical cause of death and whether an autopsy was performed;

(d) The law enforcement agency involved and the offenses for which the inmate was being charged;

(e) In cases of death prior to booking, whether the death was the result of a medical condition or injuries sustained at the crime or arrest scene and whether the officer(s) involved used any weapons to cause the death;

(f) In cases of deaths prior to booking, whether the deceased was under restraint, including the use of conducted-energy devices, in the time leading up to the death, and whether their behavior at the arrest scene included threats or the use of any force against the arresting officer(s);

(g) In cases of death after booking, the time and date of the deceased's entry into the law enforcement booking facility where the death occurred, and the medical and mental condition of the deceased at the time of entry; and

(h) In cases of death after booking, who caused the death and what were the means of death, e.g., suicide by hanging (limited to accidental deaths, homicides and suicides only).

The Bureau of Justice Statistics uses this information in published reports and statistics. The reports will be made available to the U.S. Congress, Executive Office of the President, practitioners, researchers, students, the media, and others interested in criminal justice statistics.

(5) An estimated 3,102 total respondents will submit an estimated 19,308 responses each year to this collection program. The amount of time needed for a typical respondent to complete each form is broken down as follows:

Local jails/quarterly (forms CJ–9 and CJ–10)—3,000 respondents:

Approximately 85% of jails nationwide have zero deaths in a given calendar year, and even greater percentage would have zero deaths in a given calendar quarter. Respondents reporting a zero will need an average of 5 minutes to respond. For jurisdictions reporting a death, the average response time is estimated at 30 minutes per death, for a total of 1,550 hours devoted to reporting data on deaths in jails.

Local jails/annual (forms CJ–9A and CJ–10A)—3,000 respondents will have an average response time of 15 minutes per form, for a total of 750 hours.

State prison/quarterly (form NPS–4)—50 respondents are estimated to have an average response time of 5 minutes per form, for a total of 17 hours.

State prisons addendum/quarterly (form NPS–4A)—50 respondents are estimated to have an average response time of 30 minutes per death, for a total of 1,600 hours.

State and local law enforcement/quarterly (CJ–11)—52 respondents are estimated to have an average response time of 5 minutes per form, for a total of 17 hours.

State and local law enforcement addendum/quarterly (CJ–11A)—52 respondents are estimated to have an average response time of 60 minutes per death, for a total of 700 hours.

(6) An estimate of the total public burden (in hours) associated with the collection: 4,634 annual burden hours.

If additional information is required, contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: September 22, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. E9–23181 Filed 9–24–09; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121–0218]

Office of Juvenile Justice and Delinquency Prevention; Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review; Census of Juveniles in Residential Placement (Reinstatement, without change, of a previously approved collection).

The Department of Justice (DOJ), Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 74, Number 140, page 36511, on July 23, 2009. Comments are encouraged and will be accepted for ''thirty days'' until October 26, 2009. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Janet Chiancone, (202) 353–9258, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, 810 Seventh Street, NW., Washington, DC 20531.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of information collection:* Extension of a currently approved collection.

(2) *The title of the form/collection:* Census of Juveniles in Residential Placement.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is CJ–14, Office of Juvenile Justice and Delinquency Prevention, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Federal Government, State, Local or Tribal.

Other: Not-for-profit institutions; Business or other for-profit.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 3,500 respondents will complete a 3-hour questionnaire.

(6) *An estimate of the total public burden (in hours) associated with the collection:* Approximately 11,550 hours.

If additional information is required, contact: Lynn Bryant, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530 (*phone:* 202–514–4304).

Dated: September 22, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, Department of Justice.

[FR Doc. E9–23178 Filed 9–24–09; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121–0323]

Agency Information Collection Activities: Extension of a Currently Approved Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: Office of Justice Programs and Office on Violence

Against Women Recovery Act solicitation template.

The Department of Justice (DOJ), Office of Justice Programs will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 74, Number 140, page 36510, on July 23, 2009. Comments are encouraged and will be accepted for thirty days until October 26, 2009. This process is conducted in accordance with 5 CFR 1320.10.

If you have additional comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Amy Callaghan, (202) 514–9292, Office of Audit, Assessment, and Management, Office of Justice Programs, Department of Justice, 810 Seventh Street, NW., Washington, DC 20531 or *Amy.Callaghan@usdoj.gov.*

Written comments and suggestions from the public and affected parties concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Enhance the quality, utility, and clarity of the information to be collected; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information:

(1) *Type of information collection:* Information in response to the required data elements outlined in the solicitation template for programs funded under the American Recovery and Reinvestment Act of 2009.

(2) *The title of the form/collection:* Office of Justice Programs and the Office on Violence Against Women Recovery Act solicitation template.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form label is OMB No. 1121–0323. The Office of Audit, Assessment, and Management, Office of Justice Programs, U.S. Department of Justice is sponsoring the collection.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* State agencies, tribal governments, local governments, colleges and universities, non-profit organizations, for-profit organizations and faith-based organizations. The purpose of the Recovery Act solicitation template is to provide a framework to develop program-specific announcements soliciting applications for funding. A program solicitation outlines the specifics of the funding program; describes requirements for eligibility; instructs an applicant on the necessary components of an application under a specific program (*e.g,* project activities and timeline, proposed budget); and provides registration dates, due dates, and instructions on how to apply within the designated application system.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that information will be collected annually from 250 applicants, representing State agencies, tribal governments, local governments, colleges and universities, non-profit organizations, and for-profit organizations. Annual cost to the respondents is based on the number of hours involved in preparing and submitting a complete application package. Public reporting burden for this collection of information is estimated at up to 30 hours per application. The 30-hour estimate is based on the amount of time to prepare research and evaluation proposals, one of the most time-intensive types of applications solicited by OJP. The estimate of burden hours is based on OJP's prior experience with the application submission process.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 7,500 hours.

If additional information is required contact: Ms. Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: September 22, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. E9–23179 Filed 9–24–09; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on July 16, 2009, Cerilliant Corporation, 811 Paloma Drive, Suite A, Round Rock, Texas 78665–2402, made application by renewal to the Drug Enforcement Administration (DEA) as a bulk manufacturer of the basic classes of controlled substances listed in schedules I and II:

Drug	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
N–Ethylamphetamine (1475)	I
N,N–Dimethylamphetamine (1480).	I
Aminorex (1585)	I
4–Methylaminorex (cis isomer) (1590).	I
Gamma-Hydroxybutyric acid (2010).	I
Methaqualone (2565)	I
Alpha-ethyltryptamine (7249)	I
Lysergic acid diethylamide (7315)	I
2,5–Dimethoxy-4-(n)-propylthiophenethylamine (7348).	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
3,4,5–Trimethoxyamphetamine (7390).	I
4–Bromo–2,5–dimethoxyamphetamine (7391).	I
4–Bromo–2,5–dimethoxyphenethylamine (7392).	I
4–Methyl-2,5-dimethoxyamphetamine (7395).	I
2,5–Dimethoxyamphetamine (7396).	I
2,5–Dimethoxy-4-ethylamphetamine (7399).	I
3,4–Methylenedioxyamphetamine (7400).	I
5–Methoxy-3,4-methylenedioxyamphetamine (7401).	I
N–Hydroxy-3,4-methylendioxyamphetamine (7402).	I

Drug	Schedule
3,4–Methylendioxy-N-ethylamphetamine (7404).	I
3,4–Methylenedioxymethamphetamine (7405).	I
4–Methoxyamphetamine (7411)	I
Alpha-methyltryptamine (7432)	I
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
5–Methoxy-N,N-diisopropyltyptamine (7439).	I
N–Benzylpiperazine (7493)	I
Acetyldihydrocodeine (9051)	I
Benzylmorphine (9052)	I
Codeine-N-oxide (9053)	I
Dihydromorphine (9145)	I
Heroin (9200)	I
Hydromorphinol (9301)	I
Methyldihydromorphine (9304)	I
Morphine-N-oxide (9307)	I
Normorphine (9313)	I
Pholcodine (9314)	I
Acetylmethadol (9601)	I
Allylprodine (9602)	I
Alphacetylmethadol except levo-alphacetylmethadol (9603).	I
Alphameprodine (9604)	I
Alphamethadol (9605)	I
Betacetylmethadol (9607)	I
Betameprodine (9608)	I
Betamethadol (9609)	I
Betaprodine (9611)	I
Hydroxypethidine (9627)	I
Noracymethadol (9633)	I
Norlevorphanol (9634)	I
Normethadone (9635)	I
Trimeperidine (9646)	I
Phenomorphan (9647)	I
1–Methyl-4-phenyl-4-propionoxypiperidine (9661).	I
Para-Fluorofentanyl (9812)	I
3–Methylfentanyl (9813)	I
Alpha-Methylfentanyl (9814)	I
Acetyl-alpha-methylfentanyl (9815).	I
Beta-hydroxyfentanyl (9830)	I
Beta-hydroxy-3-methylfentanyl (9831).	I
Alpha-Methylthiofentanyl (9832)	I
3–Methylthiofentanyl (9833)	I
Thiofentanyl (9835)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Lisdexamfetamine (1205)	II
Phenmetrazine (1631)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Nabilone (7379)	II
1–Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
1–Piperidinocyclohexanecarbonitrile (8603).	II
Alphaprodine (9010)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II
Benzoylecgonine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Levomethorphan (9210)	II
Levorphanol (9220)	II
Isomethadone (9226)	II
Meperidine (9230)	II
Meperidine intermediate-A (9232)	II
Meperidine intermediate-B (9233)	II
Meperidine intermediate-C (9234)	II
Methadone (9250)	II
Methadone intermediate (9254)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (9300)	II
Thebaine (9333)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Racemethorphan (9732)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Tapentadol (9780)	II
Fentanyl (9801)	II

The company plans to manufacture small quantities of the listed controlled substances to make reference standards which will be distributed to their customers.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than November 24, 2009.

Dated: September 17, 2009.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E9–23067 Filed 9–24–09; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection; Request for Public Comment; Notice of Special Enrollment

ACTION: Notice.

SUMMARY: The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)((A)). This program helps to ensure that the data the Department gathers can be provided in the desired format, that the reporting burden on the public (time and financial resources) is minimized, that the public understands the Department's collection instruments, and that the Department can accurately assess the impact of collection requirements on respondents.

Currently, the Employee Benefits Security Administration (EBSA) is soliciting comments concerning the extension of a currently approved collection of information arising from the Department's regulation at 29 CFR 2590.701–6, which requires a notice of special enrollment to be provided to employees who are offered an initial opportunity to enroll in a group health plan. A copy of the information collection request (ICR) can be obtained by contacting the office shown in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office shown in the **ADDRESSES** section of this notice on or before November 24, 2009.

ADDRESSES: Interested parties are invited to submit written comments regarding the information collection request and burden estimates to G. Christopher Cosby, Office of Policy and Research, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–5718, Washington, DC 20210, (202) 693–8410, FAX (202) 219–4745 (these are not toll-free numbers). Comments may also be submitted electronically to the following Internet e-mail address: *ebsa.opr@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Subsection (c) of 29 CFR 2590.701–6 requires group health plans to provide a notice describing the plan's special enrollment rules to each employee who is offered an initial opportunity to enroll in the group health plan. The special enrollment rules described in the notice of special enrollment generally provide enrollment rights to employees and their dependents in specified circumstances occurring after the employee or dependent initially declines to enroll in the plan. EBSA previously submitted an ICR concerning

the notice of special enrollment to the Office of Management and Budget (OMB) for review under the PRA and received approval under OMB Control No. 1210–0101. The ICR approval is currently scheduled to expire on December 31, 2009.

II. Desired Focus of Comments

The Department is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., by permitting electronic submission of responses.

III. Current Action

This notice requests comments on an extension of information collections arising from the notice of special enrollment required under 29 CFR 2590.701–6. The Department is not proposing or implementing changes to the existing information collection at this time. A summary of the ICR and the current burden estimates follows:

Agency: Department of Labor, Employee Benefits Security Administration.

Title: Notice of Special Enrollment.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0101.

Affected Public: Business or other for-profit; Not-for-profit institutions.

Frequency of Response: On occasion.

Respondents: 2,600,000.

Responses: 8,568,282.

Total Estimated Burden Hours: 1.

Total Burden Cost (Operating and Maintenance): $77,115.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the extension of this ICR; they will also become a matter of public record.

Dated: September 21, 2009.

Joseph S. Piacentini,

Director, Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. E9–23137 Filed 9–24–09; 8:45 am]

BILLING CODE 4510–20–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection; Request for Public Comment for Class Prohibited Transaction Exemption 2006–16

ACTION: Notice.

SUMMARY: The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that the data the Department gathers can be provided in the desired format, that the reporting burden on the public (time and financial resources) is minimized, that the public understands the Department's collection instruments, and that the Department can accurately assess the impact of collection requirements on respondents.

Currently, the Employee Benefits Security Administration (EBSA) is soliciting comments concerning the extension of currently approved collections of information arising from Class Prohibited Transaction Exemption 2006–16, which permits employee benefit plans to lend securities owned by the plans as investments to banks and broker-dealers and to make compensation arrangements for lending services provided by a plan fiduciary in connection with securities loans. A copy of the information collection request (ICR) can be obtained by contacting the office shown in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office shown in the **ADDRESSES** section of this notice on or before November 24, 2009.

ADDRESSES: Interested parties are invited to submit written comments regarding the information collection request and burden estimates to G. Christopher Cosby, Office of Policy and Research, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–5718, Washington, DC 20210, (202) 693–8410, FAX (202) 219–4745 (these are not toll-free numbers). Comments may also be submitted electronically to the following Internet e-mail address: *ebsa.opr@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

This ICR covers information collections contained in PTE 2006–16. In 1981 and 1982, the Department issued two related prohibited transaction class exemptions, PTE 81–6 and PTE 82–63, that permit employee benefit plans to lend securities owned by the plans as investments to banks and broker-dealers and to make compensation arrangements for lending services provided by a plan fiduciary in connection with securities loans. In 2006, the Department promulgated PTE 2006–16, which combines and amends the exemptions previously provided under PTE 81–6 and PTE 82–63. The new exemption expands the categories of exempted transactions to include securities lending to foreign banks and broker-dealers that are domiciled in specified countries and to allow the use of additional forms of collateral, all subject to specified conditions.

Among other conditions, the class exemption requires that a bank or broker-dealer that borrows securities from a plan must provide the plan with its most recent audited financial statement. The borrower must also affirm, when the loan is negotiated, that there has been no material adverse change in its financial condition since the previously audited statement.

The exemption also requires that the agreements regarding the securities loan transaction or transactions and the compensation arrangement for the lending fiduciary must be contained in written documents. Individual agreements are not required for each transaction; rather the compensation agreement may be made in the form of a master agreement covering a series of transactions. The ICRs contained in PTE 2006–16 were approved by the Office of Management and Budget (OMB) under OMB Control No. 1210–0065, which currently is scheduled to expire on December 31, 2009.

II. Desired Focus of Comments

The Department is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., by permitting electronic submission of responses.

III. Current Action

This notice requests comments on an extension of the information collections arising from PTE 2006–16. The Department is not proposing or implementing any changes to the information collections at this time. A summary of the ICR and the current burden estimates follows:

Agency: Department of Labor, Employee Benefits Security Administration.

Title: PTE 2006–16 (Securities Lending by Employee Benefit Plans).

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0065.

Affected Public: Business or other for-profit; Not-for-profit institutions.

Frequency of Response: On occasion.

Respondents: 200.

Responses: 10,000.

Total Estimated Burden Hours: 367.

Total Burden Cost (Operating and Maintenance): $11,200.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the extension of this ICR; they will also become a matter of public record.

Dated: September 21, 2009.

Joseph S. Piacentini,

Director, Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. E9–23141 Filed 9–24–09; 8:45 am]

BILLING CODE 4510–20–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection, Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the ''International Training Application.'' A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section of this notice on or before November 24, 2009.

ADDRESSES: Send comments to Nora Kincaid, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue, NE., Washington, DC 20212. Written comments also may be transmitted by fax to 202–691–5111 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Nora Kincaid, BLS Clearance Officer, at 202–691–7628 (this is not a toll free number). (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The BLS is one of the largest labor statistics organizations in the world and has provided international training since 1945. Each year, the BLS Division of International Technical Cooperation (DITC) conducts seminars of 1 to 4 weeks duration at its training facilities in Washington, DC. In addition to the annual international seminars, DITC provides technical assistance upon request and organizes visits to the BLS for many international visitors each year.

The seminars bring together statisticians, economists, analysts, and other data producers and users from countries all over the world. Each seminar is designed to strengthen the participants' ability to collect and analyze economic and labor statistics.

II. Current Action

Office of Management and Budget clearance is being sought for the International Training Application. BLS is adding a question to the form regarding the need for accommodations. This question will help to facilitate assisting the visitors with accommodations for their stay if needed.

III. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Type of Review: Revision.

Agency: Bureau of Labor Statistics.

Title: International Training Application.

OMB Number: 1220–0179.

Affected Public: Individuals or households.

Total Respondents: 100.

Frequency: On occasion.

Total Responses: 100.

Average Time per Response: 20 minutes.

Estimated Total Burden Hours: 34 hours.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 17th day of September 2009.

Kimberley D. Hill,

Acting Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. E9–23149 Filed 9–24–09; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection; Request for Public Comment; Notice of Pre-Existing Condition Exclusion

ACTION: Notice.

SUMMARY: The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)((A)). This program helps to ensure that the data the Department gathers can be provided in the desired format, that the reporting burden on the public (time and financial resources) is minimized, that the public understands the Department's collection instruments, and that the Department can accurately assess the impact of collection requirements on respondents.

Currently, the Employee Benefits Security Administration (EBSA) is soliciting comments concerning the extension of currently approved collections of information arising from the Department's regulation at 29 CFR 2590.701–3, which requires group health plans and insurance issuers to provide certain notices regarding the pre-existing condition exclusions imposed under such plans to all participants under the plan and to specific individuals affected by the pre-existing condition exclusions. A copy of the information collection request (ICR) can be obtained by contacting the office shown in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office shown in the **ADDRESSES** section of this notice on or before November 24, 2009.

ADDRESSES: Interested parties are invited to submit written comments regarding the information collection request and burden estimates to G. Christopher Cosby, Office of Policy and Research, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–5718, Washington, DC 20210, (202) 693–8410, FAX (202) 219–4745 (these are not toll-free numbers). Comments may also be submitted electronically to the following Internet e-mail address: *ebsa.opr@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Regulation section 2590.701–3 requires group health plans imposing a pre-existing condition exclusion, and health insurance issuers offering group health insurance subject to a pre-existing condition exclusion, to provide all participants under the plan a written general notice of the pre-existing condition and also to provide any affected individual a specific written notice describing the length of pre-existing condition exclusion applicable to that individual under the plan after the plan or issuer has made a determination, for that individual, of creditable coverage. EBSA previously submitted an ICR with respect to these pre-existing condition exclusion notices to the Office of Management and Budget (OMB) for review under the PRA and received approval under OMB Control No. 1210–0102. The ICR approval is currently scheduled to expire on December 31, 2009.

II. Desired Focus of Comments

The Department is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submission of responses.

III. Current Action

This notice requests comments on an extension of the information collections arising from the pre-existing condition exclusion notice requirements of 29 CFR 2590.701–3. The Department is not proposing or implementing any changes to the information collections at this time. A summary of the ICR and the current burden estimates follows:

Agency: Department of Labor, Employee Benefits Security Administration.

Title: Notice of Pre-Existing Condition Exclusion.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0102.

Affected Public: Business or other for-profit; Not-for-profit institutions.

Frequency of Response: On occasion.

Respondents: 1,300,000.

Responses: 3,832,337.

Total Estimated Burden Hours: 5,714.

Total Burden Cost (Operating and Maintenance): $1,120,709.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the extension of this ICR; they will also become a matter of public record.

Dated: September 21, 2009.

Joseph S. Piacentini,

Director, Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. E9–23140 Filed 9–24–09; 8:45 am]

BILLING CODE 4510–20–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection; Request for Public Comment Establishing Prior Creditable Coverage

ACTION: Notice.

SUMMARY: The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)((A)). This program helps to ensure that the data the Department gathers can be provided in the desired format, that the reporting burden on the public (time and financial resources) is minimized, that the public understands the Department's collection instruments, and that the Department can accurately assess the impact of collection requirements on respondents.

Currently, the Employee Benefits Security Administration (EBSA) is soliciting comments concerning the extension of a currently approved collection of information arising from the Department's regulation at 29 CFR 2590.701–5, which requires group health plans and health insurance issuers to furnish a written certificate suitable for establishing prior creditable

coverage to participants and dependents who are or were covered under the group health plan upon the occurrence of specified events. A copy of the information collection request (ICR) can be obtained by contacting the office shown in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office shown in the **ADDRESSES** section of this notice on or before November 24, 2009.

ADDRESSES: Interested parties are invited to submit written comments regarding the information collection request and burden estimates to G. Christopher Cosby, Office of Policy and Research, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–5718, Washington, DC 20210, (202) 693–8410, FAX (202) 219–4745 (these are not toll-free numbers). Comments may also be submitted electronically to the following Internet e-mail address: *ebsa.opr@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Subsection (a) of 29 CFR 2590.701–5 requires a group health plan and each health insurance issuer offering group health insurance coverage under a group health plan to furnish certificates of creditable coverage to specified individuals under specified circumstances. EBSA previously submitted an ICR concerning the requirement to provide certificates of creditable coverage to the Office of Management and Budget (OMB) for review under the PRA and received approval under OMB Control No. 1210–0103. The ICR approval is currently scheduled to expire on December 31, 2009.

II. Desired Focus of Comments

The Department is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submission of responses.

III. Current Action

This notice requests comments on an extension of information collections arising from the requirement under 29 CFR 2590.701–5 to provide certificates of creditable coverage. The Department is not proposing or implementing changes to the existing information collections at this time. A summary of the ICR and the current burden estimates follows:

Agency: Department of Labor, Employee Benefits Security Administration.

Title: Establishing Prior Creditable Coverage.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0103.

Affected Public: Business or other for-profit; Not-for-profit institutions.

Frequency of Response: On occasion.

Respondents: 2,493,046.

Responses: 16,250,284.

Total Estimated Burden Hours: 75,306.

Total Burden Cost (Operating and Maintenance): $11,456,011.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the extension of this ICR; they will also become a matter of public record.

Dated: September 21, 2009.

Joseph S. Piacentini,

Director, Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. E9–23139 Filed 9–24–09; 8:45 am]

BILLING CODE 4510–20–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Application Nos. and Proposed Exemptions; D–11423, Cotter Merchandise Storage Company Defined Benefit Pension Plan (the Plan); D–11445, Unaka Company, Incorporated Employees Profit Sharing Plan (the Plan); and D–11522, State Street Bank and Trust Company, et al.]

Notice of Proposed Exemptions

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Employee Benefits Security Administration (EBSA), Office of Exemption Determinations, Room N–5700, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No., stated in each Notice of Proposed Exemption. Interested persons are also invited to submit comments and/or hearing requests to EBSA via e-mail or FAX. Any such comments or requests should be sent either by e-mail to: *moffitt.betty@dol.gov*, or by FAX to (202) 219–0204 by the end of the scheduled comment period. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of the Employee Benefits Security Administration, U.S. Department of Labor, Room N–1513, 200 Constitution Avenue, NW., Washington, DC 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Cotter Merchandise Storage Company, Defined Benefit Pension Plan (the Plan), Located in Akron, OH. [Application No. D–11423.]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, the restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to (1) the proposed sale by the Plan to the Cotter Merchandise Storage Company (Cotter or the Applicant), the Plan sponsor and a party in interest with respect to the Plan, of certain promissory notes (the Notes) which are currently held by the Plan; and (2) the assignment, by the Plan to Cotter, of a civil judgment (the Judgment) against the Plan's former trustee, Robert Geib (Mr. Geib).

This exemption is subject to the following conditions:

(a) The terms and conditions of the proposed sale transaction are at least as favorable to the Plan as those that the Plan could obtain in an arm's length transaction with an unrelated party;

(b) As consideration for the Notes, the Plan receives either (1) the greater of $372,197 or (2) the fair market of the Notes (based upon the value of the Plan's proportionate share of Mr. Geib's ownership interest in Cotter common stock), as determined by a qualified, independent appraiser on the date of the sale transaction;

(c) The proposed sale is a one-time transaction for cash;

(d) The Plan pays no fees, commissions, costs or other expenses in connection with the proposed sale;

(e) Cotter pays the Plan all recoveries resulting from the Judgment; and

(f) An independent fiduciary (1) determines that the sale is an appropriate transaction for the Plan and is in the best interests of the Plan and its participants and beneficiaries; (2) monitors the sale on behalf of the Plan; and (3) ensures that the Plan receives all future recoveries resulting from the Judgment.

Summary of Facts and Representations

1. The Plan is a defined benefit plan that was established in August 1964 by Cotter, an Ohio corporation that is located in Akron, Ohio. Cotter is a real estate holding company that owns a warehousing subsidiary, Cotter Merchandise Storage Company of Ohio, Inc. (CMSCO). Cotter's current directors and officers are Messrs. Chris Geib, John Seikel, and Ms. Tonya Bridgeland. Chris Geib also serves as the Plan trustee and he makes investment decisions on behalf of the Plan. As of December 4, 2008, the Plan had 21 participants of which 11 are retired or separated. As of June 30, 2008, the Plan had total assets of $566,444.

2. Mr. Geib, the father of Chris Geib, was formerly an officer and an owner of Cotter, as well as a Plan trustee. Between 1988 and 1990, Mr. Geib made a series of unauthorized withdrawals from the Plan, which he characterized as ''loans.'' [1] The loans were unsecured at the time of their execution and were evidenced by promissory notes. The Notes carried interest at the rate of 12% per annum and ranged from $6,000 to $100,000 in principal amounts. These Notes are set forth as follows:

Date	Loan amount
March 1, 1988	$62,000
March 7, 1988	20,000
April 16, 1990	10,000
April 19, 1990	100,000
April 20, 1990	6,000
April 30, 1990	6,000
May 19, 1990	6,500

The total principal amount of the loans was $210,500 and they each had a maturity date of January 1, 1992.

In 1988, the outstanding loan balance represented 25.3% of the Plan's assets. In 1990, the outstanding loan balance represented 37.35% of the Plan's assets. The Applicant has no record that Mr. Geib made any repayments. Moreover, all of the loans remained unpaid at their maturity and have since remained unpaid.

3. On November 2, 1990, due to mismanagement, Cotter filed a voluntary petition for reorganization under Chapter 11 of the U.S. Bankruptcy Code. On August 29, 1991, the Bankruptcy Court appointed Mr. Seikel as the Chapter 11 Bankruptcy Trustee. Mr. Seikel subsequently discovered the Notes and reported Mr. Geib to the U.S. Department of Justice (the Justice Department).

4. On January 18, 1994, Mr. Seikel, who had also been appointed Plan trustee by the Bankruptcy Court, obtained a judgment against Mr. Geib in the amount of $272,500,[2] plus interest at the rate of 10% per annum (which had been reduced by the Bankruptcy Court from 12% per annum), as the result of the outstanding Notes. Pursuant to the Plan of Reorganization, the then existing Cotter stock was canceled and Mr. Geib was issued 1,642.2 new shares of Cotter common stock. The Plan's Judgment, along with other judgments held by Cotter and CMSCO against Mr. Geib were (and are still) secured by these 1,642.2 shares.

5. Also in 1994, the Justice Department indicted and charged Mr. Geib in the U.S. District Court for the Northern District of Ohio, Eastern Division with seven counts of bankruptcy fraud for unauthorized transfers of company funds and one count of embezzling approximately $100,000 from the Plan. On August 22, 1995, Mr. Geib entered into a plea agreement with the Justice Department (the Plea Agreement) in which he pled guilty to three counts of bankruptcy fraud and one count of embezzlement. Mr. Geib admitted in the Plea Agreement that he took $100,000 from the Plan in order to run Cotter.

[1] (According to T.C. Memo. 2000–391, 2000 WL 1899306 (U.S. Tax Ct.), the Plan allowed loans to participants subject to certain requirements. In this regard, the Plan limited loan amounts, required a Qualified Waiver of Spouse from the participant taking the loan, and stipulated that the loan be secured by the participant's entire interest in the Plan's trust. Mr. Geib's loans were made in excess of the Plan's loan limitations and without a Qualified Waiver of Spouse. Further, the loans were not adequately secured and they did not meet the requirements of the Plan document. Therefore, the loans would not satisfy the statutory exemption for participant loans under section 408(b)(1) of the Act.

[2] According to the Applicant, the March 1, 1988 Note notation was erroneously duplicated in the Plan's judgment. The correct amount of the judgment should have been $210,500.

According to the Plea Agreement, Mr. Geib could be incarcerated for up to 18 months. Ultimately, Mr. Geib was incarcerated.

6. In a letter dated January 22, 1996, the Tax Division of the Justice Department accepted an offer from Cotter's counsel to settle claims made by the Internal Revenue Service (the Service) against Cotter and CMSCO. The Justice Department found that as of June 30, 1995, the Plan had accumulated a funding deficiency equal to $368,185.00. In order to pay excise taxes under section 4971(a) of the Code triggered by the funding deficiency, the United States Treasury received a $100,000 unsecured priority claim against Cotter in the bankruptcy.

Among other things, the settlement offer was contingent upon the Service's determination that Cotter, CMSCO, and Mr. Seikel were not liable for any excise taxes due under section 4975 of the Code with respect to the prohibited loan transactions involving the Plan and Mr. Geib. Another letter, also dated January 22, 1996 but from the Service, affirmed that Cotter, CMSCO and Mr. Seikel were not liable under section 4975 of the Code with respect to the prohibited loan transactions. The Service did not provide any relief to Mr. Geib and in 2000 sued him in the U.S. Tax Court (the Tax Court).

7. On May 1, 1997, Cotter emerged from bankruptcy. In addition, Cotter asserted that it had paid off its accumulated funding deficiency with a $337,609.00 payment to the Plan. The settlement of the funding deficiency also resolved the $100,000 unsecured tax claim against Cotter.

8. On June 13, 1997, the Bankruptcy Court ordered the offset of the vested Plan benefit owed to Mr. Geib in partial satisfaction of the amounts owed to the Plan under the Notes. Mr. Geib's entire benefit under the Plan was valued at $252,890. Of this amount, Mr. Seikel applied $242,084.26 to accrued interest and $10,805.74 to principal on the Notes leaving a balance remaining of $199,194.26.

9. At each stage of the legal proceedings described above, it is the Applicant's understanding that the Service was kept apprised of and approved those actions. According to the Applicant, the Plan still holds the Notes as a plan asset and all expenses incurred in connection with the servicing or administration of such Notes have been borne by Cotter. As of March 31, 2009, Mr. Geib owed the Plan $625,282. This amount is based upon the face amount of the Notes plus all accrued but unpaid interest (for which the rate had been reduced from 12 to 10 percent interest by the Bankruptcy Court). In addition, Mr. Geib owed Cotter $447,910 and $307,866 to CMSCO as of March 31, 2009 from previous misappropriations of their funds.

10. In 2000, the Tax Court found Mr. Geib liable for excise taxes under section 4975 of the Code for the prohibited transaction arising from the Notes. Additionally, the Tax Court found Mr. Geib in violation of section 6651(a)(1) of the Code for the failure to file Forms 5330 for the prohibited transactions. These liabilities totaled $174,761.00 in 1998 and it is not evident that any payments have been made by Mr. Geib.

In a March 1, 2009 personal financial statement, Mr. Geib claimed that various creditors and other parties, including Cotter and the Plan, had obtained a total of $1,830,620.00 in judgments against him. He also claimed an annual income of $22,200, of which $16,200 was derived from Social Security. In a May 14, 2009 affidavit, Mr. Geib claimed that there had been no substantial changes to his financial position since November 1, 2008. In addition, the Applicant represents that it has no knowledge of Mr. Geib's current personal circumstances.

Based on these representations, Mr. Geib is essentially insolvent and the Plan has little expectation of ever collecting the debt. The amounts owed by Mr. Geib to the Plan cannot be retired because the Notes are secured by the Cotter stock owned by Mr. Geib. The stock, which is held in escrow, is also subject to the Judgment obtained by the Plan, Cotter and CMSCO against Mr. Geib.

11. The Applicant represents that the Plan cannot foreclose on the Notes and take legal custody of the stock collateralizing the Notes without violating the provisions of section 406(a) of the Act. In this regard, section 406(a)(1)(E) of the Act provides that a fiduciary with respect to a plan shall not cause the plan to engage in a transaction if he or she knows or should know that such transaction constitutes a direct or indirect ''acquisition, on behalf of the plan, of any employer security * * * in violation of section 407(a).''

Section 406(a)(2) of the Act prohibits a fiduciary who has authority or discretionary control of plan assets to permit the plan to hold any employer security if he or she knows or should know that holding such security violates section 407(a).

Section 407(a)(1) of the Act states that a plan may not acquire or hold any employer security which is not a qualifying employer security. Section 407(a)(2) of the Act states further that a plan, such as a defined benefit plan, may not acquire any qualifying employer security, if immediately after such acquisition the aggregate fair market value of the employer securities held by the plan exceeds 10% of the fair market value of the assets of the plan.

Section 407(d)(5) of the Act defines the term ''qualifying employer security'' to mean an employer security which is a stock, a marketable obligation, or an interest in certain publicly traded partnerships. However, after December 17, 1987, in the case of a plan, other than an eligible individual account plan, an employer security will be considered a qualifying employer security only if such employer security satisfies the requirements of section 407(f)(1) of the Act.

Section 407(f)(1) of the Act states that stock satisfies the requirements of this provision if, immediately following the acquisition of such stock no more than 25% of the aggregate amount of the same class issued and outstanding at the time of acquisition is held by the plan, and at least 50% of the aggregate amount of such stock is held by persons independent of the issuer.

The Cotter stock does not comply with the requirements of section 407(f)(1) of the Act, because at least 50% of the stock is not held by persons ''independent of Cotter.'' In this regard, Mr. Chris Geib, who is not ''independent of the issuer,'' owns over half of the issued and outstanding 3,619.7 shares of Cotter stock.

In addition, even if the Cotter stock constituted qualifying employer securities, as provided in section 407(d)(5) of the Act, the Applicant states that the acquisition by the Plan of the Cotter stock would cause the Plan to exceed the 10% assets limitation under section 407(a)(2) of the Act. Thus, the fiduciaries of the Plan cannot permit the Plan to acquire Cotter stock without violating the Act.

12. Currently, the Plan is fully funded. In its Statement of Financial Accounting Standards (SFAS) No. 158 Statement for Fiscal Year Ended June 30, 2008 (SFAS Statement), Summit Retirement Plan Services (Summit), an actuarial consulting company located in Cleveland, Ohio, determined that as of June 30, 2008, the Plan was funded with an excess of $214,691.00 (including the Notes). The SFAS Statement applied a $448,700.00 value to the Notes based upon a 2007 independent appraisal performed by Raymond H. Dunkle, CPA, ABV, CVA, CFE, of Brockman, Coats, Gedelian & Co. (BCG) of Akron, Ohio. Accordingly, the Plan's funded status would depend on the enforceable value

of the Notes. The sale of the Notes would afford the Plan more liquidity and further ensure its funded status.

13. Cotter requests an administrative exemption from the Department in order to purchase the Notes from the Plan and to receive the Judgment from the Plan.[3] The proposed sale price for the Notes will reflect their fair market value, as determined by a qualified, independent appraiser on the date of the sale transaction. Cotter will pay the consideration to the Plan in cash and the Plan will not be required to pay any fees, commissions or incur any expenses in connection therewith in connection with the proposed sale. As a result of the sale, the Plan will surrender the Notes, while retaining the right to receive future recoveries from Cotter based on the Judgment.

14. In 2009, the Notes were reappraised by Mr. Dunkle, a qualified, independent appraiser, who is the Senior Manager of the Forensic & Valuation Services Group at BCG. Mr. Dunkle has experience in providing business advisory services, including business valuations of stock and intangible assets, economic damage calculations, forensic accounting, internal control studies, fraud investigations, fraud prevention services, financial projections and forecasts, business planning, and merger and acquisition assistance. Mr. Dunkle also has experience in providing audit, review and compilation services to clients in a variety of industries. He has certified that he has no present or prospective interest in the Notes or in the parties involved in the proposed transaction. Mr. Dunkle represents that BCG received less than 1% of its 2008 gross income from Cotter and its affiliates.

In his Valuation Report of Cotter dated May 13, 2009 (the 2009 Valuation), Mr. Dunkle placed the fair market value of Cotter common stock on a minority, non-marketable basis at $500.59 per share as of March 31, 2009, relying primarily on the Asset Approach to valuation. Based upon the 2009 Valuation, Mr. Dunkle determined that the 1,642.2 shares of Cotter common stock owned by Mr. Geib had a fair market value of $822,069 as of March 31, 2009.

Because of Mr. Geib's insolvency and the existence of combined equal priority debt of $1,381,058, Mr. Dunkle explained that the value of the Notes as of March 31, 2009 would be equal to the pro rata portion of Mr. Geib's interest in Cotter that served as collateral for such debt. The $1,381,058 total debt, which included principal and interest due to the Plan as of March 31, 2009, consists of amounts owed to the Plan ($625,282), Cotter ($447,910) and CMSCO ($307,866). According to Mr. Dunkle, the Plan's pro rata interest in this debt was 45.2756% or ($625,282/$1,381,058). Applying this percentage to the value of Mr. Geib's ownership interest in Cotter common stock ($822,069), Mr. Dunkle concluded that the Notes had a fair market value equivalent to the prorated collateral value of $372,197 ($822,069 × 45.2756%) as of March 31, 2009.

Mr. Dunkle also noted that he had not become aware of any changes to the values reported between March 31, 2009 and the May 13, 2009 date of the 2009 Valuation. He will again update the 2009 Valuation on the date of the proposed sale.

15. Pursuant to an engagement letter dated August 6, 2009, Cotter retained Summit to serve as the independent fiduciary for the Plan with respect to the proposed transactions. Summit has served as the Plan's actuary since June 1, 2001. In this capacity, Summit states that it tests and determines that the Plan has been adequately funded and that annual testing and reporting is compliant with Federal laws and regulations, such as the Act and the Code. In this regard, Summit likens its responsibilities to those of an independent third party that has had no conflicting interests with either the Plan or Cotter. As the Plan's actuary, Summit represents that it received $4,970 from Cotter and its affiliates in 2008. This amount represents less than 0.1% of Summit's gross annual revenues.

Although Summit states that it has never acted as an independent fiduciary on this type of issue, its professionals have significant experience with the Act. In this regard, Summit explains that it has three enrolled actuaries and it states that the majority of its staff have professional designations, such as CPC, CPA, CBP, QPA and QKA. In addition, Summit represents that its CEO and Chief Actuary Michael M. Spickard, EA, MAAA, MSPA, CPC, QPA was appointed by the Department of the Treasury to the Advisory Committee on Taxation—Employee Benefits Group. Further, since its inception in 1996, Summit indicates that it has serviced over 1,000 plans.

Summit states that it has reviewed the duties, responsibilities and liabilities imposed by the Act on plan fiduciaries and it has worked with outside attorneys on such matters and will retain the services of such attorneys should the need arise regarding the proposed transactions. Summit also acknowledges and accepts the duties, responsibilities and liabilities imposed by the Act on plan fiduciaries.

Summit represents that it has had knowledge of the Notes since 2001 when it began performing actuarial valuations and consulting services for the Plan. Summit represents that the proposed transactions are administratively feasible and in the best interest of the Plan, its participants and beneficiaries. Summit explains that it has had knowledge of the impact of the Notes on the Plan's investment portfolio and its liquidity requirements. Because the Notes represent approximately 67% of the Plan's assets (based upon the 2009 Valuation), Summit states that the Plan is not very diversified. Therefore, the proposed sale of the Notes by the Plan to Cotter would allow the Plan to diversify its assets.

Further, Summit explains that the proposed sale complies with the Plan's investment policies and objectives. This is because the principle behind the sale is to free the Plan of illiquid, limited marketability assets and to allow the Plan to invest in other assets having an easily ascertainable market value that can be liquidated. According to Summit, the proposed sale of the Notes will give the Plan an infusion of cash that can be used to purchase investments that are in alignment with the Plan's investment policy and objectives.

As the independent fiduciary Summit has agreed to monitor the proposed sale and ensure that any future recoveries from the Judgment that are received by Cotter will be paid to the Plan.

16. In summary, it is represented that the proposed transactions will satisfy the statutory criteria for an exemption under section 408(a) of the Act because:

(a) The terms and conditions of the proposed sale transaction will be at least as favorable to the Plan as those that the Plan could obtain in an arm's length transaction with an unrelated party;

(b) As consideration for the Notes, the Plan will receive either (1) the greater of $372,197 or (2) the fair market value of the Notes (based upon the Plan's proportionate share of Mr. Geib's ownership of Cotter common stock), as determined by a qualified, independent appraiser on the date of the sale transaction;

(c) The proposed sale will be a one-time transaction for cash;

(d) The Plan will pay no fees, commissions, costs or other expenses in connection with the proposed sale;

[3] According to the Applicant, the Service had suggested that the Plan sell the Notes to Cotter in previous audits. However, the Applicant explains that the Plan has held the Notes for so long because the Bankruptcy Court required that Cotter meet a certain level of performance that would take Cotter at least six years to meet following its emergence from bankruptcy.

(e) Cotter will pay the Plan all recoveries resulting from the Judgment; and

(f) An independent fiduciary will (1) determine that the sale is an appropriate transaction for the Plan and is in the best interests of the Plan and its participants and beneficiaries; (2) monitor the sale on behalf of the Plan; and

(3) ensure that the Plan receives all future recoveries resulting from the Judgment.

Notice to Interested Persons

Notice of the proposed exemption will be given to interested persons within 5 days of the publication of the notice of proposed exemption in the **Federal Register**. The notice will be given to interested persons by first class mail or personal delivery. Such notice will contain a copy of the notice of proposed exemption, as published in the **Federal Register**, and a supplemental statement, as required pursuant to 29 CFR 2570.43(b)(2). The supplemental statement will inform interested persons of their right to comment on and/or to request a hearing with respect to the pending exemption. Written comments and hearing requests are due within 35 days of the publication of the notice of proposed exemption in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mr. Anh-Viet Ly of the Department at (202) 693–8648. (This is not a toll-free number.)

Unaka Company, Incorporated Employees, Profit Sharing Plan (the Plan), Located in Greeneville, Tennessee.

[Application No. D–11445.]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, the restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code,[4] by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed sale by the Plan (the Sale) to Unaka Company Incorporated (Unaka), a party in interest with respect to the Plan, of two promissory notes (the Notes) that are secured by deeds of trust on certain parcels of real property; provided that the following conditions are satisfied:

(a) The Sale is a one-time transaction for cash;

(b) As consideration, the Plan receives the greater of the current outstanding balance of the Notes, plus all accrued but unpaid interest to the date of the Sale (Sale Date), or the fair market value of the Notes as determined by qualified, independent appraisers in updated appraisals on the Sale Date.

(c) The Plan pays no commissions, costs, fees, or other expenses with respect to the Sale; and

(d) As soon as it is feasible following the Sale, the Plan releases the deeds of trust securing the Notes.

Summary of Facts and Representations

1. Unaka, the sponsor of the Plan and the Unaka Company, Inc. 401(k) Plan (the 401(k) Plan), are located at 1550 Industrial Road, Greenville, Tennessee. Unaka is the parent company of SOPACO, MECO and the Round Table Office Complex subsidiaries. These subsidiaries make ''Meals Ready to Eat,'' folding chairs and other items.

2. The Plan is a qualified retirement plan that was established by Unaka effective March 1, 1967. As of July 1, 2006, the Plan's Form 5500 indicated that the Plan had 903 participants and net assets of $12,865,825. Included among these assets were certain third-party notes that are described herein. Bisys Retirement Services (Bisys) serves as the Plan's third party administrator. Until January 2009, Paul Rodeford served as the Plan trustee and he exercised investment discretion over the Plan's assets. Currently, Unaka serves as the Plan trustee.

3. On March 26, 2007, Unaka merged the Plan with the 401(k) Plan. Bisys serves as the plan administrator for the 401(k) Plan. However, for unspecified reasons, Bisys did not wish to administer the subject Notes, which remain in the Plan.[5] The other assets of the Plan were transferred to the 401(k) Plan at the time of the merger. According to its Form 5500 for the plan year ending June 30, 2008, the 401(k) Plan had net assets of $15,525,162. As of the plan year ending June 30, 2008, the 401(k) Plan had 857 participants, which included all of the participants from the Plan. The trustee of the 401(k) Plan is MG Trust Company and the investment manager is Rather & Kittrell.

4. The Plan originated the first Note to Billy Joe and Kathyrn Carter for $38,000 (the Carter Note) for the purchase of residential property located at 80 Debusk Road, Greenville, TN (the Carter Property) on September 6, 1984. The Plan originated the second Note to Lloyd and Mary Weemes for $21,000 (the Weemes Note) for the purchase of residential property located at 55 Lick Hollow Road, Greenville, TN (the Weemes Property) on February 10, 1986.[6] At no time have the Carters or the Weemes been parties in interest with respect to the Plan. The Plan also did not require the Carters or the Weemes to purchase private mortgage insurance or to obtain property insurance.

5. The interest rate on the Carter Note is set annually to the prime rate as determined by the Commerce Union Bank plus 2%, with a maximum rate of 15% and a minimum floor rate of 10%. Principal and interest under the Carter Note are payable in monthly installments for a twenty five (25) year period, with interest and monthly principal payments to be adjusted on March 31 of each year. At the time of execution, the interest rate for the Carter Note was 15% per annum. The initial monthly payment was $486.72. The first payment was due on October 6, 1984 and similar monthly payments were due until March 31, 1985, at which time interest and monthly payments were recalculated. In the event of default, the Carter Note provides that the Carters would pay all collection costs, the unpaid amounts would accrue at 15% or the then current rate and the Plan could proceed at once to foreclosure. The failure to exercise the foreclosure option does not constitute a waiver of the Plan's right to foreclose on the Carter Note. The Carter Note is also non-assumable, and in the event the Carter Property is sold, the entire balance of the Carter Note becomes due and payable. The Carter Note is secured by a first deed of trust on the Carter Property and Unaka has no knowledge of any other liens against the Carter Property.

6. According to records running from June 2002 to October 2008, Mrs. Carter

[4] Unless otherwise noted herein, reference to specific provisions of the Act refer also to the corresponding provisions of the Code.

[5] The Department is expressing no opinion on whether the holding of the Notes by the Plan has violated section 403 of the Act. In pertinent part, section 403 requires that all assets of an employee benefit plan shall be held in trust by one or more trustee.

[6] It is believed that the decision to cause the Plan to make the loans and execute the Notes with the Carters and Weemes was made by two former officers of Unaka. The Department is expressing no opinion herein on whether the decision by the former Unaka officers to cause the Plan to originate the Carter and Weemes Notes or the Plan's continued holding of the Notes has violated section 404(a) of the Act. In pertinent part, section 404(a) of the Act requires, among other things, that a fiduciary of a plan act prudently, solely in the interest of the plan's participants and beneficiaries, and for the exclusive purpose of providing benefits to participants and beneficiaries when making investment decisions on behalf of a plan.

began to miss payments beginning with the November 2002 payment following the death of Mr. Carter. Although Mrs. Carter has missed payments for periods of up to six months, the Carter Note does not provide for any late penalties.

7. The Weemes Note, which was in the original principal amount of $21,000, carries similar interest rate terms, default terms and non-assumption provisions to the Carter Note. However, the Weemes Note has a twenty (20) year duration and the initial interest rate was set at 11½% per annum, with a monthly payment of $223.96 that commenced on March 10, 1986. In the event of default, the unpaid amounts would accrue at 15% per annum or the then current rate. The Weemes Note is secured by a first deed of trust on the Weemes Property and Unaka has no knowledge of any other liens against the Weemes Property.

8. According to records running from January 2002 to October 2008, the Weemes began to miss payments beginning with their January 2002 payment after Mr. Weemes became unemployed. Since that time, the Weemes have missed several payments for periods of up to two months before resuming payments. The Weemes Note also does not provide for any late fees.

9. Unaka has paid all costs and expenses associated with the Plan's holding of the Notes (except for real property taxes, which have been paid by the borrowers). As of March 31, 2009, the Carter Note had an outstanding balance of $30,772.10 and the Weemes Note had an outstanding balance of $9,667.01. Although the borrowers' payments on the Notes have been sporadic, Unaka represents that if it foreclosed on the Notes it is very unlikely it would recover the remaining balances. Unaka represents also that under Tennessee law, if the Plan finds the Carter and Weemes Notes in default, the Plan would have to foreclose on the Carter and Weemes Properties. Further, Unaka states that if a third party were to purchase the Weemes or the Carter properties in foreclosure, it would be for a discounted price.

10. Accordingly, Unaka proposes to purchase the Notes from the Plan and requests an administrative exemption from the Department in order to engage in the Sale. The proposed Sale will be a one-time transaction for cash. As consideration, the Plan will receive the greater of the current outstanding balance of the Notes, plus all accrued but unpaid interest to the Sale Date, or the fair market value of the Notes as determined by qualified, independent appraisers in updated appraisals on the Sale Date. The Plan will pay no commissions, costs, fees, or other expenses with respect to the Sale. Finally, as soon as it is feasible following the Sale, the Plan will release the deeds of trust securing the Notes.

11. Unaka retained Braun & Associates, Inc. of Maryville, Tennessee, to perform an independent appraisal of both properties. Specifically, Woody Fincham and his supervisor, David A. Braun, performed appraisals of the subject properties and they prepared separate appraisal reports for such properties that are dated March 5, 2009. Both Mr. Braun and Mr. Fincham are licensed as appraisers in the State of Tennessee. Mr. Braun is a certified general appraiser having both ''MAI'' and ''SRA'' designations. Both Mr. Fincham and Mr. Braun are qualified independent appraisers.

Messrs. Fincham and Braun acknowledge that their appraisal reports are being used by Unaka in connection with this exemption request. Messrs. Fincham and Braun represent that neither they nor anyone involved in the preparation of the appraisal has any present or prospective interest in the properties involved and no personal interest with respect to the parties involved. After using the Sales Comparison Approach to value the Carter and Weemes Properties, Messrs. Fincham and Mr. Braun placed the fair market value of the Weemes Property at $5,850 and the Carter Property at $37,500 as of March 5, 2009.

12. Unaka also retained Robin Carmichael, a real estate consultant who is employed by Rocky Top Realty of Knoxville Tennessee, to appraise the Notes. Ms. Carmichael states that she has 13 years of experience in the East Tennessee real estate market including knowledge in the mortgage resale business and recent foreclosures in the East Tennessee area. Ms. Carmichael also indicates that she has 11 years of experience in the mortgage lending industry. Ms. Carmichael explains that she has assessed the value of roughly 400 different properties regarding their valuation and that her valuation of the Notes combines her experience in the real estate industry with buying and selling of commercial and residential properties and her knowledge of mortgage lending. Ms. Carmichael acknowledges her appraisal will be used by Unaka in connection with this exemption request and she states that her combined income from Unaka, its principals or any parties in interest with respect to the Plan represent no more than 1% of her gross 2008 income.

In her appraisal of March 18, 2009 and addenda dated April 25, 2009 and May 13, 2009, Ms. Carmichael states that the fair market value of the Carter Note and Weemes Note should be discounted 50 to 60% against their respective MAI appraised value. She has applied a discount that takes into account such factors as a declining real estate market, the condition of the Weemes and Carter Properties, the non-transferability of the Notes, the payment histories of the borrowers, the loan to value ratio of the Notes, their interest rates and the employment status of the borrowers. Ms. Carmichael also states that the Notes do not appear to have any existing liens or encumbrances. Accordingly, Ms. Carmichael concludes that as of April 28, 2009, the midpoint value of both Notes, after taking into account, among other things, the applicable discount, is 45% of the MAI appraised value ascertained by Messrs. Fincham and Braun.

13. The outstanding balance of the Weemes Note as of March 31, 2009 was $9,677.01. This amount exceeds the fair market value of the Weemes Note as of March 5, 2009, which was $2,632.50 ($5,850 × 45%). The current outstanding principal balance of the Carter Note as of March 31, 2009 was $30,772.10. This amount exceeds the fair market value of the Carter Note, which was $16,875.00 ($37,500 × 45%) as of March 5, 2009. Unaka represents that it will pay the greater of the current outstanding balance of the Notes plus accrued but unpaid interest to the Sale Date or the fair market value of the Notes as determined by qualified, independent appraiser on the Sale Date. Thus, if the Sale had occurred on March 31, 2009, Unaka would have paid the Plan the principal balance outstanding, plus accrued but unpaid interest for both the Weemes and Carter Notes.

14. In summary, Unaka represents that the proposed transaction will satisfy the statutory criteria for an exemption under section 408(a) of the Act because:

(a) The Sale will be a one-time transaction for cash.

(b) The Plan will receive the greater of the current outstanding balance of the Notes, plus all accrued but unpaid interest to the Sale Date, or the fair market value of the Notes as determined by qualified, independent appraisers in updated appraisals on the Sale Date;

(c) The Plan will pay no commissions, costs, or other expenses with respect to the Sale; and

(d) As soon as it is feasible following the Sale, the Plan will release the deeds of trust.

Notice to Interested Persons

Notice of the proposed exemption will be given to interested persons

within 5 days of the publication of the notice of proposed exemption in the **Federal Register**. The notice will be given to interested persons by first class mail or personal delivery. Such notice will contain a copy of the notice of proposed exemption, as published in the **Federal Register**, and a supplemental statement, as required pursuant to 29 CFR 2570.43(b)(2). The supplemental statement will inform interested persons of their right to comment on and/or to request a hearing with respect to the pending exemption. Written comments and hearing requests are due within 35 days of the publication of the notice of proposed exemption in the **Federal Register**.

For Further Information Contact: Mr. Anh-Viet Ly of the Department at (202) 693–8648. (This is not a toll-free number.)

State Street Bank and Trust Company, Located in Massachusetts.

[Application No. D–11522.]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in 29 CFR part 2570, Subpart B (55 FR 32847, August 10, 1990).

If the exemption is granted, the restrictions of sections 406(a)(1)(A) and (D) and 406(b) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A), (D), (E), and (F) of the Code, shall not apply as of October 24, 2008, to the cash sale of certain mortgage, mortgage-related, and other asset-backed securities for $2,447,381,010 (the Sale) by stable value commingled funds and separate accounts both holding assets of employee benefit plans (the Accounts) to State Street Bank and Trust Company (State Street), the investment manager and/or trustee for the Accounts, provided that the conditions set forth below are met.

(a) The Sale was a one-time transaction for cash payment made on a delivery versus payment basis.

(b) The Accounts did not bear any commissions or transaction costs in connection with the Sale.

(c) The Accounts received as a purchase price for the securities an amount which, as of the effective date of the Sale, was equal to the fair market value of the securities, determined by reference to prices provided by independent third-party pricing sources consulted in accordance with pricing procedures used by the Accounts prior to the transaction.

(d) In connection with the Sale, State Street transferred to and allocated among the Accounts cash in the amount of $450,000,000.

(e) At the time of the transaction, State Street, as trustee of the Accounts, determined (except with respect to the State Street Salary Savings Program, an employee benefit plan maintained for employees of State Street and certain affiliates (the State Street Plan)) that the Sale was appropriate for and in the best interests of the Accounts and the employee benefit plans invested in the Accounts. An independent fiduciary determined at the time of the transaction that the Sale was appropriate for and in the best interest of the State Street Plan and its participants and beneficiaries.

(f) An independent consultant reviewed, after the Sale, the reasonableness of the prices used to purchase the securities, and concluded that the pricing methodology used by State Street provided a reasonable basis for determining the fair market value of the securities and that the methodology was reasonably applied with only immaterial deviations.

(g) In carrying out the Sale, State Street took all appropriate actions necessary to safeguard the interests of each Account and each employee benefit plan with a direct or indirect interest in an Account.

(h) State Street and its affiliates, as applicable, will maintain, or cause to be maintained, for a period of six (6) years from the date of the Sale such records as are necessary to enable the persons described below in paragraph (i)(i) to determine whether the conditions of this exemption have been met, except that—

(i) No party in interest with respect to a plan which engaged in the covered transaction, other than State Street and its affiliates, as applicable, shall be subject to a civil penalty under section 502(i) of the Act or the taxes imposed by section 4975(a) and (b) of the Code, if such records are not maintained or are not available for examination as required by paragraph (i) below; and

(ii) A separate prohibited transaction shall not be considered to have occurred solely because due to circumstances beyond the control of State Street or its affiliate, as applicable, such records are lost or destroyed prior to the end of the six-year period.

(i)(i) Except as provided below, in paragraph (ii), and notwithstanding any provisions of subsections (a)(2) and (b) of sections 504 of the Act, the records referred to in paragraph (h) above, are unconditionally available at their customary location for examination during normal business hours by—

(A) Any duly authorized employee or representative of the Department, the Internal Revenue Service, the Securities and Exchange Commission or the Federal Reserve Board;

(B) Any fiduciary of any plan that engaged in the covered transaction, or any duly authorized employee or representative of such fiduciary;

(C) Any employer of participants and beneficiaries and any employee organization whose members are covered by a plan that engages in the covered transactions, or any authorized employee or representative of these entities; or

(D) Any participant or beneficiary of a plan that engages in the covered transactions, or duly authorized employee or representative of such participant or beneficiary;

(ii) None of the persons described above in subparagraphs (B)–(D) of paragraph (i)(i) are authorized to examine the trade secrets of State Street or commercial or financial information that is privileged or confidential.

(iii) Should State Street refuse to disclose information on the basis that such information is exempt from disclosure, State Street shall, by the close of the thirtieth (30th) day following the request, provide written notice advising that person of the reason for the refusal and that the Department may request such information.

Summary of Facts and Representations

1. State Street Bank and Trust Company (State Street), a Massachusetts trust company and a member bank of the Federal Reserve System, is a wholly-owned subsidiary of State Street Corporation, a bank holding company organized under the laws of the Commonwealth of Massachusetts. State Street is a global financial services company that provides a wide range of banking, fiduciary, and investment management services to institutional investors, including employee benefit plans subject to the Act.

2. State Street is the investment manager and/or trustee for a variety of commingled investment funds and separate accounts, including certain stable value commingled funds and separate accounts holding plan assets (the Accounts). The Accounts comprise employee benefit plans invested through one of several structures including: direct investment in commingled funds for which State Street acts as investment manager and/or trustee; investment in separate portfolios under the Stable Fixed Income Fund for Employee Benefit

Trusts for which State Street is the investment manager and trustee; separately managed accounts appointing State Street as investment manager and directing State Street to invest plan assets in bonds and other debt securities as well as in other State Street commingled funds (where State Street acts as trustee for some of the accounts and for assets held in the accounts that are invested in State Street commingled funds); and investment in funds set up specifically for a particular plan, for which State Street acts as investment manager and trustee.

3. Certain third party financial institutions are contractually obligated to provide financial support to the Accounts under certain circumstances (the Wrap Providers). The contractual arrangements with the Wrap Providers (the Wrap Contracts) permit the Accounts to use benefit responsive accounting and to issue and redeem units at book value despite fluctuations in the market value of the Account's underlying assets.

4. The Wrap Providers are contractually committed to covering any shortfall between market and book values upon the complete redemption of the Account. However, the Wrap Providers are also contractually entitled to limit their exposure to a decline in the market value of an Account's assets either by making an immunization election (*i.e.,* an election to force the securities to be sold and replaced by a pool of Treasury, AAA-rated or similar securities with a duration managed to zero over an agreed period and being excused from providing book value protection to additional contributions to the Account) or by electing to terminate the Wrap Contract, thereby causing State Street to make an immunization election.

5. The Accounts are managed in accordance with investment guidelines approved by both the plans and the Wrap Providers that permit, subject to diversification and credit limitations, investment in a broad range of fixed income securities. Prior to October 2008, the assets in the Accounts included certain mortgage, mortgage-related and other asset-backed debt securities. As a result of disruptions in the market for fixed income securities that began in 2007 and became more pronounced in 2008, the assets experienced significant liquidity and pricing issues, contributing to a decline in the market-to-book value ratio of the Accounts and creating a continuing risk of further decline.

6. Throughout 2008, State Street engaged in active dialogue with the Wrap Providers regarding market conditions and the potential impact of the fixed income markets and the composition of the Accounts' portfolios on the potential risk exposure of the Wrap Providers. State Street also was engaged in negotiations relating to the decision by one Wrap Provider to exit the business of providing benefit responsive contracts, and, as a result, to terminate its Wrap Contracts with the Accounts.

7. State Street believed that immunization would be harmful to Plans and their participants both in the short term, as assets are sold to comply with the immunization investment guidelines, and over the longer term, as crediting rates are adjusted to reflect reinvestment in lower yielding assets and to amortize the market-to-book differential over the duration of the immunization period. In State Street's judgment, a forced sale of all of the assets in the portfolios at distressed prices attributable to illiquidity in the markets would likely result in greater losses to plans and their participants than if the markets were given a chance to recover.

8. In May 2008, State Street retained an independent consulting firm, Oliver Wyman, a management consulting subsidiary of Marsh & McLennan Companies, to evaluate the economic performance of the Accounts. Oliver Wyman's initial analysis focused both on credit performance and projections for both market-to-book and crediting rates at the individual fund level.

9. Oliver Wyman's initial credit analysis identified three distressed asset classes that had a negative impact on stable value fund performance and recommended that State Street consider removing these securities from the portfolios. The securities identified consisted of all of the sub prime and Alt-A mortgage securities, and all non-agency prime adjustable rate mortgage (ARM) securities in the portfolio. In the aggregate, the total book value of these securities was approximately $1.96 billion.

10. State Street shared Oliver Wyman's analysis of the portfolio and the potential impact of an immunization election with the Wrap Providers as part of its ongoing dialogue. While, in the Applicant's view, the analysis supported State Street's favorable credit view of the assets, it did not eliminate the Wrap Providers' concerns about the risk characteristics of the Accounts. As part of its portfolio review, State Street also evaluated measures that it could take to provide financial support to the Accounts; however, banking, ERISA and accounting issues, among others, resulted in there being no clearly executable means of supporting the Accounts.

11. State Street then entered into discussions with two potential purchasers of its stable value business. Both purchasers concurred in the need to remove the securities identified from the stable value portfolios in order to mitigate potential downside price risk to the portfolios. In addition, they proposed removing $1.1 billion of additional securities, consisting of all non-ARM securities in the non-agency prime category, all auto loan asset-backed securities and certain other non-mortgage asset-backed securities, and all securities held through the passively managed Asset Backed Index Fund. The expanded list of securities (the Selected Assets) had a total book value of approximately $3.1 billion.

12. State Street explored a variety of measures to address the risk to the Accounts presented by the Selected Assets. It determined to address the risk to the Accounts presented by the Selected Assets outside the context of the transfer of its stable value business, having concluded that a transaction could not be arranged in a timeframe that would prevent immunization by one or more of the Wrap Providers. In addition, after exploring a variety of possible sale transactions with respect to all or a portion of the Selected Assets, it concluded that there was no likelihood of finding a third party to purchase the Selected Assets at prices State Street believed to represent fair value to the Accounts. Therefore, State Street determined, based on a variety of factors including discussions with the Department, that it would be prudent and in the best interests of the investing plans for State Street to purchase the Selected Assets from the Accounts, as described below.

13. State Street purchased the Selected Assets from the Accounts before the opening of the U.S. financial markets on Monday, October 27, 2008 (the Sale). The aggregate consideration paid for the Selected Assets was $2,447,381,010, which was the market price of the securities on the previous trading day, Friday, October 24, 2008.

14. The Sale was a one-time transaction for cash payment made on a delivery versus payment basis. The Accounts did not bear any commissions or transaction costs in connection with the Sale.

15. The consideration paid for each security was the market price for such security determined by reference to prices provided by an independent third-party pricing service, Interactive Data Corporation (IDC), consulted in accordance with pre-established pricing

procedures. For a small number of securities for which no IDC price was available, a hierarchy of alternative third-party pricing sources was used, also in accordance with pre-existing pricing procedures. The existing hierarchy was: (1) IDC; (2) Bear Stearns (now part of JPMorgan); and (3) other broker quotations provided through State Street's Data Management & Pricing Group.

16. Securities held through certain commingled funds were purchased at prices determined by independent third-party pricing sources in accordance with the same hierarchies as were used for such commingled funds prior to the transaction. That hierarchy was different for assets of different types. For mortgage-backed and asset-backed securities the hierarchy was: (1) Lehman Brothers (now owned by Barclays Global); (2) Bear Stearns (now part of JPMorgan); (3) IDC; and (4) other broker quotations. For other fixed income securities (such as U.S. corporate bonds) the hierarchy was: (1) Lehman Brothers (now owned by Barclays Global); (2) IDC; (3) Bear Stearns (now part of JPMorgan); and (4) other broker quotations.

17. In connection with the Sale, State Street deposited and allocated among the Accounts cash equal to $450,000,000 (the Cash Infusion). As of the date of the transaction, the Cash Infusion improved the average market-to-book ratio across all Accounts to 96.6% on a total account basis. Although market data on stable value accounts is limited, State Street believes that the market-to-book value ratios of the Accounts immediately after the Cash Infusion were generally consistent with industry averages.[7] The Cash Infusion was allocated among the Accounts systematically, according to a predetermined mathematical formula. Oliver Wyman verified that the allocation method had been properly applied.[8]

18. In connection with the Sale and the Cash Infusion, State Street also entered into agreements with the Wrap Providers that provided the Accounts certain assurances with respect to the exercise of immunization and termination rights by the Wrap Providers and included a release by the Wrap Providers with respect to State Street.

19. At the time of the transaction, State Street, as trustee of the Accounts, determined (except with respect to the State Street Salary Savings Program, an employee benefit plan maintained for employees of State Street and certain affiliates (the State Street Plan)) that the Sale was appropriate for and in the best interests of the Accounts.

20. An independent fiduciary, Fiduciary Counselors, Inc. (Fiduciary Counselors), reviewed the terms of the participation in the Sale by the State Street Plan and determined that the transaction was in the best interests of the State Street Plan and its participants and beneficiaries. In making this determination, Fiduciary Counselors reviewed the IDC prices as of October 24, 2008, interviewed personnel from State Street and Oliver Wyman, examined the agreements with the Wrap Providers, and reviewed State Street's calculations of the amount due to the State Street Plan. Fiduciary Counselors determined that the transaction would, among other things: Eliminate most of the difference between book and market values in the State Street Plan's stable value fund; significantly improve the average quality of the underlying investments; and reassure all Wrap Providers that continuing coverage for the State Street stable value funds does not provide unacceptable risks.

21. Following the Sale, State Street engaged Capital Market Risk Advisors (CMRA), a risk management advisory firm, to independently review the reasonableness of prices used to purchase the Securities. CMRA was engaged to assess whether the pricing methodology used by State Street provided a reasonable basis for determining the market value of the assets acquired in the Sale and whether the methodology was appropriately implemented.

22. To determine the reasonableness of the market values used by State Street, CMRA reviewed a listing of bonds sold for each Account, the prices at which they were sold and the source of such prices, as well as additional pricing sources and quotes. CMRA also reviewed copies of State Street's applicable valuation hierarchies and documents submitted to the Department in connection with the exemption request. CMRA then undertook a three-pronged review consisting of (A) a portfolio level analysis of the reasonableness of prices obtained from the pricing sources utilized by State Street in the aggregate as compared to prices obtained by utilizing alternative pricing sources in the aggregate; (B) a more detailed assessment of the reasonableness of prices utilized by State Street compared to prices obtained through CMRA's independent valuation of a selected sample of twenty-one securities (the Independently Valued Securities);[9] and (C) a review of methodologies utilized by State Street for each Account to determine whether such methodologies were consistent with applicable hierarchies.

23. CMRA concluded that: (1) The pricing methodology used by State Street was reasonable; (2) the prices used by State Street were reasonable in the aggregate; (3) the prices used by State Street with respect to the Independently Valued Securities were within a reasonable range in all but three instances; two of which were, in CMRA's opinion, unreasonably high and one of which was unreasonably low. Had all of the Independently Valued Securities been priced within CMRA's reasonable range, there would have been a net decrease of $7.1 million or approximately 1% of the amount paid by State Street for the Independently Valued Securities or 0.29% of the total amount paid by State Street in connection with the Sale; and (4) the methodologies used by State Street varied to a minor extent from State Street's stated methodologies in that the applicable hierarchy of pricing sources was not always followed, but the overall effect of this deviation was immaterial.[10] Had the prescribed hierarchy been followed in every instance, there would have been a net decrease of $12.1 million or approximately 0.5% of the amount paid by State Street in connection with the Sale. Accordingly, CMRA determined that the pricing methodology used by State Street provided a reasonable basis for determining the market value of the

[7] State Street conducts a separate business as a wrap provider to the accounts of third party investment managers. Its estimates of industry averages for market-to-book value ratios were based upon an evaluation of the accounts to which it provides benefit responsive contracts, discussions with the Wrap Providers, and the limited amount of market data available from third party consulting sources.

[8] As the participating plans did not give anything of value in connection with or in exchange for the Cash Infusion, in the Department's view, no question of a prohibited transaction would arise in connection with the Cash Infusion or its allocation because the plan has not engaged in a transaction with a party in interest prohibited under section 406 of the Act. *See e.g.*, preamble to the Proposed Class Exemption for the Release of Claims and Extensions of Credit in Connection with Litigation (68 FR 6953, February 11, 2003) (granted as PTE 2003–39 (68 FR 75632, December 31, 2003)).

[9] To create this sample, CMRA focused on the largest bond positions for which there were significant variations in price between and among the different pricing sources, and on position size. The Independently Valued Securities were all non-agency residential mortgage-backed securities backed by sub prime, Alt-A and prime mortgage loans. CMRA's independent valuation was performed seven months after the Sale; however, CMRA made every effort to limit its inputs to information actually known at the time of the Sale.

[10] According to CMRA, the valuation methodology used by State Street for the managed accounts was completely consistent with the applicable hierarchy. For the commingled funds, it varied to a minor extent.

securities and that the methodology was reasonably applied.

24. According to the Applicant, the Sale and Cash Infusion were intended to protect the plans and their participants by increasing the assets available to meet benefit payment obligations and redemption requests and by reducing certain risks inherent in each Account's portfolio resulting from market conditions, thereby eliminating or reducing the Wrap Providers' incentives to exercise their contractual termination or immunization rights. State Street represents that it took all appropriate actions necessary to safeguard the interests of each Account and each employee benefit plan with a direct or indirect interest in an Account.

25. In summary, the Applicant represents that the statutory criteria of section 408(a) of the Act and section 4975 of the Code are satisfied because:

(a) The exemption is administratively feasible, as the transaction is already completed and all relevant details have been fully disclosed;

(b) The transaction, if covered by an exemption, is in the interest of the participating plans and their participants and beneficiaries because the transaction will reduce the likelihood that the Wrap Providers will exercise their immunization and termination rights, which would adversely affect the plans and their participants;

(c) The exemption is protective of the rights of participants and beneficiaries of the plans, because: (i) The assets sold were identified for disposition in arm's length negotiations between State Street and two bidders for the acquisition of State Street's stable value business, (ii) independent pricing services were used to value and price the assets sold to State Street, and (iii) no commissions or transaction costs were charged in connection with the sale of the assets.

FOR FURTHER INFORMATION CONTACT: Karen E. Lloyd of the Department, at (202) 693–8554. This is not a toll-free number.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 21st day of September, 2009.

Ivan Strasfeld,

Director of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. E9–23168 Filed 9–24–09; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Grant of Individual Exemptions and Prohibited Transaction Exemptions Involving: M&T Bank Corporation Pension Plan, PTE 2009–26; Bank of New York Mellon Corporation, PTE 2009–27; and Ford Motor Company and Its Affiliates (Collectively, Ford), PTE 2009–28

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code).

A notice was published in the **Federal Register** of the pendency before the Department of a proposal to grant such exemption. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, DC. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicant has represented that it has complied with the requirements of the notification to interested persons. No requests for a hearing were received by the Department. Public comments were received by the Department as described in the granted exemption.

The notice of proposed exemption was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemption is administratively feasible;

(b) The exemption is in the interests of the plan and its participants and beneficiaries; and

(c) The exemption is protective of the rights of the participants and beneficiaries of the plan.

M&T Bank Corporation Pension Plan, Located in Buffalo, NY.

[Prohibited Transaction Exemption 2009–26

Exemption Application No. D–11470]

Exemption

Section I. Transactions

Effective January 18, 2007, the restrictions of sections 406(a)(1)(A) through (D) and 406(b)(1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the in-kind redemptions (the Redemptions) of shares (the Shares) held by the M&T Bank Corporation Pension Plan (the Plan) of the MTB Mid Cap Growth Fund and the MTB Large Cap Stock Fund (the Fund(s)) for which affiliates of Manufacturers and Traders Trust Company (M&T) provide investment advisory services and other services.

Section II. Conditions

This exemption is subject to the following conditions:

(a) The Plan paid no sales commissions, redemption fees, or other similar fees in connection with the Redemptions (other than customary transfer charges paid to parties other than M&T and affiliates of M&T (M&T Affiliates).

(b) The assets transferable to the Plan consisted of only cash and Transferable Securities, as defined in Section III;

(c) With certain exceptions explained in Representation 6 below, the Plan received a pro rata portion of the Transferable Securities, pursuant to the Redemptions that, when added to the cash received, was equal in value to the number of Shares redeemed for such Transferable Securities, as determined in a single valuation (using sources independent of M&T and M&T affiliates) performed in the same manner and as of the close of business on the same day as the day of the Redemptions, in accordance with Rule 2a–4 under the Investment Company Act of 1940, as amended from time to time (the 1940 Act), and the then-existing procedures established by the Fund that are in compliance with the 1940 Act, and the Plan received the Transferable Securities on the next business day following the date of the Redemptions;

(d) Neither M&T nor any M&T Affiliate received any fees, including any fees payable pursuant to Rule 12b–1 under the 1940 Act, in connection with the Redemptions;

(e) M&T retained an Independent Fiduciary, as such term is defined in Section III. The Independent Fiduciary determined that the terms of the Redemptions were fair to the participants of the Plan and comparable to and no less favorable than terms obtainable at arm's length between unaffiliated parties, and that the Redemptions were in the best interest of the Plan and its participants and beneficiaries;

(f) M&T or the relevant Fund provided to the Independent Fiduciary a written confirmation regarding such Redemptions containing:

(1) The number of Shares held by the Plan immediately before the Redemptions (and the related per Share net asset value and the total dollar value of the Shares held),

(2) the identity (and related aggregate dollar value) of each Transferable Security provided to the Plan at the time of the Redemptions, including each Transferable Security valued in accordance with Rule 2a–4 under the 1940 Act and the then-existing procedures established by the Fund (using sources independent of M&T and M&T Affiliates) for obtaining prices from independent pricing services or market-makers,

(3) the market price of each Transferable Security received by the Plan at the time of the Redemptions, and

(4) the identity of each pricing service or market-marker consulted in determining the value of each Transferable Security at the time of the Redemptions.

(g) The value of the Transferable Securities and cash received by the Plan for each redeemed Share equaled the net asset value of such Share at the time of the transaction, and such value equaled the value that would have been received by any other investor for shares of the same class of the Fund at the time;

(h) For a period of six months following the Redemptions, MTB Investment Advisors (MTBIA), an M&T Affiliate and the investment advisor to the MTB Group of Funds (MTB Funds) reimbursed the Plan for commissions and fees incurred in connection with Transferable Securities received as a result of the Redemptions and subsequently sold;

(i) Following the Redemptions, M&T, on behalf of the Plan, has paid and will continue to pay investment management fees for the Plan's investment in the separate accounts so long as MTBIA serves as the investment manager for the Plan;

(j) Subsequent to the Redemptions, the Independent Fiduciary performs a post-transaction review that includes, among other things, testing a sampling of material aspects of the Redemptions deemed in its judgment to be representative, including pricing;

(k) M&T maintains, or causes to be maintained, for a period of six years from the date the Redemptions, such records as are necessary to enable the person described in paragraph (l)(1) below to determine whether the conditions of this exemption have been met, except that

(1) if the records necessary to enable the persons described in Section II(l)(1) to determine whether the conditions of this exemption have been met are lost, or destroyed, due to circumstances beyond the control of M&T, then no prohibited transaction will be considered to have occurred solely on the basis of the unavailability of those records; and

(2) no party in interest with respect to the Plan other than M&T shall be subject to the civil penalty that may be assessed under section 502(i) of the Act or to the taxes imposed by section 4975(a) and (b) of the Code if such records are not maintained or are not available for examination as required by Section II(k).

(l)(1) Except as provided in this Section II(l)(2) and notwithstanding any provision of section 504(a)(2) and (b) of the act, the records referred to in Section II(k) are unconditionally available at their customary locations for examination during normal business hours by:

(i) Any duly authorized employee or representative of the United States Department of Labor (the Department), the Internal Revenue Service, or the Securities and Exchange Commission,

(ii) any fiduciary of the Plan or any duly authorized representative of such participant or beneficiary,

(iii) any participant or beneficiary of the Plan or duly authorized representative of such participant or beneficiary,

(iv) any employer whose employees are covered by the Plan, and

(v) any employee organization whose members are covered by such Plan;

(2) None of the persons described in Section II(l)(1)(ii) through (v) shall be authorized to examine trade secrets of M&T, the Funds, or the investment advisor for the Funds, or commercial or financial information which is privileged or confidential; and

(3) Should M&T, the Funds, or the investment advisor for the Funds refuse to disclose information on the basis that such information is exempt from disclosure pursuant to Section II(l)(2) above, M&T, the Funds, or the investment advisor shall, by the close of the 30th day following the request, provide a written notice advising that person of the reasons for the refusal and that the Department may request such information.

Section III—Definitions

For purposes of this proposed exemption,

(a) The term ''M & T'' means Manufacturers and Traders Trust Company which is a wholly-owned subsidiary of the M&T Bank Corporation.

(b) The term ''affiliate'' means:

(1) Any person (including a corporation or partnership) directly or indirectly through one or more intermediaries, controlling, controlled by, or under common control with the person;

(2) Any officer, director, employee, or partner in any such person; and

(3) Any corporation or partnership of which such person is an officer, director, partner, or employee.

(c) The term ''control'' means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(d) The term ''net asset value'' means the amount for purposes of pricing all purchases and sales calculated by dividing the value of securities, determined by a method as set forth in the Fund's prospectus and statement of additional information, and other assets belonging to the Fund, less the liabilities charged to each such Portfolio, by the number of outstanding shares.

(e) The term ''Independent Fiduciary'' means a fiduciary who is:

(1) Independent of and unrelated to M&T and its affiliates, and

(2) Appointed to act on behalf of the Plan with respect to the Redemptions.

For purposes of this exemption, a fiduciary will not be deemed to be independent of and unrelated to M&T if:

(3) Such fiduciary directly or indirectly controls, is controlled by or is under common control with M&T;

(4) Such fiduciary, directly or indirectly receives any compensation or other consideration in connection with any transaction described in this exemption (except that an independent fiduciary may receive compensation from M&T in connection with the transactions discussed herein if the amount or payment of such compensation is not contingent upon or in any way affected by the independent fiduciary's ultimate decision); or

(5) Such fiduciary receives, in its current fiscal year, from M&T or its affiliates, an amount that would have exceeded one percent (1%) of such fiduciary's gross income in the prior fiscal year.

(f) The term ''Transferable Securities'' shall mean securities

(1) For which market quotations are readily available from persons independent of M&T as determined pursuant to procedures established by the Funds under Rule 2a–4 of the 1940 Act; and

(2) Which are not:

(i) Securities which, if publicly offered or sold, would require registration under the Securities Act of 1933;

(ii) Securities issued by entities in countries which (A) restrict or prohibit the holding of securities by non-nationals other than through qualified investment vehicles, such as the Funds, or (B) permit transfers of ownership of securities to be effected only by transactions conducted on a local stock exchange;

(iii) Certain portfolio positions (such as forward foreign currency contracts, futures and options contracts, swap transactions, certificates of deposit and repurchase agreements) that, although they may be liquid and marketable, involve the assumption of contractual obligations, require trading facilities or can only be traded with the counter-party to the transaction to effect a change in beneficial ownership;

(iv) Cash equivalents (such as certificates of deposit, commercial paper and repurchase agreements);

(v) Other assets which are not readily distributable (including receivables and prepaid expenses), net of all liabilities (including accounts payable); and

(vi) Securities subject to ''stop transfer'' instructions or similar contractual restrictions on transfer.

Effective Date: This exemption is effective as of the date of this grant.

Written Comments

In the Notice of Proposed Exemption (the Notice), the Department invited all interested persons to submit written comments and requests for a hearing.

During the comment period, the Department received no requests for a hearing. The Department did receive a comment from the Applicant dated May 1, 2009. The Applicant cited several issues with regard to the Notice as follows.

1) Section II(c) of the Notice reads as follows:

> With certain exceptions explained in Representation 6 below, the Plan received a pro rata portion of the Transferable Securities, pursuant to the Redemptions that, when added to the cash received, was equal in value to the number of Shares redeemed for such Transferable Securities, as determined in a single valuation (using sources independent of M&T and M&T affiliates) performed in the same manner and as of the close of business on the same day as the day of receipt of the Transferable Securities, in accordance with Rule 2a–4 under the Investment Company Act of 1940, as amended from time to time (the 1940 Act), and the then-existing procedures established by the Fund that are in compliance the 1940 Act;

The Applicant explains that the valuation described in section II(c) of the Notice and the actual receipt of the Transferable Securities by the Plan could have occurred on different days. The Applicant represents that although the valuation occurred on the same day as the date of the Redemptions, the actual receipt of the Transferable Securities by the Plan occurred on the next business day following the date of the Redemptions. Based on the Applicant's clarification, the Department has determined to amend the language of section II(c) as follows:

> With certain exceptions explained in Representation 6 below, the Plan received a pro rata portion of the Transferable Securities, pursuant to the Redemptions that, when added to the cash received, was equal in value to the number of Shares redeemed for such Transferable Securities, as determined in a single valuation (using sources independent of M&T and M&T affiliates) performed in the same manner and as of the close of business on the same day as the day of the Redemptions, in accordance with Rule 2a–4 under the Investment Company Act of 1940, as amended from time to time (the 1940 Act), and the then-existing procedures established by the Fund that are in compliance the 1940 Act, and the Plan received the Transferable Securities on the next business day following the date of the Redemptions;

2) The Applicant requested that section II(i) and subparagraph (e) of Paragraph 15 of the Summary of Facts and Representations of the Notice should be deleted. The condition set forth in Section II(i) of the Notice and subparagraph (e) of Paragraph 15 reads as follows:

> Following the Redemptions, M&T, on behalf of the Plan, has paid and will continue to pay total annual expenses, including investment management fees for the Plan's investment in the separate accounts;

In addition, the subparagraph (d) of Paragraph 14 of the Summary of Facts and Representations of the Notice reads as follows:

> The Plan will no longer pay investment management fees with respect to its investment in the separate accounts charged by MTBIA.

The Applicant clarified its application to indicate that it intended to pay only investment management fees on behalf of the Plan's investment in the M&T separate accounts. In this regard, Evercore Trust Company, N.A.

(Evercore), the independent fiduciary and the successor of U.S. Trust Company, stated in a June 9, 2009 letter to the Department that the Funds' total annual expenses include certain expenses that have no clear counterpart when assets are separately managed (*e.g.,* transfer agency fees, custody fees, shareholder servicing fees). The only fees specifically associated with a separately managed arrangement are the manager's investment management fees. Given that M&T has agreed to pay for the investment management fees associated with the separate accounts, it is therefore consistent to describer the Plan's on-going savings as the Fund's total annual expenses.

The Applicant also clarified its application to indicate that it did not intend to absorb permanently the investment management costs associated with the separate accounts on behalf of the Plan. The Applicant represents that if the Plan should cease using MTBIA and hire an investment manager unaffiliated with the Applicant, the Applicant may at that time cease paying the investment management fees.

The Department has revised section II(i) of the Notice to read as follows:

> Following the Redemptions, M&T, on behalf of the Plan, has paid and will continue to pay investment management fees for the Plan's investment in the separate accounts so long as MTBIA serves as the investment manager for the Plan;

In addition, subparagraph (d) of Paragraph 14 and subparagraph (e) of Paragraph 15 of the Summary of Facts and Representations in the Notice should read as follows:

> Following the Redemptions, M&T, on behalf of the Plan, has paid and will continue to pay investment management fees for the Plan's investment in the separate accounts so long as MTBIA serves as the investment manager for the Plan;

3) The Applicant requests that the language contained in paragraph 2 of the Summary of Facts and Representations in the Notice be revised, in order to reflect the fact that M&T manages Plan investments and does not manage the Plan itself. Paragraph 2 of the Summary of Facts and Representations in the Notice reads as follows:

> ''M&T serves as trustee of the Plan and manages the Plan.''

The Department concurs with the Applicant's suggested revision. In this regard, the last sentence of paragraph 2 of the Summary of Facts and Representations, as set forth in the Notice, should read as follows:

> ''M&T serves as trustee of the Plan and manages the Plan's investments.''

(4) The Applicant requested that the second sentence of paragraph 5 of the Summary of Facts and Representations in the Notice be clarified. The second sentence of Paragraph 5 of the Summary of Facts and Representations in the Notice reads as follows:

> M&T determined that the Plan's investments in the Funds were large enough so that an all-cash redemption would adversely impact the Funds and to proceed with the Redemptions.

The Applicant represents that specifically, it was the board of the MTB Funds that determined that an all-cash redemption would adversely impact the MTB Funds.

The Department concurs with the Applicant's suggested revisions. In this regard, the second sentence of paragraph 5 of the Summary of Facts and Representations, as set forth in the Notice is revised to read as follows:

> The board of the MTB Funds determined that the Plan's investments in the Funds were large enough so that an all-cash redemption would adversely impact the Funds and to proceed with the Redemptions.

(5) The Applicant requested a clarification of the word ''it'' which should have read the ''MTB Funds'' in the third sentence of footnote 9 of the Summary of Facts and Representations. The third sentence of footnote 9 of the Summary of Facts and Representations in the Notice reads as follows:

> M&T represents it has adopted procedures in accordance with the Signature Financial Letter for use in affiliated transactions, and those procedures must be followed for transactions with the Plan, as the Plan is treated as an affiliate under the 1940 Act of the funds whose shares are being redeemed.

The Department concurs with the Applicant's suggested revisions. In this regard, the third sentence of footnote 9 of the Summary of Facts and Representations in the Notice is amended to read as follows:

> M&T represents that the MTB Funds have adopted procedures in accordance with the Signature Financial Letter for use in affiliated transactions, and those procedures must be followed for transactions with the Plan, as the Plan is treated as an affiliate under the 1940 Act of the funds whose shares are being redeemed.

After reviewing the entire record, including the comments submitted, the Department has decided to grant this exemption as revised herein. For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the Notice published on February 25, 2009, 74 FR 8576.

FOR FURTHER INFORMATION CONTACT: Anh-Viet Ly of the Department, telephone (202) 693–8648. (This is not a toll-free number).

Bank of New York Mellon Corporation, Located in Pittsburgh, PA.

[Prohibited Transaction Exemption 2009–27

[Application No. D–11553]

Exemption

The restrictions of sections 406(a)(1)(A) through (D), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code,[1] shall not apply, effective November 25, 2008, to the cash sale of certain securities (the Securities) issued by Lehman Brothers Holdings Inc. or its affiliates (Lehman) for an aggregate purchase price of approximately $5,512,395 by the EB SMAM Securities Lending Temporary Investment Fund (the Cash Collateral Fund) to the Bank of New York Mellon Corporation (BNYMC), a party in interest with respect to the employee benefit plans (the Plan(s)) invested, directly or indirectly, in the Cash Collateral Fund; provided that the following conditions are met:

(a) The sale of the Securities was a one-time transaction for cash;

(b) The Cash Collateral Fund received an amount for the sale of the Securities which was equal to the sum of:

(1) The amortized cost of the Securities, and

(2) The accrued but unpaid interest on each of the Securities, determined as of the *earlier of:* (A) The date of the sale of the Securities, or (B) the maturity date of each of the Securities;

(c) The amount received by the Cash Collateral Fund for the sale of the Securities was greater than the aggregate market value of the Securities at the time of the sale, as determined based on information regarding the then prevailing trading prices for the Securities obtained from two independent broker-dealers;

(d) The Cash Collateral Fund did not bear any commissions, fees, transactions costs, or other expenses in connection with the sale of the Securities;

(e) The Bank of New York Mellon (BNY Mellon), as trustee of the Cash Collateral Fund, determined that the sale of the Securities was appropriate for and in the best interest of the Cash Collateral Fund, and the Plans invested,

[1] For purposes of this exemption, references to specific provisions of Title I of the Act, unless otherwise specified, refer also to the corresponding provisions of the Code.

directly or indirectly, in the Cash Collateral Fund, at the time of the transaction;

(f) BNY Mellon took all appropriate actions necessary to safeguard the interests of the Cash Collateral Fund, and the Plans invested, directly or indirectly, in the Cash Collateral Fund, in connection with the transaction, given that Lehman had filed for bankruptcy and that the value of the Securities had declined substantially;

(g) If the exercise of any of BNYMC's rights, claims, or causes of action in connection with its ownership of the Securities results in BNYMC recovering from Lehman, the issuer of the Securities, or from any third party, an aggregate amount that is more than the sum of:

(1) The purchase price paid for such Securities by BNYMC; and

(2) The interest due on the Securities from and after the date BNYMC purchased the Securities from the Cash Collateral Fund, determined at the last-published interest rate on the Securities preceding Lehman's bankruptcy filing, BNYMC will refund such excess amount promptly to the Cash Collateral Fund (after deducting all reasonable expenses incurred in connection with the recovery);

(h) BNY Mellon and its affiliates, as applicable, maintain, or cause to be maintained, for a period of six (6) years from the date of the transaction such records as are necessary to enable the persons described, below, in paragraph (i)(1), to determine whether the conditions of this exemption have been met, except that—

(1) No party in interest with respect to a Plan which engages in the transaction, other than BNY Mellon and its affiliates, as applicable, shall be subject to a civil penalty under section 502(i) of the Act or the taxes imposed by section 4975(a) and (b) of the Code, if such records are not maintained, or not available for examination, as required, below, by paragraph (i)(1); and

(2) A separate prohibited transaction shall not be considered to have occurred solely because, due to circumstances beyond the control of BNY Mellon and its affiliates, as applicable, such records are lost or destroyed prior to the end of the six-year period.

(i)(1) Except as provided, below, in paragraph (i)(2), and notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the Act, the records referred to, above, in paragraph (h) are unconditionally available at their customary location for examination during normal business hours by—

(A) Any duly authorized employee or representative of the Department, the Internal Revenue Service, or the Securities and Exchange Commission; or

(B) Any fiduciary of a Plan that engages in the transaction, or any duly authorized employee or representative of such fiduciary; or

(C) Any employer of participants and beneficiaries and any employee organization whose members are covered by a Plan that engages in the transaction, or any authorized employee or representative of these entities; or

(D) Any participant or beneficiary of a Plan that engages in the transaction, or duly authorized employee or representative of such participant or beneficiary;

(2) None of the persons described, above, in paragraph (i)(1)(B)–(D) shall be authorized to examine trade secrets of BNY Mellon and its affiliates, as applicable, or commercial or financial information which is privileged or confidential; and

(3) Should BNY Mellon and its affiliates, as applicable, refuse to disclose information on the basis that such information is exempt from disclosure, BNY Mellon and its affiliates, as applicable, shall, by the close of the thirtieth (30th) day following the request, provide a written notice advising that person of the reasons for the refusal and that the Department may request such information.

Effective Date: This exemption is effective, as of November 25, 2008.

After giving full consideration to the entire record, the Department has decided to grant the exemption, as described above. The complete application file is made available for public inspection in the Public Documents Room of the Employee Benefits Security Administration, Room N–1513, U. S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the Notice published on July 23, 2009, at 74 FR 36515.

FOR FURTHER INFORMATION CONTACT: Ms. Angelena C. Le Blanc of the Department, telephone (202) 693–8540. (This is not a toll-free number.)

Ford Motor Company and Its Affiliates, (collectively, Ford)
Located in Detroit, MI.
[Prohibited Transaction Exemption 2009–28 Application No. L–11451]

Exemption

Section I. Covered Transactions

The restrictions of sections 406(a)(1)(B), 406(a)(1)(D), 406(b)(1), and 406(b)(2) of the Act shall not apply, effective July 13, 2006, to: (1) monthly cash advances to Ford by the Independent Health Care Trust for UAW Retirees of Ford Motor Company (the DC VEBA), as defined in section III(f), below, of this exemption, to reimburse Ford for the estimated mitigation of certain health care expenses (the Mitigation), as defined in section III(h), below, of this exemption, and during the period from July 14, 2006 through February 28, 2007, for the payment of dental expenses incurred by participants in the DC VEBA; and (2) an annual ''true-up'' of the Mitigation payments and dental expenses against the actual expenses incurred, with the result that: (a) if Ford has been underpaid by the DC VEBA, Ford receives the balance outstanding from the DC VEBA with interest, or (b) if the DC VEBA has overpaid Ford, Ford reimburses the DC VEBA for the amount overpaid, with interest.

Section II. Conditions

This exemption is conditioned upon adherence to the material facts and representations described in application for exemption, and upon satisfaction of the following conditions:

(a) A committee (the Committee), as defined in section III(d), below, of this exemption, acting as a fiduciary independent of Ford, has represented and will continue to represent the DC VEBA and its participants and beneficiaries for all purposes with respect to the Mitigation process under the settlement agreement (the DC VEBA Settlement Agreement or the Settlement Agreement), as defined in section III(g), below, of this exemption.

(b) The Committee for the DC VEBA has discharged and will continue to discharge its duties consistent with the terms of the DC VEBA and the Settlement Agreement.

(c) The Committee and actuaries retained by the Committee have reviewed and approved and will continue to review and approve the estimation process involved in the Mitigation, which results in the monthly Mitigation amount paid to Ford.

(d) Outside auditors retained by the Committee, along with an administrative company that is partly owned by the DC VEBA, have audited and will audit the calculation of the true-up to determine whether there are any differences between the estimated Mitigation and actual Mitigation amounts and have made and will make such information available to Ford.

(e) Ford has provided various reports and records to the Committee concerning dental care reimbursements

for the period from July 14, 2006, through February 28, 2007, which were subject to review and audit by the Committee, and Ford has provided and will continue to provide various reports and records to the Committee concerning the Mitigation required under the Settlement Agreement which were and will continue to be subject to review and audit by the Committee.

(f) The terms of the covered transactions are no less favorable and will continue to be no less favorable to the DC VEBA than the terms negotiated at arm's length under similar circumstances between unrelated third parties.

(g) The interest rate applied to any true-up payments is a reasonable rate, as set forth in the DC VEBA Settlement Agreement, and will continue to be a reasonable rate that runs from the beginning of the year being trued up and does not and will not present a windfall or detriment to either party.

(h) The DC VEBA has not incurred and will continue not to incur any fees, costs, or other charges (other than those described in the DC VEBA and the DC VEBA Settlement Agreement) as a result of the covered transactions described herein.

(i) Ford and the Committee have maintained and will continue to maintain for a period of six (6) years from the date of any of the covered transactions, any and all records necessary to enable the persons described in section II(j), below, of this exemption to determine whether conditions of this exemption have been and will continue to be met, except that (1) a prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of Ford or the Committee, the records are lost or destroyed prior to the end of the six-year period, and (2) no party in interest other than Ford or the Committee shall be subject to the civil penalty that may be assessed under section 502(i) of the Act if the records are not maintained, or are not available for examination as required by section II(j), below, of this exemption.

(j)(1) Except as provided in section II(j)(2), below, of this exemption and notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the Act, the records referred to in section II(i), above, of this exemption have been or will be unconditionally available at their customary location during normal business hours to:

(A) Any duly authorized employee or representative of the Department;

(B) The International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (the UAW) or any duly authorized representative of the UAW;

(C) Ford or any duly authorized representative of Ford; and

(D) Any participant or beneficiary of the DC VEBA, or any duly authorized representative of such participant or beneficiary.

(2) None of the persons described in section II(j)(1)(B) or (D), above, in this exemption is authorized to examine the trade secrets of Ford, or commercial or financial information that is privileged or confidential.

Section III. Definitions

For purposes of this exemption, the term—

(a) ''Ford'' means Ford Motor Company and its affiliates.

(b) ''Affiliate'' means:

(1) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such other person;

(2) Any officer, director, or partner, employee or relative (as defined in section 3(15) of the Act) of such other person; or

(3) Any corporation, partnership or other entity of which such other person is an officer, director or partner. (For purposes of this definition, the term ''control'' means the power to exercise a controlling influence over the management or policies of a person other than an individual.)

(c) ''Class'' or ''Class Members'' mean all persons who, as of the ratification date (the Ratification Date), as defined in section I(a) of the Settlement Agreement, (*i.e.,* December 22, 2005) were: (1) Ford/UAW hourly employees who had retired from Ford with eligibility to participate in retirement in the Hospital-Surgical-Medical-Drug-Dental-Vision Program (the Original Plan), as in effect prior to the Ratification Date, or (2) the spouses, surviving spouses, and dependents of Ford/UAW hourly employees, who, as of the Ratification Date, were eligible for post-retirement or surviving spouse health care coverage under the Original Plan as a consequence of a Ford/UAW hourly employee's retirement from Ford or death prior to retirement. Active employees, as defined in section I(A) of the Settlement Agreement, are not members of the Class.

(d) ''Committee'' means the seven (7) individuals, consisting of two classes: (1) the UAW with three members, and (2) the public class with four members, who act as the named fiduciary and administrator of the DC VEBA.

(e) ''Court'' or ''Michigan District Court'' means the United States District Court for the Eastern District of Michigan.

(f) ''DC VEBA'' means the defined contribution—Voluntary Employees' Beneficiary Association trust established by Ford pursuant to the Settlement Agreement and the trust agreement (the Trust Agreement).

(g) ''DC VEBA Settlement Agreement'' or the ''Settlement Agreement'' means the agreement, dated February 13, 2006, which was entered into between Ford, the UAW, and class representatives, on behalf of a class of plaintiffs in a class action suit cited as *Int'l Union, UAW, et al.* v. *Ford Motor Company* (Civil Case No. 05–74730 (E.D. Mich. July 13, 2006), *aff'd,* 497 F.3d 615 (6th Cir. 2007) (hereinafter referred to as the Hardwick I Case).

(h) ''Mitigation'' means the reduction of monthly contributions, deductibles, out-of-pocket maximums, co-insurance payments, or any other payment in accordance with section 14 of the Settlement Agreement to the extent payments from the DC VEBA are made, as directed by the Committee, to Ford and/or to providers, insurance carriers and other agreed-upon entities.

(i) ''OPEB'' means Other Post-Employment Benefits. The OPEB Valuation is an actuarially developed valuation of a company's post retirement benefit obligations, other than for pension and other retirement income plans. The OPEB Valuation is based on a set of uniform financial reporting standards promulgated by the Financial Accounting Standards Board and embodied in Financial Accounting Standard 106, as revised from time to time. The types of benefits addressed in an OPEB Valuation typically are retiree healthcare (medical, dental, vision, hearing) life insurance, tuition assistance, and legal services

(j) ''Shares'' or ''Stock'' refers to the common stock of Ford for which the par value is $.01.

(k) ''UAW'' means the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America or the United Auto Workers, if shortened.

(l) ''VEBA'' means a voluntary employees' beneficiary association.

(m) ''Defined Contribution Plan'' or ''the Defined Contribution Plan of the Independent Health Care Trust for UAW Retirees of Ford Motor Company'' means the defined contribution welfare benefit plan funded by the DC VEBA following the effective date (the Effective Date), as defined in section I(A) of the Settlement Agreement (*i.e.,* July 13, 2006), which will include the requirement to make contributions to

the DC VEBA, as set forth in section 13 of the Settlement Agreement.

Effective Date: This exemption is effective, as of July 13, 2006.

Written Comments

In the Notice of Proposed Exemption (the Notice), the Department invited all interested persons to submit written comments and requests for a hearing on the proposed exemption within forty-five (45) days of the date of the publication of the Notice in the **Federal Register** on June 26, 2009.

During the comment period, the Department received no requests for a hearing. However, the Department received a comment from the applicant informing the Department of a correction to certain language contained in the heading of the Notice. In this regard, the references to ''Ford Motor Corporation,'' as set forth in the heading of the Notice on page 30635, should be revised to read ''Ford Motor Company.''

The Department acknowledges the correction, as requested by the applicant, and in the final exemption has amended the reference to Ford Motor Company.

After giving full consideration to the entire record, the Department has decided to grant the exemption, as amended above. The complete application file is made available for public inspection in the Public Documents Room of the Employee Benefits Security Administration, Room N–1513, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the Notice published on June 26, 2009, at 74 FR 30635.

FOR FURTHER INFORMATION CONTACT: Angelena C. Le Blanc of the Department at telephone number 202–693–8540 (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) This exemption is supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of this exemption is subject to the express condition that the material facts and representations contained in the application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 21st day of September 2009.

Ivan Strasfeld,

Director of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. E9–23167 Filed 9–24–09; 8:45 am]

BILLING CODE 4510–29–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (09–082)]

NASA Advisory Council; Science Committee; Planetary Science Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: The National Aeronautics and Space Administration (NASA) announces a meeting of the Planetary Science Subcommittee of the NASA Advisory Council (NAC). This Subcommittee reports to the Science Committee of the NAC. The Meeting will be held for the purpose of soliciting from the scientific community and other persons scientific and technical information relevant to program planning.

DATE: Friday, October 16, 2009, 2 p.m. to 5 p.m. Eastern Daylight Time.

ADDRESSES: This meeting will take place telephonically. Any interested person may contact Ms. Marian Norris to receive a toll free number and pass code needed to participate in this meeting by telephone.

FOR FURTHER INFORMATION CONTACT: Ms. Marian Norris, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–4452, fax (202) 358–4118, or *mnorris@nasa.gov.*

SUPPLEMENTARY INFORMATION: The agenda for the meeting includes the following topics:

—Planetary Science Division Update.
—Mars Science Laboratory Update.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

P. Diane Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. E9–23176 Filed 9–24–09; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL NANOTECHNOLOGY COORDINATION OFFICE

Nanoscale Science, Engineering and Technology Subcommittee, National Science and Technology Council, Committee on Technology; Nanomaterials and the Environment & Instrumentation, Metrology, and Analytical Methods Workshop: Nanotechnology Primer Public Pre-Meeting

ACTION: Notice of public meeting.

SUMMARY: The National Nanotechnology Coordination Office (NNCO), on behalf of the Nanoscale Science, Engineering, and Technology (NSET) Subcommittee of the Committee on Technology, National Science and Technology Council (NSTC), will hold a Nanotechnology Primer public pre-meeting on October 5, 2009, prior to the public meeting on Nanomaterials and the Environment & Instrumentation, Metrology, and Analytical Methods Workshop. The purpose of this pre-meeting is to provide general background material about nanotechnology and Federal nanotechnology research to participants.

DATES: A Nanotechnology Primer public pre-meeting will be held on Monday, October 5, 2009 from 7 p.m.–8:30 p.m.

ADDRESSES: The Nanotechnology Primer public pre-meeting will be held at the Holiday Inn Rosslyn-Key Bridge, 1900 N. Fort Myer Drive, Arlington, VA 22209 (Metro stop: Rosslyn on the Orange and Blue lines). For directions, please see *http://www.holidayinn.com.*

Registration: Due to space limitations, pre-registration for the workshop is required. People interested in attending the workshop and/or the

Nanotechnology Primer should register online at *http://www.nano.gov/html/meetings/environment/register.html*. Written notices of participation by e-mail should be sent to *environment@nnco.nano.gov*. Written notices may be mailed to the Environment & IMA Workshop, c/o NNCO, 4201 Wilson Blvd., Stafford II, Suite 405, Arlington, VA 22230. Registration is on a first-come, first-served basis. Registration will close on October 2, 2009 at 4 p.m. EDT.

Information about the meeting, including the agenda, is posted at *http://www.nano.gov*.

FOR FURTHER INFORMATION CONTACT: For information regarding this Notice, please contact Liesl Heeter, telephone (703) 292–4533, or Heather Evans, telephone (703) 292–7916, National Nanotechnology Coordination Office. *E-mail: environment@nnco.nano.gov*.

SUPPLEMENTARY INFORMATION: The Nanotechnology Primer pre-meeting is to provide general background material about nanotechnology and Federal nanotechnology research and development efforts to interested participants, particularly those attending the Oct 6–7, 2009 Nanomaterials and the Environment & Instrumentation, Metrology and Analytical Methods workshop. The October 6–7 workshop is to engage in an active discussion and learn more about the state-of-the-science in these two research areas. The October 5, 2009 Nanotechnology Primer public pre-meeting is open to all interested parties on a space available basis.

David Hodge,

Operations Manager, OSTP.

[FR Doc. E9–23138 Filed 9–24–09; 8:45 am]

BILLING CODE 3170–W9–P

NATIONAL NANOTECHNOLOGY COORDINATION OFFICE

Nanoscale Science, Engineering and Technology Subcommittee, National Science and Technology Council, Committee on Technology; Nanomaterials and the Environment & Instrumentation, Metrology, and Analytical Methods Workshop: Public Meeting

ACTION: Notice of public meeting.

SUMMARY: The National Nanotechnology Coordination Office (NNCO), on behalf of the Nanoscale Science, Engineering, and Technology (NSET) Subcommittee of the Committee on Technology, National Science and Technology Council (NSTC), will hold a workshop on October 6–7, 2009, to provide an open forum to discuss the state-of-the-art of the science related to environmental, health, and safety aspects of nanomaterials in two areas: Nanomaterials and the Environment & Instrumentation, Metrology, and Analytical Methods. These are two of the five environmental, health, and safety research categories identified in the NSET Subcommittee document *Strategy for Nanotechnology-Related Environmental, Health, and Safety Research* (*http://www.nano.gov/NNI_EHS_Research_Strategy.pdf*), which was released February 14, 2008.

DATES: The public meeting will be held on Tuesday, October 6, 2009 from 8 a.m. until 5:30 p.m. and on Wednesday, October 7, 2009 from 8 a.m. until 4 p.m.

ADDRESSES: The public meeting will be held at the Holiday Inn Rosslyn-Key Bridge, 1900 N. Fort Myer Drive, Arlington, VA 22209 (Metro stop: Rosslyn on the Orange and Blue lines). For directions, please see *http://www.holidayinn.com.*

Registration: Due to space limitations, pre-registration for the workshop is required. People interested in attending the workshop should register online at *http://www.nano.gov/html/meetings/environment/register.html.* Written notices of participation by e-mail should be sent to *environment@nnco.nano.gov.* Written notices may be mailed to the Environment & IMA Workshop, c/o NNCO, 4201 Wilson Blvd., Stafford II, Suite 405, Arlington, VA 22230. Registration is on a first-come, first-served basis. Registration will close on October 1, 2009 at 4 p.m. EDT.

Those interested in presenting 3–5 minutes of public comments at the meeting should also register at *http://www.nano.gov/html/meetings/environment/register.html.* Written or electronic comments should be submitted by e-mail to *environment@nnco.nano.gov* until October 31, 2009.

Information about the meeting, including the agenda, is posted at *http://www.nano.gov.*

The main sessions will be Web cast. Please see *http://www.nano.gov* for more information.

FOR FURTHER INFORMATION CONTACT: For information regarding this Notice, please contact Liesl Heeter, telephone (703) 292–4533, or Heather Evans, telephone (703) 292–7916, National Nanotechnology Coordination Office. *E-mail: environment@nnco.nano.gov.*

SUPPLEMENTARY INFORMATION: Environment & Instrumentation and Metrology research are used to guide efforts to improve environmental, health, and safety (EHS) protection with regard to nanoscale engineered materials and to monitor trends and progress. The purpose of this workshop is to engage in an active discussion and learn more about the state-of-the-art in (1) Nanomaterials and the Environment and (2) Instrumentation, Metrology, and Analytical Methods by (a) Discussing the state-of-the-science to assess the research needs and identify challenges and emerging trends, (b) relating progress and next steps as input to the Federal government's effort to adaptively manage its nanoEHS research strategy, and (c) building dialogue and strengthening collaborations.

M. David Hodge,

Operations Manager, OSTP.

[FR Doc. E9–23142 Filed 9–24–09; 8:45 am]

BILLING CODE 3170–W9–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2009–0395]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U. S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The NRC invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* NRC Form 171, ''Duplication Request''.

2. *The form number if applicable:* NRC 171.

3. *How often the collection is required:* Frequently.

4. *Who is required or asked to report:* Individuals or companies requesting document duplication.

5. *The estimated number of annual respondents:* 1,200.

6. *The number of hours needed annually to complete the requirement or request:* 100 hours.

7. *Abstract:* This form is utilized by the Public Document Room (PDR) staff

members who collect information from the public requesting reproduction of publicly available documents in NRC Headquarters' Public Document Room. Copies of the form are utilized by the reproduction contractor to accompany the orders. One copy of the form is kept by the contractor for their records, one copy is sent to the public requesting the documents, and the third copy (with no credit card data) is kept by the PDR staff for 90 calendar days, and then securely discarded.

Submit, by November 24, 2009, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the burden estimate accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC–2009–0395. You may submit your comments by any of the following methods. Electronic comments: Go to *http://www.regulations.gov* and search for Docket No. NRC–2009–0395. Mail comments to Acting NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Questions about the information collection requirements may be directed to the Acting NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–6258, or by e-mail to *INFOCOLLECTS.Resource@NRC.GOV.*

Dated at Rockville, Maryland, this 17th day of September 2009.

For the Nuclear Regulatory Commission,

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. E9–23203 Filed 9–24–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on October 8–10, 2009, 11555 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Monday, October 6, 2008, (73 FR 58268–58269).

Thursday, October 8, 2009, Commissioners' Conference Room O–1f16, One White Flint North, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:30 a.m.: Combined License Application for North Anna, Unit 3, Economic Simplified Boiling Water Reactor (ESBWR) and the Draft Safety Evaluation Report (SER) with Open Items (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and Dominion Virginia Power regarding the North Anna ESBWR Combined License Application, the draft SER with Open Items, and related matters.

10:45 a.m.–12:15 p.m.: License Renewal Application and Final SER for the Susquehanna Steam Electric Station, Units 1 and 2 (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and PPL Susquehanna, LLC regarding the license renewal application for the Susquehanna Steam Electric Station, Units 1 and 2, the associated NRC staff's final SER, and related matters.

1:15 p.m.–3:15 p.m.: Steam Generator Action Plan (SGAP) Task 3.5, "A Risk Assessment of Consequential Steam Generator Tube Ruptures," and Other SGAP Items (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding SGAP Task 3.5, other SGAP items, and related matters.

3:30 p.m.–5 p.m.: Oyster Creek 3-Dimensional Structural Analysis of the Drywell Shell (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and Exelon Generation Company, LLC, regarding the Oyster Creek 3-dimensional structural analysis of the drywell shell and related matters.

Conference Room T8–A1, Two White Flint North, Rockville, Maryland

5:15 p.m.–7 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters discussed during this meeting.

Friday, October 9, 2009, Commissioners' Conference Room O–1F16, One White Flint North, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–9:45 a.m.: Draft Final Revision 2 to Regulatory Guide 1.189, "Fire Protection for Nuclear Power Plants" (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the draft final Revision 2 to Regulatory Guide 1.189, NRC staff's resolution of public comments, and related matters.

10 a.m.–11 a.m.: 10 CFR Part 52 Regulatory Process (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the 10 CFR part 52 regulatory process and related matters.

11 a.m.–11:15 a.m.: Subcommittee Reports (Open)—The Committee will hear a report by and hold discussions with the Chairman of the AP1000 Subcommittee regarding selected Chapters of the draft SER with Open Items related to changes to the AP1000 Design Control Document that were discussed during the meeting on October 6–7, 2009.

12:15 p.m.–1 p.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee (Open/Closed)—The Committee will discuss the recommendations of the Planning and Procedures

Subcommittee regarding items proposed for consideration by the full Committee during future ACRS meetings, and matters related to the conduct of ACRS business, including anticipated workload and member assignments.

[**Note:** A portion of this session may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

1 p.m.–1:15 p.m.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations to comments and recommendations included in recent ACRS reports and letters.

1:30 p.m.–3:30 p.m.: Draft ACRS Report on the NRC Safety Research Program (Open)—The Committee will discuss a draft ACRS report on the NRC Safety Research Program.

Conference Room T8–A1, Two White Flint North, Rockville, Maryland

3:45 p.m.–7 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters discussed during this meeting.

Saturday, October 10, 2009, Conference Room T8–A1 Two White Flint North, Rockville, Maryland

8:30 a.m.–1:30 p.m.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports.

1:30 p.m.–2 p.m.: Miscellaneous (Open)—The Committee will continue its discussion related to the conduct of Committee activities and specific issues that were not completed during previous meetings.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 6, 2008, (73 FR 58268–58269). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Thirty-five hard copies of each presentation or handout should be provided to the Designated Federal Official 30 minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the Designated Federal Official one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the Designated Federal Official with a CD containing each presentation at least 30 minutes before the meeting. Electronic recordings will be permitted only during the open portions of the meeting. Persons desiring to make oral statements should notify the Cognizant ACRS staff named below five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the Cognizant ACRS staff prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

In accordance with Subsection 10(d) Public Law 92–463, I have determined that it may be necessary to close a portion of this meeting noted above to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which constitute a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. 552b(c)(2) and (6).

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, as well as the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting Girija Shukla, Cognizant ACRS staff (301–415–6855), between 7:15 a.m. and 5 p.m. (ET). ACRS meeting agenda, meeting transcripts, and letter reports are available through the NRC Public Document Room at *pdr.resource@nrc.gov*, or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html* or *http://www.nrc.gov/reading-rm/doc-collections/ACRS/*.

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service for observing ACRS meetings should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m., (ET), at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated: September 21, 2009.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. E9–23194 Filed 9–24–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2009–0417]

Solicitation of Public Comments on the Implementation of the Reactor Oversight Process

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for public comment.

SUMMARY: The NRC is soliciting comments from members of the public, licensees, and interest groups related to the implementation of the Reactor Oversight Process (ROP). An electronic version of the survey questions and additional information about the ROP are available at *http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/index.html*. This solicitation will provide insights into the self-assessment process and a summary of the feedback will be included in the annual ROP self-assessment report to the Commission.

DATES: The comment period expires on November 6, 2009. The NRC will consider comments received after this date if it is practical to do so, but is able to ensure consideration of only those comments received on or before this date.

ADDRESSES: You may submit completed questionnaires and/or comments by any one of the following methods. Please include Docket ID NRC–2009–0417 in the subject line of your comments. Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site Regulations.gov. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

Federal Rulemaking Website: Go to *http://www.regulations.gov* and search for documents filed under Docket ID NRC–2009–0417. Address questions about NRC dockets to Carol Gallagher 301–492–3668; e-mail *Carol.Gallagher@nrc.gov.*

Mail comments to: Michael T. Lesar, Chief, Rulemaking and Directives Branch (RDB), Office of Administration, Mail Stop: TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by fax to RDB at (301) 492–3446.

You can access publicly available documents related to this notice using the following methods:

NRC's Public Document Room (PDR): The public may examine and have copied for a fee publicly available documents at the NRC's PDR, Public File Area O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland.

NRC's Agencywide Documents Access and Management System (ADAMS): Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov.*

Federal Rulemaking Website: Public comments and supporting materials related to this notice can be found at *http://www.regulations.gov* by searching on Docket ID: NRC–2009–0417.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Frahm, Office of Nuclear Reactor Regulation (Mail Stop: OWFN 7G13), U.S. Nuclear Regulatory Commission, Washington DC 20555–0001. Mr. Frahm can also be reached by telephone at 301–415–2986 or by e-mail at *Ronald.Frahm@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Program Overview

The mission of the NRC is to license and regulate the Nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection of public health and safety, promote the common defense and security, and protect the environment. This mission is accomplished through the following activities:

- License nuclear facilities and the possession, use, and disposal of nuclear materials.
- Develop and implement requirements governing licensed activities.
- Inspect and enforce licensee activities to ensure compliance with these requirements and the law.

Although the NRC's responsibility is to monitor and regulate licensees' performance, the primary responsibility for safe operation and handling of nuclear materials rests with each licensee.

As the nuclear industry in the United States has matured, the NRC and its licensees have learned much about how to safely operate nuclear facilities and handle nuclear materials. In April 2000, the NRC began to implement more effective and efficient inspection, assessment, and enforcement approaches, which apply insights from these years of regulatory oversight and nuclear facility operation. Key elements of the Reactor Oversight Process (ROP) include NRC inspection procedures, plant performance indicators, a significance determination process, and an assessment program that incorporates various risk-informed thresholds to help determine the level of NRC oversight and enforcement. Since ROP development began in 1998, the NRC has frequently communicated with the public by various initiatives: conducted public meetings in the vicinity of each licensed commercial nuclear power plant, issued **Federal Register** Notices to solicit feedback on the ROP, published press releases about the process, conducted multiple public workshops, placed pertinent background information in the NRC's Public Document Room, and maintained an NRC Web site containing easily accessible information about the ROP and licensee performance.

NRC Public Stakeholder Comments

The NRC continues to be interested in receiving feedback from members of the public, various public stakeholders, and industry groups on their insights regarding the calendar year 2009 implementation of the ROP. In particular, the NRC is seeking responses to the questions listed below, which will provide important information that the NRC can use in ongoing program improvement. A summary of the feedback obtained will be provided to the Commission and included in the annual ROP self-assessment report.

Questions

In responding to these questions, please describe your experiences with the NRC's reactor oversight process. If additional space is needed, please attach to the back of the survey. If there are experiences or opinions that you would like to express that cannot be directly captured by the questions, please document them in the last question of the survey.

Questions Related to Specific Reactor Oversight Process (ROP) Program Areas

(As appropriate, please provide specific examples and suggestions for improvement.)

(1) Does the Performance Indicator Program provide useful insights, particularly when combined with the inspection program, to help ensure plant safety and/or security?

Comments:

(2) Does appropriate overlap exist between the Performance Indicator Program and the Inspection Program to provide for a comprehensive indication of licensee performance?

Comments:

(3) Does NEI 99–02, ''Regulatory Assessment Performance Indicator Guideline'' provide clear guidance regarding Performance Indicators?

Comments:

(4) Does the Performance Indicator Program effectively contribute to the identification of performance outliers based on risk-informed, objective, and predictable measures?

Comments:

(5) Does the Inspection Program adequately cover areas that are important to plant safety and/or security, and is it effective in identifying and ensuring the prompt correction of performance deficiencies?

Comments:

(6) Is the information contained in NRC inspection reports relevant, useful, and written in plain English?

Comments:

(7) Does the Significance Determination Process result in an appropriate regulatory response to performance issues?

Comments:

(8) Does the NRC take appropriate actions to address performance issues for those plants outside the Licensee Response Column of the Action Matrix?

Comments:

(9) Is the information contained in NRC assessment letters relevant, useful, and written in plain English?

Comments:

(10) Do the ROP safety culture enhancements help in identifying licensee safety culture weaknesses and focusing licensee and NRC attention appropriately?

Comments:

Questions related to the efficacy of the overall ROP. (As appropriate, please provide specific examples and suggestions for improvement.)

(11) Are the ROP oversight activities predictable (*i.e.,* controlled by the process) and reasonably objective (*i.e.,* based on supported facts, rather than relying on subjective judgment)?

Comments:

(12) Is the ROP risk-informed, in that the NRC's actions are appropriately graduated on the basis of increased significance?

Comments:

(13) Is the ROP understandable and are the processes, procedures and products clear and written in plain English?

Comments:

(14) Does the ROP provide adequate assurance, when combined with other NRC regulatory processes, that plants are being operated and maintained safely and securely?

Comments:

(15) Are NRC actions related to the ROP effective (*e.g.,* are NRC actions of high quality, efficient, timely, and realistic to enable the safe use of radioactive materials)?

Comments:

(16) Does the ROP ensure openness in the regulatory process (*e.g.,* does the NRC appropriately inform stakeholders in the regulatory process)?

Comments:

(17) Has the public been afforded adequate opportunity to participate in the ROP and to provide inputs and comments (*e.g.,* does the NRC appropriately involve stakeholders in the regulatory process)?

Comments:

(18) Has the NRC been responsive to public inputs and comments on the ROP?

Comments:

(19) Has the NRC implemented the ROP as defined by program documents?

Comments:

(20) Does the ROP result in unintended consequences?

Comments:

(21) Please provide any additional information or comments related to the Reactor Oversight Process.

Comments:

Dated at Rockville, Maryland, this 17th day of September, 2009.

For the U.S. Nuclear Regulatory Commission.

Michael Cheok,

Deputy Director, Division of Inspection & Regional Support, Office of Nuclear Reactor Regulation.

[FR Doc. E9–23214 Filed 9–24–09; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review, Request for Comments

Summary

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding an Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB) to request a revision to a currently approved collection of information. Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collections of information to determine (1) the practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if RRB and OIRA receive them within 30 days of publication date.

Request for Medicare Payment; OMB 3220–0131

Under section 7(d) of the Railroad Retirement Act, the RRB administers the Medicare program for persons covered by the railroad retirement system. The collection obtains the information needed by Palmetto GBA, the Medicare carrier for railroad retirement beneficiaries, to pay claims for payments under Part B of the Medicare program. Authority for collecting the information is prescribed in 42 CFR 424.32.

The RRB currently utilizes Forms G–740S, Patient's Request for Medicare Payment, (along with Centers for Medicare and Medicaid Services Form CMS–1500) to secure the information necessary to pay Part B Medicare Claims. One response is completed for each claim. Completion is required to obtain a benefit.

Information Collection Request (ICR)

Title: Request for Medicare Payment.

OMB Control Number: OMB 3220–0131.

Form(s) submitted: G–740S, CMS–1500.

Expiration date of current OMB clearance: 9/30/2009.

Type of request: Revision of a currently approved collection.

Affected public: Individuals or households.

Abstract: The Railroad Retirement Board (RRB) administers the Medicare program for persons covered by the Railroad Retirement System. The collection obtains the information needed by Palmetto GBA, the RRB's carrier, to pay claims for services covered under part B of the program.

Changes Proposed: The RRB proposes non-burden impacting editorial changes to Form G–740S.

The total burden estimate for the ICR is as follows:

Estimated annual number of respondents: See Justification (Item No.12).

Total annual responses: 1.

Total annual reporting hours: 1.

Additional Information or Comments: Copies of the form and supporting documents can be obtained from Charles Mierzwa, the agency clearance officer at (312–751–3363) or *Charles.Mierzwa@rrb.gov*.

Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611–2092 or *Ronald.Hodapp@rrb.gov* and to the OMB Desk Officer for the RRB, at the Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

Charles Mierzwa,

Clearance Officer.

[FR Doc. E9–23196 Filed 9–24–09; 8:45 am]

BILLING CODE 7905–01–P

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

President's Council of Advisors on Science and Technology; Notice of Meeting: Meeting of the President's Council of Advisors on Science and Technology

ACTION: Public notice.

SUMMARY: This notice sets forth the schedule and summary agenda for a meeting of the President's Council of Advisors on Science and Technology (PCAST), and describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (FACA).

DATES: October 22, 2009–October 23, 2009.

ADDRESSES: Washington, DC. The meeting will be held at the National Academy of Sciences building, 2100 C Street, NW., Washington, DC.

Type of Meeting: Open and Closed. Details on the meeting agenda will be posted on the PCAST Web site at: *http://www.ostp.gov/cs/pcast.*

Proposed Schedule and Agenda: The President's Council of Advisors on Science and Technology (PCAST) is scheduled to meet in open session on October 22, 2009 from 10 a.m.–12 p.m., when they will break for lunch. They will resume meeting in open session from 2 p.m.–6 p.m. On October 23, 2009, PCAST will meet in open session from 10 a.m.–12 p.m., when they will break for lunch. They will resume meeting in open session from 2 p.m.–5 p.m. During these open meetings, PCAST is tentatively scheduled to hear presentations from representatives of the Office of Science and Technology Policy, the Department of Energy, the Department of State, the Department of Education, the Department of Defense, the National Science Foundation, the National Aeronautics and Space Administration, National Institutes of Health, and non-governmental leaders in science, technology, engineering, and mathematics (STEM) education.

Speakers will focus on the issues of STEM education or the role of science and technology in international development activities. In addition, PCAST will discuss possible studies it may conduct regarding the health and the life sciences; energy, climate, and the environment; innovation and technology; international security; economic development; and interdisciplinary aspects of science and technology. Additional information and the agenda will be posted at the PCAST Web site at: *http://www.ostp.gov/cs/pcast.*

PCAST may hold a closed meeting of approximately 1 hour with the President, which must take place in the White House for the President's scheduling convenience and to maintain Secret Service protection. This meeting will be closed to the public because such portion of the meeting is likely to disclose matters that are to be kept secret in the interest of national defense or foreign policy under 5 U.S.C. 552b(c)(1). The precise date and time of this potential meeting has not yet been determined.

Public Comments: There will be time allocated for the public to comment on the above agenda items the morning of October 23, 2009. This public comment period is designed for substantive commentary on PCAST's work topics, not for business marketing purposes.

Members of the public wishing to reserve speaking time must contact Dr. Deborah D. Stine, PCAST Executive Director, at *dstine@ostp.eop.gov,* (202) 456–6006, or fax your request/comments to (202) 456–6021, at least five (5) business days in advance of the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) to five (5) minutes per person, with a total public comment period of 30 minutes. Requests for public comment will be honored on a first-come, first-serve basis. The time available to speakers will be determined based on the number of requests received by the deadline. Speakers are asked to bring extra copies of their comments and/or presentation for distribution to PCAST at the meeting.

Written comments are also welcome at any time before or following the meeting. Written comments received at least five (5) business days prior to the meeting will be made available to the members before their meeting. Written comments received after that point may not be reviewed by the members until after the meeting takes place.

Please note that because PCAST operates under FACA, all public comments and/or presentations will be treated as public documents and will be made available for public inspection, including being posted on the PCAST Web site.

FOR FURTHER INFORMATION, CONTACT: Information regarding agenda, time, location, and how to register for the meeting will be made available on the PCAST Web site at: *http://www.ostp.gov/cs/pcast.* A live video Web cast and an archive of the Web cast after the event will be available at *http://www.ostp.gov/cs/pcast.* Questions about the meeting should be directed to Dr. Deborah D. Stine, PCAST Executive Director, at *dstine@ostp.eop.gov,* (202) 456–6006, or fax your request/comments to (202) 456–6021 prior to 3 p.m. on Wednesday, August 5, 2009. Please note that public seating for this meeting is limited and is available on a first-come, first-served basis.

SUPPLEMENTARY INFORMATION: The President's Council of Advisors on Science and Technology was established by Executive Order 13226 on September 30, 2001. The President's Council of Advisors on Science and Technology (PCAST) is an advisory group of the nation's leading scientists and engineers who directly advise the President and the Executive Office of the President. PCAST makes policy recommendations in the many areas where understanding of science, technology, and innovation is key to strengthening our economy and forming policy that works for the American people. PCAST is administered by the Office of Science and Technology Policy (OSTP). PCAST is co-chaired by Dr. John Holdren, Assistant to the President for Science and Technology, and Director of the Office of Science and Technology Policy; Dr. Harold Varmus, President, Memorial Sloan-Kettering Cancer Center; and Dr. Eric Lander, Founding Director, Broad Institute.

Meeting Accommodations: Individuals requiring special

accommodation to access the public meetings listed above should contact Dr. Stine at least five business days prior to the meeting so that appropriate arrangements can be made.

Deborah D. Stine,

Executive Director, President's Council of Advisors on Science and Technology Policy.

[FR Doc. E9–23253 Filed 9–24–09; 8:45 am]

BILLING CODE 3170–W9–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, October 1, 2009 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Walter, as duty officer, voted to consider the items listed for the Closed Meeting in a closed session.

The subject matter of the Closed Meeting scheduled for Thursday, October 1, 2009 will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

A litigation matter; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551–5400.

Dated: September 23, 2009.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–23373 Filed 9–23–09; 4:15 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Genova Biotherapeutics Inc.; Order of Suspension of Trading

September 23, 2009.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Genova Biotherapeutics Inc. (''Genova'').

Genova is incorporated under the laws of Nevada and has its primary headquarters in New York, New York. Questions have arisen regarding stock promotional activity for Genova and the adequacy and accuracy of press releases, financial statements, and statements on the company's Web site concerning the company's current financial condition, business and operations, and stock promoting activity.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in Genova's securities.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EST, on September 23, 2009 through 11:59 p.m. EST, on October 6, 2009.

By the Commission.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–23297 Filed 9–23–09; 4:15 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60694; File No. SR–Phlx–2009–65]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by NASDAQ OMX PHLX, Inc. Relating to Strike Price Intervals of $0.50 for Options on Stocks Trading at or Below $3.00

September 18, 2009.

On July 31, 2009, NASDAQ OMX PHLX, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] a proposed rule change to permit the Exchange to list options on selected stocks trading at or below $3.00 at $0.50 intervals (''$0.50 Strike Program''). The proposed rule change was published for comment in the **Federal Register** on August 17, 2009.[4] There were no comments on the proposed rule change. This order approves the proposed rule change.

The Exchange proposes to amend Rule 1012, Series of Options Open for Trading, Commentary .05, in order to establish strike price intervals of $0.50, beginning at $1, for certain options classes whose underlying security closed at or below $3 in its primary market on the previous trading day. Currently, Commentary .05(a)(ii) to Phlx Rule 1012 provides that the interval of strike prices of series of options on individual stocks may be $2.50 or greater where the strike price is $25 or less. Additionally, Commentary .05(a)(i) to Phlx Rule 1012 allows the Exchange to establish $1 strike price intervals (the ''$1 Strike Program'') on options classes overlying no more than fifty-five individual stocks designated by the Exchange. To be eligible for the $1 Strike Program, an underlying stock must close below $50 in its primary market on the previous trading day.[5]

The Exchange now proposes to establish strike prices of $1, $1.50, $ 2, $2.50, $3 and $3.50 for certain stocks that trade at or under $3.00.[6] The listing of these strike prices will be limited to options classes whose underlying security closed at or below $3 in its primary market on the previous trading day, and which have national average daily volume that equals or exceeds 1000 contracts per day as determined by The Options Clearing Corporation

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 60466 (August 10, 2009), 74 FR 4147 (''Notice'').

[5] In addition, the $1 Strike Program permits the Exchange to list strike prices at $1 intervals from $1 to $50, provided that no $1 strike price may be listed that is greater than $5 from the underlying stock's closing price in its primary market on the previous day. Further, the Exchange is restricted from listing any series that would result in strike prices being within $0.50 of a strike price set pursuant to Commentary .05(a)(ii) to Phlx Rule 1012 addressing $2.50 strike intervals. The Exchange may also list $1 strikes on any other option class designated by another securities exchange that employs a similar $1 Strike Program. Further, the Exchange may not list long-term option series (LEAPS) at $1 strike price intervals for any class selected for the $1 Strike Program.

[6] The Exchange recently amended Exchange Rule 1010, Withdrawal of Approval of Underlying Securities or Options, to eliminate the $3 market price per share requirement for continued approval for an underlying security. The amendment eliminated the prohibition against listing additional series or options on an underlying security at any time when the price per share of such underlying security is less than $3. The Exchange explained in that proposed rule change that the market price for a large number of securities has fallen below $3 in the current volatile market environment. *See* Securities Exchange Act Release No. 59346 (February 3, 2009), 74 FR 6681 (February 10, 2009).

during the preceding three calendar months. The listing of $0.50 strike prices will be limited to options classes overlying no more than five individual stocks as specifically designated by the Exchange. The Exchange also will be able to list $0.50 strike prices on any other option classes if those classes were specifically designated by other securities exchanges that employ a similar $0.50 Strike Program under their respective rules.

Currently, the Exchange may list options on stocks trading at $3 at strike prices of $1, $2, $3, $4, $5, $6, $7 and $8 if they are designated to participate in the $1 Strike Program. If these stocks have not been selected for the Exchange's $1 Strike Program, the Exchange may list strike prices of $2.50, $5, $7.50 and so forth as provided in Commentary .05(a), but not strike prices of $1, $2, $3, $4, $6, $7 and $8. The proposed amendments to Commentary .05 to Phlx Rule 1012 will permit the Exchange to list strike prices on options on qualifying stocks that trade at or under $3.00, which may include stocks also participating in the $1 Strike Program, in finer intervals of $0.50, beginning at $1 up to $3.50.[7] Thus, a stock trading at $3 that is selected for the $0.50 Strike Program would have option strike prices established not just at $2.50, $5.00, $7.50 and so forth (for stocks not in the Exchange's $1 Strike Program) or just at $1, $2, $3, $4, $5, $6, $7 and $8 (for stocks designated to participate in the $1 Strike Program), but rather at strike prices established at $1, $1.50, $2, $2.50, $3 and $3.50.[8]

In its filing with the Commission, the Exchange stated that the number of securities trading below $3.00 has increased dramatically recently and that the Exchange therefore believes that new strike prices for securities trading at or below $3.00 are appropriate. According to the Exchange, as the price of a stock declines below $3 or even $2, the availability of options with strike prices at intervals of $0.50 could provide investors with opportunities and strategies to minimize losses associated with owning a stock declining in price. In addition, the Exchange represented that it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle the additional traffic associated with the expanded number of options series proposed to be listed and traded.

After careful review, the Commission finds that the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.[9] In particular, the Commission believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,[10] which requires, among other things, that the rules of a national securities exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

Specifically, the Commission believes that the proposal to permit the Exchange to select a total of 5 individual underlying stocks trading at or under $3 on which option series may be listed at $0.50 strike intervals should provide investors with added flexibility in the trading of equity options and further the public interest by allowing investors to establish equity options positions that are better tailored to meet their investment objectives. The Commission also believes that the proposal strikes a reasonable balance between the Exchange's desire to accommodate market participants by offering a wider array of investment opportunities and the need to avoid unnecessary proliferation of options series and the corresponding increase in quotes. The Commission expects that the Exchange will monitor the trading volume associated with the additional options series listed as a result of this proposal and the effect of these additional series on market fragmentation and on the capacity of the Exchange's, OPRA's and vendors' automated systems.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[11] that the proposed rule change (SR–Phlx–2009–65) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–23098 Filed 9–24–09; 8:45 am]

BILLING CODE 8010–01–P

[7] Current sections (ii), (iii) and (iv) will be renumbered as sections (iii), (iv) and (v) respectively.

[8] The option on the qualifying stock could also have strike prices set at $5, $7.50 and so forth at $2.50 intervals (pursuant to Commentary .05(a)(ii) to Phlx Rule 1012) or, if it has been selected for the $1 Strike Program, at $4, $5, $6, $7 and $8.

[9] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78s(b)(2).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60690; File No. SR–MSRB–2009–14]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Consisting of an Interpretive Notice Regarding MSRB Rule G–15(a), on Customer Confirmations

September 18, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 15, 2009, the Municipal Securities Rulemaking Board (''Board'' or ''MSRB''), filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Board. The MSRB has designated the proposed rule change as constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization pursuant to Section 19(b)(3)(A)(i) of the Act,[3] and Rule 19b–4(f)(1) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The MSRB has filed with the Commission a proposed rule change consisting of an interpretive notice regarding MSRB Rule G–15(a), on customer confirmations, concerning use of electronic confirmations produced by a clearing agency or qualified vendor to satisfy the requirements of Rule G–15(a). The text of the proposed rule change is available on the MSRB's Web site (*http://www.msrb.org/msrb1/sec.asp*), at the MSRB's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the MSRB included statements concerning the purpose of and basis for the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(i).

[4] 17 CFR 240.19b–4(f)(1).

proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The MSRB has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The MSRB received an interpretive request concerning the written confirmation requirements of MSRB Rule G–15(a), on customer confirmations of transactions in municipal securities transactions, in which the MSRB was asked whether dealers could rely on a confirmation sent by a Clearing Agency or Qualified Vendor, as defined in MSRB Rule G–15(d)(ii)(B), where disclosures customarily provided on the back of paper confirmations are provided electronically using a URL link to satisfy their confirmation delivery obligations to customers under MSRB Rule G–15(a). The MSRB recognizes that the speed and efficiencies offered by electronic confirmation delivery are of benefit to the municipal securities industry. Therefore, the MSRB has interpreted the requirement in Rule G–15(a) to provide a customer with a written confirmation to be satisfied by an electronic confirmation for DVP/RVP transactions sent by a Clearing Agency or Qualified Vendor, as defined in MSRB Rule G–15(d)(ii)(B), where disclosures customarily provided on the back of paper confirmations are provided electronically using a URL link when the following conditions are met: (i) the confirmation sent includes all of the information required by Rule G–15(a); and (ii) all of the requirements and conditions concerning the use of the electronic confirmation service expressed in applicable SEC no-action letters concerning Rule 10b–10 continue to be met.

2. Statutory Basis

The MSRB believes that the proposed rule change is consistent with Section 15B(b)(2)(C) of the Act,[5] which provides that the MSRB's rules shall:

> be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest.

The MSRB believes that the proposed rule change is consistent with the Act because the speed and efficiencies offered by electronic confirmation delivery are of benefit to the municipal securities industry.

B. Self-Regulatory Organization's Statement on Burden on Competition

The MSRB does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, since it would apply equally to all brokers, dealers and municipal securities dealers.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to Section 19(b)(3)(A)(i) of the Act[6] and Rule 19b–4(f)(1) thereunder,[7] in that the proposed rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the MSRB. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[8]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–MSRB–2009–14 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–MSRB–2009–14. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the MSRB. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MSRB–2009–14 and should be submitted on or before October 16, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–23163 Filed 9–24–09; 8:45 am]

BILLING CODE 8010–01–P

[5] 15 U.S.C. 78o–4(b)(2)(C).

[6] 15 U.S.C. 78s(b)(3)(A)(i).

[7] 17 CFR 240.19b–4(f)(1).

[8] *See* Section 19(b)(3)(C) of the Act, 15 U.S.C. 78s(b)(3)(C).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60697; File No. SR–FINRA–2009–052]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Granting Approval of Proposed Rule Change To Adopt FINRA Rule 2264 (Margin Disclosure Statement) in the Consolidated FINRA Rulebook

September 21, 2009.

On July 29, 2009, Financial Industry Regulatory Authority, Inc. (''FINRA'') (f/k/a National Association of Securities Dealers, Inc. (''NASD'')) filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b-4 thereunder [2] to adopt NASD Rule 2341 (Margin Disclosure Statement) with minor changes as FINRA Rule 2264 as part of the process of developing a new consolidated rulebook (''Consolidated FINRA Rulebook'').[3] Notice of the proposal was published for comment in the **Federal Register** on August 11, 2009.[4] The Commission received no comments on the proposed rule change. This order approves the proposed rule change.

I. Description of the Proposal

FINRA Rule 2264 requires members that open margin accounts for or on behalf of non-institutional customers [5] to deliver to such customers, prior to or at the time of opening the account, a specified margin disclosure statement to highlight the risks involved in trading securities in a margin account. Members also must provide the margin disclosure statement (or an abbreviated version as provided by the rule) to non-institutional margin account customers not less than once a calendar year. The rule provides members with the flexibility to use an alternative disclosure statement to the language specified in the rule provided that the alternative disclosures are substantially similar to the disclosures specified in the rule. Members must deliver the initial and annual disclosure statement, in writing or electronically, to customers covered by the rule on an individual basis. In addition, the rule requires members that permit non-institutional customers to open accounts online, or engage in transactions in securities online, to post the margin disclosure statement on their Web sites in a clear and conspicuous manner.

FINRA stated that it would announce the implementation date of the proposed rule change in a *Regulatory Notice* to be published no later than 90 days following Commission approval.

II. Discussion and Commission's Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association.[6] In particular, the Commission finds that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[7] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. These margin disclosures are important because they provide investors with information with which they can better understand the operation of margin accounts and the risks associated with margin trading.

III. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR–FINRA–2009–052) be, and hereby is, approved. For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–23148 Filed 9–24–09; 8:45 am]

BILLING CODE 8010–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The current FINRA rulebook consists of (1) FINRA Rules; (2) NASD Rules; and (3) rules incorporated from NYSE (''Incorporated NYSE Rules'') (together, the NASD Rules and Incorporated NYSE Rules are referred to as the ''Transitional Rulebook''). While the NASD Rules generally apply to all FINRA members, the Incorporated NYSE Rules apply only to those members of FINRA that are also members of the NYSE (''Dual Members''). The FINRA Rules apply to all FINRA members, unless such rules have a more limited application by their terms. For more information about the rulebook consolidation process, *see Information Notice,* March 12, 2008 (Rulebook Consolidation Process).

[4] Exchange Act Release No. 60437 (Aug. 5, 2009), 74 FR 40256 (Aug. 11, 2009).

[5] For purposes of the rule, a non-institutional customer means a customer that does not qualify as an ''institutional account'' under NASD Rule 3110(c)(4). NASD rule 3110(c)(4) provides, ''the term 'institutional account' shall mean the account of: (A) A bank, savings and loan association, insurance company, or registered investment company; (B) an investment adviser registered either with the Securities and Exchange Commission under Section 203 of the Investment Advisers Act of 1940 or with a state securities commission (or any agency or office performing like functions); or (C) any other entity (whether a natural person, corporation, partnership, trust, or otherwise) with total assets of at least $50 million.'' FINRA is proposing to adopt NASD Rule 3110(c)(4) as FINRA Rule 4512(c). *See Regulatory Notice* 08–25 (May 2008).

[6] In approving this rule proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[7] 15 U.S.C. 78*o*–3(b)(6).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60686; File No. SR–BX–2009–041]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Order Approving a Proposed Rule Change To Eliminate Chapter V, Section 13 (Unusual Market Conditions) of the BOX Trading Rules and To Modify Related Rules

September 18, 2009.

On August 3, 2009, NASDAQ OMX BX, Inc. (the ''Exchange''), filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b-4 thereunder,[2] a proposed rule change to eliminate Chapter V, Section 13 (Unusual Market Conditions) of the Trading Rules of the Boston Options Exchange Group, LLC (''BOX'') and to modify related rules. The proposed rule change was published for comment in the **Federal Register** on August 18, 2009.[3] The Commission received no comments on the proposed rule change. This order approves the proposed rule change.

The proposed rule eliminates Chapter V, Section 13, as well as certain ancillary rules, which deal with fast markets.[4] Chapter V, Section 13 provides for an Options Official to determine that the level of trading activity or the existence of unusual

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 60465 (August 10, 2009), 74 FR 41765 (''Notice'').

[4] In addition to removing Chapter V, Section 13, the proposed rule change also removes certain rules related to fast markets. Specifically, the Exchange proposes to modify Chapter VI, Section 6(a) to remove a fast market rule exception to the general rule that all Market Maker bids or offers must be of a size of at least ten (10) contracts. The Exchange also proposes to: (1) Remove Section 6(c)(ii)(2) of Chapter VI to reflect the previously described removal of Chapter V, Section 13; (2) replace references to Rule 11Ac1–1 with Rule 602 of Regulation NMS under the Exchange Act; and (3) modify Section 9(b) (Trading Sessions) of Chapter XIV (Index Rules) by eliminating the declaration of a fast market as a factor in determining whether to delay the opening of the index options market.

market conditions is such that BOX is incapable of collecting, processing, and making available to quotation vendors the data for the option in a manner that accurately reflects the current state of the market on BOX. If an Options Official determined the market in the option to be ''fast,'' the Official could take various steps including suspending minimum size requirements for quotations, turning off the Price Improvement Period (''PIP'') process, or taking other actions in order to promote a fair and orderly market. BOX represents that a fast market is characterized by heavy trading and high price volatility in which orders may be submitted to market makers at such a rapid pace that a backlog of orders builds, causing delays in execution. If such a fast market occurred, delays could in turn cause significant price differentials between the quoted price and executed price.

BOX notes in its filing that in an electronic market such as BOX, during trading hours, orders generally are matched automatically with quotes on the other side of the market according to time priority, and executed immediately.[5] BOX states that any backlog in processing orders would be a result of a systems malfunction rather than from fast market conditions, and should any such backlog occur, the Exchange would halt trading on BOX until the issue could be resolved.[6]

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[7] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[8] which requires, among other things, that a national securities exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange stated in its filing that it has never declared a fast market and that any backlog of orders would be the result of a system malfunction. The Commission notes that if there were a backlog of orders, the Exchange would halt trading until such issue could be resolved pursuant to Chapter V, Section 10(a) of the BOX Trading Rules. For the foregoing reasons, the Commission finds the proposed rule change is consistent with the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[9] that the proposed rule change (SR–BX–2009–041) is approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–23147 Filed 9–24–09; 8:45 am]

BILLING CODE 8010–01–P

[5] *See* BOX Trading Rules, Chapter V, Section 16. BOX further states that because there is no trading floor and all orders are received and managed electronically, orders on BOX are executed with matching contra orders within a fraction of a second after the matching quote is received, subject to certain exceptions written into the BOX Trading Rules, such as Directed Orders (Chapter VI, Section 5(b)–(c)), and other exposure periods. *See generally* Chapter V, Section 16 (Execution and Price/Time Priority).

[6] *See* BOX Trading Rules, Chapter V, Section 10(a).

[7] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60683; File No. SR–BATS–2009–029]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Fees for Use of BATS Exchange, Inc.

September 17, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 8, 2009, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. BATS has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify its fee schedule applicable to Members[5] of the Exchange pursuant to BATS Rules 15.1(a) and (c). The changes to the fee schedule pursuant to this proposal will be effective upon filing.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to modify its fee schedule applicable to use of the Exchange effective September 8, 2009, in order to remove references to ''BOLT'' processing on such fee schedule due to the removal from functionalities offered by the Exchange of: (1) an order type (a ''BATS Only BOLT Order'') and (2) a pre-routing processing method (''BOLT Routing''). Such features were discontinued by the Exchange effective September 1, 2009, and thus, the Exchange wishes to remove the references effective immediately.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] A Member is any registered broker or dealer that has been admitted to membership in the Exchange.

requirements of Section 6 of the Act.[6] Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[7] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using any facility or system which the Exchange operates or controls. The Exchange believes that the change is purely administrative in nature, as it reflects changes the Exchange has already made to other portions of its rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change imposes any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has been designated as a fee change pursuant to Section 19(b)(3)(A)(ii) of the Act[8] and Rule 19b–4(f)(2) thereunder,[9] because it establishes or changes a due, fee or other charge imposed on members by the Exchange. Accordingly, the proposal is effective upon filing with the Commission.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File No. SR–BATS–2009–029 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–BATS–2009–029. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–BATS–2009–029 and should be submitted on or before October 16, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–23146 Filed 9–24–09; 8:45 am]

BILLING CODE 8010–01–P

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78s(b)(3)(A)(ii).

[9] 17 CFR 240.19b–4(f)(2).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60696; File No. SR–ISE–2009–65]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Strike Price Intervals of $0.50 for Options on Stocks Trading At or Below $3.00

September 18, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 17, 2009, the International Securities Exchange, LLC (the ''Exchange'' or the ''ISE'') filed with the Securities and Exchange Commission the proposed rule change as described in Items I and II below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of theTerms of Substance of the Proposed Rule Change

The ISE proposes to amend its rules in order to establish strike price intervals of $0.50, beginning at $1, for certain options classes whose underlying security closed at or below $3 in its primary market on the previous trading day. The text of the proposed rule change is available on the Exchange's Web site *http://www.ise.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to expand the ability of investors to hedge risks associated with stocks trading at or under $3. Currently, ISE Rule 504(d) provides that the interval of strike prices of series of options on individual stocks may be $2.50 or greater where the strike price is $25 or less. Additionally, Supplementary Material .01 to ISE Rule 504 allows the Exchange to establish $1 strike price intervals (the ''$1 Strike Program'') on options classes overlying no more than 55 individual stocks designated by the Exchange. In order to be eligible for selection into the $1 Strike Program, the underlying stock must close below $50 in its primary market on the previous trading day. If selected for the $1 Strike Program, the Exchange may list strike prices at $1 intervals from $1 to $50, but no $1 strike price may be listed that is greater than $5 from the underlying stock's closing price in its primary market on the previous day. The Exchange may also list $1 strikes on any other option class designated by another securities exchange that employs a similar $1 Strike Program its own rules.[3] The Exchange is restricted from listing any series that would result in strike prices being within $0.50 of a strike price set pursuant to Supplementary Material .01 to ISE Rule 504 at intervals of $2.50.

The Exchange is now proposing to establish strike prices of $1, $1.50, $ 2, $2.50, $3 and $3.50 for certain stocks that trade at or under $3.00.[4] The listing of these strike prices will be limited to options classes whose underlying security closed at or below $3 in its primary market on the previous trading day, and which have national average daily volume that equals or exceeds 1000 contracts per day as determined by The Options Clearing Corporation during the preceding three calendar months. The listing of $0.50 strike prices would be limited to options classes overlying no more than five (5) individual stocks (the ''$0.50 Strike Program'') as specifically designated by the Exchange. The Exchange would also be able to list $0.50 strike prices on any other option classes if those classes were specifically designated by other securities exchanges that employed a similar $0.50 Strike Program under their respective rules.

Currently, the Exchange may list options on stocks trading at $3 at strike prices of $1, $2, $3, $4, $5, $6, $7 and $8 if they are designated to participate in the $1 Strike Program.[5] If these stocks have not been selected for the Exchange's $1 Strike Program, the Exchange may list strike prices of $2.50, $5, $7.50 and so forth as provided in Supplementary Material .01 to ISE Rule 504, but not strike prices of $1, $2, $3, $4, $6, $7 and $8.[6]

The Exchange is now proposing to amend Supplementary Material .01 to ISE Rule 504 by adding new language that will permit the Exchange to list strike prices on options on a number of qualifying stocks that trade at or under $3.00, not simply those stocks also participating in the $1 Strike Program, in finer intervals of $0.50, beginning at $1 up to $3.50. Thus, a qualifying stock trading at $3 would have option strike prices established not just at $2.50, $5.00, $7.50 and so forth (for stocks not in the Exchange's $1 Strike Program) or just at $1, $2, $3, $4, $5, $6, $7 and $8 (for stocks designated to participate in the $1 Strike Program), but rather at strike prices established at $1, $1.50, $2, $2.50, $3 and $3.50.[7]

The Exchange believes that current market conditions demonstrate the appropriateness of the new strike prices. Recently the number of securities trading below $3.00 has increased dramatically.[8] Unless the underlying stock has been selected for the $1 Strike Program, there is only one possible in-the-money call (at $2.50) to be traded if an underlying stock trades at $3.00. Similarly, unless the underlying stock has been selected for the $1 Strike Program, only one out-of-the-money strike price choice within 100% of a stock price of $3 is available if an investor wants to purchase out-of-the-money calls. Stated otherwise, a purchaser would need over a 100% move in the underlying stock price in order to have a call option at any strike price other than the $5 strike price become in-the-money. If the stock is selected for the $1 Strike Program, the available strike price choices are somewhat broader, but are still greatly limited by the proximity of the $3 stock price to zero, and the very large percent gain or loss in the underlying stock price, relative to a higher priced stock, that would be required in order for strikes set at $1 or away from the stock price to become in-the-money and serve their intended hedging purpose.

As a practical matter, a low-priced stock by its very nature requires narrow strike price intervals in order for investors to have any real ability to hedge the risks associated with such a security or execute other related options trading strategies. The current restriction on strike price intervals, which prohibits intervals of less than $2.50 (or $1 for stocks in the $1 Strike Program) for options on stocks trading at or below $3, could have a negative effect on investors. The Exchange believes that the proposed $0.50 strike price intervals would provide investors with greater flexibility in the trading of equity options that overlie lower priced stocks by allowing investors to establish equity option positions that are better tailored to meet their investment objectives. The proposed new strike prices would enable investors to more closely tailor their investment strategies and decisions to the movement of the underlying security. As the price of stocks decline below $3 or even $2, the availability of options with strike prices at intervals of $0.50 could provide investors with opportunities and strategies to minimize losses associated with owning a stock declining in price.

With regard to the impact on system capacity, ISE has analyzed its capacity and represents that it and the Options Price Reporting Authority have the necessary systems capacity to handle the additional traffic associated with the listing and trading of an expanded

[3] The Exchange may not list long-term option series (''LEAPS'') at $1 strike price intervals for any class selected for the $1 Strike Program.

[4] The Exchange recently amended ISE Rule 503, Withdrawal of Approval of Underlying Securities, to eliminate the $3 market price per share requirement for continued approval for an underlying security. The amendment eliminated the prohibition against listing additional series or options on an underlying security at any time when the price per share of such underlying security is less than $3. The Exchange explained in that proposed rule change that the market price for a large number of securities has fallen below $3 in the current volatile market environment. *See* Securities Exchange Act Release No. 59347 (February 3, 2009), 74 FR 6678 (February 10, 2009).

[5] Additionally, market participants may be able to trade $2.50 strikes on the same option at another exchange, if that exchange has elected not to select the stock for participation in its own similar $1 Strike Program.

[6] Again, market participants may also be able to trade the option at $1 strike price intervals on other exchanges, if those exchanges have selected the stock for participation in their own similar $1 Strike Program.

[7] The option on the qualifying stock could also have strike prices set at $5, $7.50 and so forth at $2.50 intervals (pursuant to Supplementary Material .01 to ISE Rule 504) or, if it has been selected for the $1 Strike Program, at $4, $5, $6, $7 and $8.

[8] As of July 31, 2009, stocks trading at or below $3 include E*Trade Financial Corporation, Ambac Financial Group, Inc., Alcatel-Lucent, Federal Home Loan Mortgage Corporation (Freddie Mac) and Federal National Mortgage Association (Fannie Mae). A number of these stocks are widely held and actively traded equities, and the options overlying these stocks also trade actively on ISE.

number of series as proposed by this filing.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [9] in general, and furthers the objectives of Section 6(b)(5) of the Act [10] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by expanding the ability of investors to hedge risks associated with stocks trading at or under $3. The proposal should create greater trading and hedging opportunities and flexibility, and provide customers with the ability to more closely tailor investment strategies to the price movement of the underlying stocks, trading in many of which is highly liquid.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, it has become effective pursuant to 19(b)(3)(A) of the Act[11] thnsp; and Rule 19b–4(f)(6) thereunder.[12]

The Exchange has requested that the Commission waive the 30-day operative delay to permit the Exchange to respond promptly to demand by market participants to list qualifying options series at $0.50 intervals at about the same time that NASDAQ OMX PHLX, Inc. does once that exchange receives Commission approval of its proposed rule change. The Commission today has approved SR–Phlx–2009–65,[13] and therefore finds that waiver of the operative delay is consistent with the protection of investors and the public interest because such waiver will encourage fair competition among the exchanges. Therefore, the Commission designates the proposal operative upon filing.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–ISE–2009–65 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2009–65. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2009–65 and should be submitted on or before October 16, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–23113 Filed 9–24–09; 8:45 am]

BILLING CODE 8010–01–P

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[13] *See* Securities Exchange Act Release No. 60694 (September 18, 2009) (SR–Phlx–2009–65) (order approving a $0.50 strike program substantially the same as the $0.50 Strike Program proposed by CBOE).

[14] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60695; File No. SR–CBOE–2009–069]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Strike Price Intervals of $0.50 for Options on Stocks Trading at or Below $3.00

September 18, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 17, 2009, the Chicago Board Options Exchange, Incorporated (''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CBOE proposes to amend Interpretation and Policy .01 to Rule 5.5, *Series of Options Open for Trading,* in order to establish strike price intervals of $0.50, beginning at $1, for certain options classes whose underlying security closed at or below $3 in its primary market on the previous trading day. The Exchange is also proposing to make a technical change to Rule 5.5. The text of the rule proposal is available on the Exchange's Web site (*http://www.cboe.org/legal*), at the Exchange's Office of the Secretary and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

This proposed rule change is based on a filing submitted by NASDAQ OMX PHLX, Inc (''Phlx'') that was recently noticed for comment by the Commission.[5]

The purpose of the proposed rule change is to expand the ability of investors to hedge risks associated with stocks trading at or under $3. Currently, Interpretation and Policy .01(b) to Rule 5.5 provides that the interval of strike prices of series of options on individual stocks may be $2.50 or greater where the strike price is $25 or less. Additionally, Interpretation and Policy .01(a) to Rule 5.5 allows the Exchange to establish $1 strike price intervals (the ''$1 Strike Program'') on options classes overlying no more than fifty-five individual stocks designated by the Exchange. In order to be eligible for selection into the $1 Strike Program, the underlying stock must close below $50 in its primary market on the previous trading day. If selected for the $1 Strike Program, the Exchange may list strike prices at $1 intervals from $1 to $50, but no $1 strike price may be listed that is greater than $5 from the underlying stock's closing price in its primary market on the previous day. The Exchange may also list $1 strikes on any other option class designated by another securities exchange that employs a similar $1 Strike Program its own rules.[6] The Exchange is restricted from listing any series that would result in strike prices being within $0.50 of a strike price set pursuant to Interpretation and Policy .01(a) to Rule 5.5 at intervals of $2.50.

The Exchange is now proposing to establish strike prices of $1, $1.50, $ 2, $2.50, $3 and $3.50 for certain stocks that trade at or under $3.00.[7] The listing of these strike prices will be limited to options classes whose underlying security closed at or below $3 in its primary market on the previous trading day, and which have national average daily volume that equals or exceeds 1000 contracts per day as determined by The Options Clearing Corporation during the preceding three calendar months. The listing of $0.50 strike prices would be limited to options classes overlying no more than 5 individual stocks (the ''$0.50 Strike Program'') as specifically designated by the Exchange. The Exchange would also be able to list $0.50 strike prices on any other option classes if those classes were specifically designated by other securities exchanges that employed a similar $0.50 Strike Program under their respective rules.

Currently, the Exchange may list options on stocks trading at $3 at strike prices of $1, $2, $3, $4, $5, $6, $7 and $8 if they are designated to participate in the $1 Strike Program.[8] If these stocks have not been selected for the Exchange's $1 Strike Program, the Exchange may list strike prices of $2.50, $5, $7.50 and so forth as provided in Interpretation and Policy .01(a) to Rule 5.5, but not strike prices of $1, $2, $3, $4, $6, $7 and $8.[9]

The Exchange is now proposing to amend Interpretation and Policy .01(b) to Rule 5.5 by adding new section (b) to list strike prices on options on a number of qualifying stocks that trade at or under $3.00, not simply those stocks also participating in the $1 Strike Program, in finer intervals of $0.50, beginning at $1 up to $3.50.[10] Thus, a qualifying stock trading at $3 would have option strike prices established not just at $2.50, $5.00, $7.50 and so forth (for stocks not in the Exchange's $1 Strike Program) or just at $1, $2, $3, $4, $5, $6, $7 and $8 (for stocks designated to participate in the $1 Strike Program), but rather at strike prices established at $1, $1.50, $2, $2.50 $3 and $3.50.[11]

The Exchange believes that current market conditions demonstrate the appropriateness of the new strike prices. Recently the number of securities trading below $3.00 has increased dramatically.[12] Unless the underlying stock has been selected for the $1 Strike Program, there is only one possible in-the-money call (at $2.50) to be traded if an underlying stock trades at $3.00. Similarly, unless the underlying stock has been selected for the $1 Strike Program, only one out-of-the-money strike price choice within 100% of a

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Exchange Act Release No. 60466 (August 10, 2009), 74 FR 41475 (August 17, 2009) (SR–Phlx–2009–65) (comment period expired September 8, 2009).

[6] The Exchange may not list long-term option series (''LEAPS'') at $1 strike price intervals for any class selected for the Program.

[7] The Exchange recently amended Rule 5.4.01, *Withdrawal of Approval of Underlying Securities,* to eliminate the $3 market price per share requirement for continued approval for an underlying security. The amendment eliminated the prohibition against listing additional series or options on an underlying security at any time when the price per share of such underlying security is less than $3. The Exchange explained in that proposed rule change that the market price for a large number of securities has fallen below $3 in the current volatile market environment. See Securities Exchange Act Release No. 59336 (February 2, 2009), 74 FR 6332 (February 6, 2009) (SR–CBOE–2008–127).

[8] Additionally, market participants may be able to trade $2.50 strikes on the same option at another exchange, if that exchange has elected not to select the stock for participation in its own similar $1 Strike Program.

[9] Again, market participants may also be able to trade the option at $1 strike price intervals on other exchanges, if those exchanges have selected the stock for participation in their own similar $1 Strike Program.

[10] Current sections (b), (c) and (d) would be renumbered as sections (c), (d) and (e) respectively.

[11] The option on the qualifying stock could also have strike prices set at $5, $7.50 and so forth at $2.50 intervals (pursuant to Interpretation and Policy .01(a) to Rule 5.5) or, if it has been selected for the $1 Strike Program, at $4, $5, $6, $7 and $8.

[12] As of September 10, 2009, stocks trading at or below $3 include E*Trade Financial Corporation, Ambac Financial Group, Inc., Federal Home Loan Mortgage Corporation (Freddie Mac), Federal National Mortgage Association (Fannie Mae) and Sirius XM Radio, Inc. A number of these stocks are widely held and actively traded equities, and the options overlying these stocks also trade actively on CBOE.

stock price of $3 is available if an investor wants to purchase out-of-the money calls. Stated otherwise, a purchaser would need over a 100% move in the underlying stock price in order to have a call option at any strike price other than the $5 strike price become in-the-money. If the stock is selected for the $1 Strike Program, the available strike price choices are somewhat broader, but are still greatly limited by the proximity of the $3 stock price to zero, and the very large percent gain or loss in the underlying stock price, relative to a higher priced stock, that would be required in order for strikes set at $1 or away from the stock price to become in-the-money and serve their intended hedging purpose.

As a practical matter, a low-priced stock by its very nature requires narrow strike price intervals in order for investors to have any real ability to hedge the risks associated with such a security or execute other related options trading strategies. The current restriction on strike price intervals, which prohibits intervals of less than $2.50 (or $1 for stocks in the $1 Strike Program) for options on stocks trading at or below $3, could have a negative effect on investors. The Exchange believes that the proposed $0.50 strike price intervals would provide investors with greater flexibility in the trading of equity options that overlie lower priced stocks by allowing investors to establish equity option positions that are better tailored to meet their investment objectives. The proposed new strike prices would enable investors to more closely tailor their investment strategies and decisions to the movement of the underlying security. As the price of stocks decline below $3 or even $2, the availability of options with strike prices at intervals of $0.50 could provide investors with opportunities and strategies to minimize losses associated with owning a stock declining in price. With regard to the impact on system capacity, CBOE has analyzed its capacity and represents that it and the Options Price Reporting Authority have the necessary systems capacity to handle the additional traffic associated with the listing and trading of an expanded number of series as proposed by this filing.

Technical Change

The Exchange is proposing to clean up the strike setting parameters for options on exchange traded funds (''ETFs'') (also referred to as ''Units'' in Interpretation and Policy .06 to Rule 5.3), which are codified in two different Interpretations and Policies to Rule 5.5. In 1997, when the Exchange originally proposed trading ETF options, the Exchange amended Interpretation and Policy .01 to Rule 5.5. to provide that the minimum strike price intervals for ETF options would be $2.50 where the strike price is $200 or less and $5.00 where the strike price is over $200.[13] In 2002, the Exchange proposed permitting $1 strike price intervals for ETF options where the strike price is at $200 or less (and maintaining $5.00 strike price intervals where the strike price is over $200).[14] The ability to list $1 strike price intervals for ETF options was codified at new Interpretation and Policy .08 to Rule 5.5 and no amendments were made to the existing strike setting parameters for ETF options set forth in Interpretation and Policy .01 to Rule 5.5.

Accordingly, the Exchange is now proposing to amend Interpretations and Policies .01 and .08 to Rule 5.5 to set forth the strike setting parameters for ETF options in a single Interpretation and Policy (.08). This proposed change is technical in nature and makes no substantive changes to the strike setting parameters for ETF options. The Exchange is attempting to harmonize its rules by clarifying the strike setting parameters for ETF option in a single place.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act[15] and the rules and regulations thereunder and, in particular, the requirements of Section 6(b) of the Act.[16] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[17] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest, by expanding the ability of investors to hedge risks associated with stocks trading at or under $3. The proposal should create greater trading and hedging opportunities and flexibility, and provide customers with the ability to more closely tailor investment strategies to the price movement of the underlying stocks, trading in many of which is highly liquid.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, it has become effective pursuant to 19(b)(3)(A) of the Act[18] and Rule 19b–4(f)(6) thereunder.[19]

The Exchange has requested that the Commission waive the 30-day operative delay to permit the Exchange to compete effectively with Phlx by being able to list the same strike prices that will be permitted when SR–Phlx–2009–65 is approved. The Commission today has approved SR–Phlx–2009–65,[20] and therefore finds that waiver of the operative delay is consistent with the protection of investors and the public interest because such waiver will encourage fair competition among the exchanges. Therefore, the Commission designates the proposal operative upon filing.[21]

At any time within 60 days of the filing of the proposed rule change, the

[13] *See* Exchange Act Release No. 40166 (July 2, 1998), 63 FR 37430 (July 10, 1998) (SR–CBOE–97–03).

[14] *See* Exchange Act Release No. 46507 (September 17, 2002), 67 FR 60266 (September 25, 2002) (SR–CBOE–2002–54).

[15] 15 U.S.C. 78s(b)(1).

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

[18] 15 U.S.C. 78s(b)(3)(A).

[19] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[20] *See* Securities Exchange Act Release No. 60694 (September 18, 2009) (SR–Phlx–2009–65) (order approving a $0.50 strike program substantially the same as the $0.50 Strike Program proposed by CBOE).

[21] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2009–069 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2009–069. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2009–069 and should be submitted on or before October 16, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–23111 Filed 9–24–09; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60688; File No. SR–Phlx–2009–82]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by NASDAQ OMX PHLX, Inc. Relating to the Maximum Number of Quoters (''MNQ'') Permitted To Be Assigned in Equity Options

September 18, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 [2] thereunder, notice is hereby given that on September 17, 2009, NASDAQ OMX PHLX, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Exchange Rule 507, Application for Approval as an SQT or RSQT and Assignment in Options, which governs the assignment of options to Streaming Quote Traders (''SQTs'').[3] and Remote Streaming Quote Traders (''RSQTs''),[4] by establishing a higher maximum number of quoting participants (''Maximum Number of Quoters'' or ''MNQ'') in equity options.[5]

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nasdaqtrader.com/micro.aspx?id=PHLXRulefilings*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to provide additional liquidity in equity options on the Exchange by increasing the MNQ in equity options.[6]

Currently, the Exchange limits the number of participants that may be assigned to a particular equity option at any one time based upon each option's monthly national volume. Commentary .02 to Rule 507 currently sets forth tiered MNQ levels permitting assignment of trading privileges to 22 market participants for the top 5% most actively traded options; 17 market participants for next 10% most actively traded options, and 15 market participants for all other options.[7] The

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[22] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] An SQT is an Exchange Registered Options Trader (''ROT'') who has received permission from the Exchange to generate and submit options quotations electronically through AUTOM in eligible options to which such SQT is assigned. An SQT may only submit such quotations while such SQT is physically present on the floor of the Exchange. *See* Exchange Rule 1014(b)(ii)(A).

[4] An RSQT is a ROT that is a member or member organization with no physical trading floor presence who has received permission from the Exchange to generate and submit option quotations electronically through AUTOM in eligible options to which such RSQT has been assigned. An RSQT may only submit such quotations electronically from off the floor of the Exchange. *See* Exchange Rule 1014(b)(ii)(B).

[5] The Exchange notes that a separate proposed rule change has been pre-filed (the ''separate filing'') that would amend various Exchange rules, including certain portions of Rule 507. The instant proposed amendments to Commentary .02 of Rule 507 are not affected by, and do not affect, the proposed amendments in the separate filing. The term ''no change'' used in this proposal applies only to the instant proposed rule change and does not override or negate any proposed changes in the separate filing.

[6] Commentary .05 to Rule 507 states that the Exchange may increase the MNQ levels established in this Commentary by submitting to the SEC a rule filing pursuant to Section 19(b)(3)(A) of the Exchange Act. The Exchange may decrease the MNQ levels established in this Commentary upon SEC approval of a rule filing submitted pursuant to Section 19(b)(2) of the Exchange Act.

[7] When initially adopted, Commentary .02(a)–(c) established MNQ levels of 20 market participants

ranking is based upon the preceding month's national volumes.

The Exchange proposes to increase the MNQ levels from 22 to 24 market participants for equity options in the top 5% most actively traded options; from 17 market participants to 19 market participants for next 10% most actively traded options; and from 15 market participants to 17 market participants for all other options.

All new applicants for trading privileges will be subject to the process for assignment described in Rule 507. The Exchange considers all applicants for assignment in options using the objective criteria set forth in Exchange Rule 507(b). The objective criteria are used by the Exchange in determining the most beneficial assignment of options for the Exchange and the public.

After careful analysis, the Exchange believes it has the capacity to increase the MNQ as proposed. The Exchange believes that the effect of an increase in the MNQ fosters competition in that it increases the number of market participants that may quote electronically in a product. Pursuant to Commentary .05 to Rule 507, The Exchange will announce all changes regarding MNQ levels to the membership on the Exchange's Web site.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [8] in general, and furthers the objectives of Section 6(b)(5) of the Act [9] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by adding depth and liquidity to the Exchange's markets in equity options.

The Exchange further believes that increasing the MNQ in equity options is pro-competitive, because it adds depth and liquidity to the Exchange's markets by permitting additional participants to compete on the Exchange.

for the top 5% most actively traded options; 15 market participants for next 10% most actively traded options, and 10 market participants for all other options. *See* Securities Exchange Act Release No. 55114 (January 17, 2007), 72 FR 3185 (January 24, 2007) (SR–Phlx–2006–81). These MNQ levels were subsequently increased to levels of 22, 17, and 12, respectively. *See* Securities Exchange Act Release No. 56261 (August 15, 2007), 72 FR 47112 (August 22, 2007) (SR–Phlx–2007–51). The MNQ levels were then increased to the current 22, 17 and 15 respectively. *See* Securities Exchange Act Release No. 58906 (November 6, 2008), 73 FR 67239 (November 13, 2008) (SR–Phlx–2008–76).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change is designated by the Exchange as a ''non-controversial'' rule pursuant to Section 19(b)(3)(A) [10] of the Act and subparagraph (f)(6) of Rule 19b–4 thereunder,[11] because the proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, provided that the Exchange has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the filing of the proposed rule change.[12]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied the pre-filing requirement.

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2009–82 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2009–82. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2009–82 and should be submitted on or before October 16, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–23097 Filed 9–24–09; 8:45 am]

BILLING CODE 8010–01–P

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60687; File No. SR–Phlx–2009–59]

Self-Regulatory Organizations; NASDAQ OMX PHLX, Inc.; Order Approving Proposed Rule Change, as Modified by Amendment Nos. 1 and 2 Thereto, Relating to the Exchange's By-Laws, Regulatory Oversight Committee and Referee Program

September 18, 2009.

On July 27, 2009, NASDAQ OMX PHLX, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to modify its governance structure. On July 30, 2009, the Exchange filed Amendment No. 1 to the proposed rule change. The proposed rule change was published for comment in the **Federal Register** on August 11, 2009.[3] On September 9, 2009, the Exchange filed Amendment No. 2 to the proposed rule change.[4] The Commission received no comments regarding the proposal. This order approves the proposed rule change, as modified by Amendment Nos. 1 and 2.

I. Description of the Proposed Rule Change

The Exchange seeks to conform several aspects of its governance structure more closely to the governance structure of certain of its affiliates, The NASDAQ Stock Market LLC (the ''NASDAQ Exchange'') and NASDAQ OMX BX, Inc. (''BX''). Specifically, Phlx proposes to amend its By-Laws to allow for the elimination of its audit and management compensation committees. Phlx's audit committee is primarily charged with: (1) Overseeing Phlx's financial reporting process; (2) overseeing the systems of internal controls established by management and the Exchange's Board, as well as the legal and compliance process; (3) selection and evaluation of independent auditors; and (4) direction and oversight of the internal audit function. Currently, the NASDAQ OMX audit committee also performs these functions.[5] Phlx proposes that the responsibilities of its audit committee be performed by the NASDAQ OMX audit committee[6] and a new regulatory oversight committee to be established by the Exchange.

Phlx also proposes to eliminate its compensation committee, and to prescribe that its duties be performed by the NASDAQ OMX compensation committee, or the full Phlx board when required. The NASDAQ OMX compensation committee considers and recommends compensation policies, programs, and practices for employees of NASDAQ OMX. According to Phlx, some employees performing work for Phlx are also employees of NASDAQ OMX, and certain senior officers of Phlx are also officers of NASDAQ OMX and other NASDAQ OMX subsidiaries because their responsibilities relate to multiple entities within the NASDAQ OMX corporate structure. As a result, NASDAQ OMX establishes compensation and compensation policy for these employees. To the extent that policies, programs, and practices must be established for any Phlx officers or employees who are not also NASDAQ OMX officers or employees, Phlx states that the Phlx Board will perform such actions without the use of a compensation committee, subject to recusal by the chief executive officer and the Stockholder Governor.

The Exchange also proposes to create a regulatory oversight committee (''ROC'') composed of three members, each of whom would be an Independent Governor.[7] The Exchange's ROC would carry out regulatory oversight tasks formerly performed by the audit committee. More specifically, the ROC would oversee the adequacy and effectiveness of Phlx's regulatory and self-regulatory organization responsibilities; assess Phlx's regulatory performance; and assist the Board and its standing committees in reviewing the regulatory plan and the overall effectiveness of Phlx's regulatory functions. Its duties would include reviewing Phlx's regulatory budget and inquiring into the adequacy of resources available in the budget for regulatory activities; meeting regularly with Phlx's chief regulatory officer in executive session; and being informed about the compensation and promotion or termination of the chief regulatory officer and the corresponding justifications for such actions.

In addition, Phlx stated that, like the NASDAQ Exchange's regulatory oversight committee, the proposed ROC will have broad authority to oversee the adequacy and effectiveness of Phlx's regulatory and self-regulatory organization responsibilities, and will therefore be able to maintain oversight over controls in tandem with the NASDAQ OMX audit committee's responsibilities.[8] In this regard, Phlx noted that it is already the practice of NASDAQ OMX's Internal Audit Department, which performs internal audit functions for all NASDAQ OMX subsidiaries, to report to the Phlx Board on all internal audit matters relating to Phlx, and that this practice would be formally reflected in the Department's written procedures.[9] Phlx also represented that, to ensure that the Phlx board retains authority to direct the Department's activities with respect to Phlx, the Department's written procedures will be amended to stipulate that the ROC may, at any time, direct the Department to conduct an audit of a matter of concern to it and report the results of the audit both to the ROC and the NASDAQ OMX audit committee.[10]

Phlx also proposes to codify in its By-Laws a description of the position of chief regulatory officer. Article V, Section 5–6 of the By-Laws would provide that the chief regulatory officer will have general supervision of Phlx's regulatory operations, including the responsibility for overseeing its surveillance, examination, and enforcement functions and for

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 60431 (August 4, 2009), 74 FR 40265 (''Notice'').

[4] Amendment No. 2 is a technical amendment that reflects approval of portions of the proposed rule change by the Exchange's Board of Governors (''Board'') and therefore is not required to be published for comment.

[5] The Exchange states that the NASDAQ OMX audit committee has broad authority to review the financial information that will be provided to shareholders and others, systems of internal controls, and audit, financial reporting and legal and compliance processes and, because NASDAQ OMX's financial statements are prepared on a consolidated basis that includes the financial results of NASDAQ OMX's subsidiaries, including Phlx, the NASDAQ OMX audit committee's purview necessarily includes these subsidiaries. In addition, the Exchange states that the NASDAQ OMX audit committee currently is charged with providing oversight of financial reporting and independent auditor selection for NASDAQ OMX and all of its subsidiaries, including Phlx, and the NASDAQ OMX audit committee has general responsibility for oversight of internal controls and direction and oversight of the internal audit function for NASDAQ OMX and all of its subsidiaries. *See* Notice, 74 FR at 40266–67.

[6] According to the Exchange, the NASDAQ OMX audit committee is composed of four or five directors, all of whom must be independent under the standards established by Section 10A(m) of the Act and the listing rules of The NASDAQ Exchange. *See* NASDAQ OMX Bylaws, Section 4.13(i); NASDAQ Exchange Rules, IM–5605–3. All committee members must be able to read and understand financial statements, and at least one member must have past employment experience in finance or accounting, requisite professional certification in accounting, or any other comparable experience or background that results in the individual's financial sophistication. *See* NASDAQ Exchange Rules, IM–5603–3.

[7] *See* Phlx Bylaws, Article I(p) for the definition of ''Independent Governor.''

[8] *See* Notice, 74 FR at 40266.

[9] *See id.*

[10] *See id.*

administering any regulatory services agreements with another self-regulatory organization to which the Exchange is a party. The revised By-Laws would require the chief regulatory officer to meet with the regulatory oversight committee in executive session at regularly scheduled meetings, and at any time upon request of the chief regulatory officer or any member of the committee.

Finally, Phlx proposes to replace its Referee with an Options Trade Review Committee, and, as more fully described in the Notice, make conforming changes to the Exchange's rules and one of its Options Floor Procedure Advices. Currently, the Exchange's By-Laws and rules provide that the Referee is an Exchange employee (or independent contractor), supervised by the audit committee, who reviews Options Exchange Official rulings concerning the nullification and/or adjustment of transactions. In addition, the Referee can act in the capacity of an Options Exchange Official respecting initial rulings concerning requests for relief from the requirements of certain Exchange rules, Equity Floor Procedure Advices and Option Floor Procedure Advices. The proposed new Options Trade Review Committee would review Options Exchange Official rulings, but would not act in the capacity of an Options Exchange Official, even though the Referee was able to do so. In light of the time sensitivity of rendering trading decisions, the Exchange would allow the Options Trade Review Committee to act through a panel with a minimum of three committee members, of which no more than 50% may be engaged in market making activity or employed by an Exchange Member Organization whose revenues from market making activity exceed 10% of its total revenues. When needed, a panel would be selected by Exchange regulatory staff from the Committee members on a rotating basis, taking into consideration availability and prompt response as well as frequency of service, and the importance of assembling a panel quickly. Appeals of Options Exchange Official decisions would be presented to the panel on an anonymous basis to reduce the risk of conflict or bias. Committee decisions, like Referee decisions, would not be appealable.

The Options Trade Review Committee would be appointed by the Exchange's Board pursuant to new By-Law Article X, Section 10–10 as a standing committee of the Board and would include a number of Member Representative members equal to at least 20% of the total number of members of the Committee. No more than 50% of committee members can be engaged in market making activity or employed by an Exchange Member Organization whose revenues from market making activity exceed 10% of its total revenues.

II. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[11] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(1) of the Act,[12] which requires a national securities exchange to be so organized and have the capacity to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the provisions of the Act. The Commission also finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[13] in that it is designed, among other things, to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission finds that the proposed elimination of the Phlx's audit and management compensation committees is consistent with the Act. The Commission previously approved a structure in which certain committees of the board of directors of NYSE Euronext, including the audit and compensation committees, were authorized to perform functions for various subsidiaries, including the New York Stock Exchange, LLC (''NYSE'').[14] More recently, the Commission approved proposals by the NASDAQ Exchange and BX to eliminate their respective audit and compensation committees.[15]

The Commission further finds that the elimination of the Referee position and its replacement with the Options Trade Review Committee is consistent with the Act. The compositional requirements for the Committee and committee panels, the rotating service of panel members, and the anonymous presentation of appeals of Options Exchange Official decisions to a panel of the Committee are designed to assure impartial review of those decisions.

Finally, the Commission finds that the proposals relating to codifying the position of chief regulatory officer and creating a regulatory oversight committee to oversee all regulatory initiatives are designed to allow the Exchange to carry out its regulatory obligations and are consistent with the Act.

III. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[16] that the proposed rule change (SR–Phlx–2009–59), as modified by Amendment Nos. 1 and 2, be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–23096 Filed 9–24–09; 8:45 am]

BILLING CODE 8010–01–P

[11] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 15 U.S.C. 78(b)(1).

[13] 15 U.S.C. 78f(b)(5).

[14] Securities Exchange Act Release No. 55293 (February 14, 2007), 72 FR 8033 (February 22, 2007) (SR–NYSE–2006–120).

[15] *See* Securities Exchange Act Release Nos. 60276 (July 9, 2009), 74 FR 34840 (July 17, 2009) (SR–NASDAQ–2009–042) and 60247 (July 17, 2009), 74 FR 33495 (July 13, 2009) (SR–BX–2009–021).

[16] 15 U.S.C. 78s(b)(2).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

AEI Transportation Holdings, Inc.; The Alcar Chemicals Group, Inc.; China Adnet Enterprises Inc.; Innolife Pharma, Inc.; KSW Industries, Inc.; Level Vision Electronics, Ltd.; Life Exchange, Inc.; Lotta Coal, Inc.; Magellan Energy Ltd.; Marinas International, Inc.; Microlink Solutions, Inc.; UDS Group, Inc.; United Environmental Energy Corp.; Uptrend Corp.; VShield Software Corp.; World Hockey Association Corp.; WW Energy, Inc.; Order of Suspension of Trading

September 23, 2009.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of AEI Transportation Holdings, Inc., which are quoted on the Pink OTC Markets under the prior name of Doll Technology Group, Inc. using the ticker symbol DTGP. Trading in the securities of AEI Transportation Holdings, Inc. appears to be predicated on apparent

misstatements. Certain persons appear to have usurped the identity of a defunct or inactive publicly-traded corporation, initially by reinstating the corporation without authority, and then by obtaining a new CUSIP number and ticker symbol based on the apparently false representation that they were duly authorized officers, directors and/or agents of the original publicly-traded corporation.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of The Alcar Chemicals Group, Inc., which trade in the grey market under the ticker symbol ALCX. Trading in the securities of The Alcar Chemicals Group, Inc. appears to be predicated on apparent misstatements. Certain persons appear to have usurped the identity of a defunct or inactive publicly-traded corporation, initially by incorporating a new entity using the same name, and then by obtaining a new CUSIP number and ticker symbol based on the apparently false representation that they were duly authorized officers, directors and/or agents of the original publicly-traded corporation.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of China Adnet Enterprises, Inc., which are quoted on the Pink OTC Markets under the ticker symbol CAEJ. Trading in the securities of China Adnet Enterprises, Inc. appears to be predicated on apparent misstatements. Certain persons appear to have usurped the identity of a defunct or inactive publicly-traded corporation, initially by incorporating a new entity using the same name, and then by obtaining a new CUSIP number and ticker symbol based on the apparently false representation that they were duly authorized officers, directors and/or agents of the original publicly-traded corporation.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Innolife Pharma, Inc., which are quoted on the Pink OTC Markets under the ticker symbol INNP. Trading in the securities of Innolife Pharma, Inc. appears to be predicated on apparent misstatements. Certain persons appear to have usurped the identity of a defunct or inactive publicly-traded corporation, initially by incorporating a new entity using the same name, and then by obtaining a new CUSIP number and ticker symbol based on the apparently false representation that they were duly authorized officers, directors and/or agents of the original publicly-traded corporation.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of KSW Industries, Inc., which trade in the grey market under the ticker symbol KSWJ. Trading in the securities of KSW Industries, Inc. appears to be predicated on apparent misstatements. Certain persons appear to have usurped the identity of a defunct or inactive publicly-traded corporation, initially by incorporating a new entity using the same name, and then by obtaining a new CUSIP number and ticker symbol based on the apparently false representation that they were duly authorized officers, directors and/or agents of the original publicly-traded corporation.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Level Vision Electronics, Ltd., which are quoted on the Pink OTC Markets under the ticker symbol LVLV. Trading in the securities of Level Vision Electronics, Ltd. appears to be predicated on apparent misstatements. Certain persons appear to have usurped the identity of a defunct or inactive publicly-traded corporation, initially by incorporating a new entity using the same name, and then by obtaining a new CUSIP number and ticker symbol based on the apparently false representation that they were duly authorized officers, directors and/or agents of the original publicly-traded corporation.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Life Exchange, Inc. which are quoted on the Pink OTC Markets and OTC Bulletin Board under the ticker symbol LFXG. Trading in the securities of Life Exchange, Inc. appears to be predicated on apparent misstatements. Certain persons appear to have usurped the identity of a defunct or inactive publicly-traded corporation, initially by reinstating the company without authority, and then by obtaining a new CUSIP number and ticker symbol based on the apparently false representation that they were duly authorized officers, directors and/or agents of the original publicly-traded corporation.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Lotta Coal, Inc., which are quoted on the Pink OTC Markets under the ticker symbol LCOL. Trading in the securities of Lotta Coal, Inc. appears to be predicated on apparent misstatements. Certain persons appear to have usurped the identity of a defunct or inactive publicly-traded corporation, initially by incorporating a new entity using the same name, and then by obtaining a new CUSIP number and ticker symbol based on the apparently false representation that they were duly authorized officers, directors and/or agents of the original publicly-traded corporation.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Magellan Energy Ltd., which are quoted on the Pink OTC Markets under the ticker symbol MGLG. Trading in the securities of Magellan Energy Ltd. appears to be predicated on apparent misstatements. Certain persons appear to have usurped the identity of a defunct or inactive publicly-traded corporation, initially by incorporating a new entity using the same name, and then by obtaining a new CUSIP number and ticker symbol based on the apparently false representation that they were duly authorized officers, directors and/or agents of the original publicly-traded corporation.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Marinas International, Inc., which trade in the grey market under the ticker symbol MNSI. Trading in the securities of Marinas International, Inc. appears to be predicated on apparent misstatements. Certain persons appear to have usurped the identity of a defunct or inactive publicly-traded corporation, initially by incorporating a new entity using the same name, and then by obtaining a new CUSIP number and ticker symbol based on the apparently false representation that they were duly authorized officers, directors and/or agents of the original publicly-traded corporation.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Microlink Solutions, Inc., which trade in the grey market under a prior name, Pocketop Corp., using the ticker symbol PKTO. Trading in the securities of Microlink Solutions, Inc. appears to be predicated on apparent misstatements. Certain persons appear to have usurped the identity of a defunct or inactive publicly-traded corporation, initially by incorporating a new entity using the same name, and then by obtaining a new CUSIP number and ticker symbol based on the apparently false

representation that they were duly authorized officers, directors and/or agents of the original publicly-traded corporation.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of UDS Group, Inc., which are quoted on the Pink OTC Markets under the ticker symbol UDSG. Trading in the securities of UDS Group, Inc. appears to be predicated on apparent misstatements. Certain persons appear to have usurped the identity of a defunct or inactive publicly-traded corporation, initially by reinstating the company without authorization, and then by obtaining a new CUSIP number and ticker symbol based on the apparently false representation that they were duly authorized officers, directors and/or agents of the original publicly-traded corporation.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of United Environmental Energy Corp., which are quoted on the Pink OTC Markets under the ticker symbol UTEM. Trading in the securities of United Environmental Energy Corp. appears to be predicated on apparent misstatements. Certain persons appear to have usurped the identity of a defunct or inactive publicly-traded corporation, initially by incorporating a new entity using the same name, and then by obtaining a new CUSIP number and ticker symbol based on the apparently false representation that they were duly authorized officers, directors and/or agents of the original publicly-traded corporation.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Uptrend Corp., which are quoted on the Pink OTC Markets under the ticker symbol UPCP. Trading in the securities of Uptrend Corp appears to be predicated on apparent misstatements. Certain persons appear to have usurped the identity of a defunct or inactive publicly-traded corporation, initially by reinstating the company without authorization, and then by obtaining a new CUSIP number and ticker symbol based on the apparently false representation that they were duly authorized officers, directors and/or agents of the original publicly-traded corporation.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of VShield Software Corp., which are quoted on the Pink OTC Markets under the ticker symbol VSHE. Trading in the securities of VShield Software Corp. appears to be predicated on apparent misstatements. Certain persons appear to have usurped the identity of a defunct or inactive publicly-traded corporation, initially by incorporating a new entity using the same name, and then by obtaining a new CUSIP number and ticker symbol based on the apparently false representation that they were duly authorized officers, directors and/or agents of the original publicly-traded corporation.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of World Hockey Association Corp., which are quoted on the Pink OTC Markets under the ticker symbol WHKA. Trading in the securities of World Hockey Association Corp. appears to be predicated on apparent misstatements. Certain persons appear to have usurped the identity of a defunct or inactive publicly-traded corporation, initially by incorporating a new entity using the same name, and then by obtaining a new CUSIP number and ticker symbol based on the apparently false representation that they were duly authorized officers, directors and/or agents of the original publicly-traded corporation.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of WW Energy, Inc., which are quoted on the Pink OTC Markets under the ticker symbol WWNG. Trading in the securities of WW Energy, Inc. appears to be predicated on apparent misstatements. Certain persons appear to have usurped the identity of a defunct or inactive publicly-traded corporation, initially by incorporating a new entity using the same name, and then by obtaining a new CUSIP number and ticker symbol based on the apparently false representation that they were duly authorized officers, directors and/or agents of the original publicly-traded corporation.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the above-listed companies is suspended for the period from 9:30 a.m. EDT on September 23, 2009, through 11:59 p.m. EDT on October 6, 2009.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E9–23295 Filed 9–23–09; 4:15 pm]

BILLING CODE 8010–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Notice of Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice of approved projects.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: July 1, 2009, through August 31, 2009.

ADDRESSES: Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102–2391.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238–0423, ext. 306; fax: (717) 238–2436; e-mail: *rcairo@srbc.net* or Stephanie L. Richardson, Secretary to the Commission, telephone: (717) 238–0423, ext. 304; fax: (717) 238–2436; e-mail: *srichardson@srbc.net.* Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22(f) for the time period specified above:

Approvals By Rule Issued:

1. Cabot Oil & Gas Corporation, Pad ID: BrooksW P1, ABR–20090701, Dimock Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: July 6, 2009.
2. Cabot Oil & Gas Corporation, Pad ID: HullR P1, ABR–20090702, Dimock Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: July 6, 2009.
3. Cabot Oil & Gas Corporation, Pad ID: Heitsman P1A, ABR–20090703, Springville Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: July 6, 2009.
4. Cabot Oil & Gas Corporation, Pad ID: Teel P7, ABR–20090704, Springville Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: July 6, 2009.

5. Cabot Oil & Gas Corporation, Pad ID: Gesford P2, ABR–20090705, Dimock Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: July 6, 2009.
6. Cabot Oil & Gas Corporation, Pad ID: LarueC P2, ABR–20090706, Dimock Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: July 6, 2009.
7. Cabot Oil & Gas Corporation, Pad ID: SmithR P2, ABR–20090707, Springville Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: July 6, 2009.
8. EnerVest Operating, LLC, Pad ID: Wood #1, ABR–20090708, Athens Township, Bradford County, Pa.; Consumptive Use of up to 2.000 mgd; Approval Date: July 6, 2009.
9. EnerVest Operating, LLC, Pad ID: Harris #1, ABR–20090709, Smithfield Township, Bradford County, Pa.; Consumptive Use of up to 2.000 mgd; Approval Date: July 6, 2009.
10. EnerVest Operating, LLC, Pad ID: Gerbino #1, ABR–20090710, Ridgebury Township, Bradford County, Pa.; Consumptive Use of up to 2.000 mgd; Approval Date: July 6, 2009.
11. EnerVest Operating, LLC, Pad ID: Warren #1, ABR–20090711, Ridgebury Township, Bradford County, Pa.; Consumptive Use of up to 2.000 mgd; Approval Date: July 6, 2009.
12. XTO Energy Incorporated, Pad ID: Marquardt, ABR–20090712, Troy Township, Lycoming County, Pa.; Consumptive Use of up to 1.000 mgd; Approval Date: July 7, 2009.
13. XTO Energy Incorporated, Pad ID: Jenzano, ABR–20090713, Franklin Township, Lycoming County, Pa.; Consumptive Use of up to 1.000 mgd; Approval Date: July 7, 2009.
14. XTO Energy Incorporated, Pad ID: Temple, ABR–20090714, Moreland Township, Lycoming County, Pa.; Consumptive Use of up to 1.000 mgd; Approval Date: July 7, 2009.
15. XTO Energy Incorporated, Pad ID: Hazlak, ABR–20090715, Shrewsbury Township, Lycoming County, Pa.; Consumptive Use of up to 1.000 mgd; Approval Date: July 7, 2009.
16. EXCO–North Coast Energy, Inc., Pad ID: Skyline Golf Course, ABR–20090716, Greenfield Township, Lackawanna County, Pa..; Consumptive Use of up to 2.000 mgd; Approval Date: July 7, 2009.
17. Seneca Resources Corporation, Pad ID: J. Pino Pad G, ABR–20090717, Covington Township, Tioga County, Pa.; Consumptive Use of up to 2.000 mgd; Approval Date: July 8, 2009.
18. Chief Oil & Gas, LLC, Pad ID: Zinck Unit #1H, ABR–20090718, Watson Township, Lycoming County, Pa.; Consumptive Use of up to 5.000 mgd; Approval Date: July 9, 2009.
19. EOG Resources, Inc., Pad ID: PHC 10V, ABR–20090719, Lawrence Township, Clearfield County, Pa.; Consumptive Use of up to 0.999 mgd; Approval Date: July 9, 2009.
20. EOG Resources, Inc., Pad ID: PHC 11V, ABR–20090720, Lawrence Township, Clearfield County, Pa.; Consumptive Use of up to 0.999 mgd; Approval Date: July 9, 2009.
21. EOG Resources, Inc., Pad ID: PHC 6H, ABR–20090721, Lawrence Township, Clearfield County, Pa.; Consumptive Use of up to 0.999 mgd; Approval Date: July 9, 2009.
22. EOG Resources, Inc., Pad ID: PHC 7H, ABR–20090722, Lawrence Township, Clearfield County, Pa.; Consumptive Use of up to 0.999 mgd; Approval Date: July 9, 2009.
23. EOG Resources, Inc., Pad ID: PHC 8H, ABR–20090723, Lawrence Township, Clearfield County, Pa.; Consumptive Use of up to 0.999 mgd; Approval Date: July 9, 2009.
24. Cabot Oil & Gas Corporation, Pad ID: BrooksW P2, ABR–20090724, Springville Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: July 16, 2009.
25. Alta Operating Company, LLC, Pad ID: Carrar Pad Site, ABR–20090725, Liberty Township, Susquehanna County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: July 16, 2009.
26. Chesapeake Appalachia, LLC, Pad ID: Kent, ABR–20090726, Towanda Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: July 22, 2009.
27. East Resources, Inc., Pad ID: 212 1H, ABR–20090727, Charleston Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: July 23, 2009.
28. East Resources, Inc., Pad ID: 235 1H, ABR–20090728, Sullivan Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: July 23, 2009.
29. East Resources, Inc., Pad ID: Courtney 129 1H–2H, ABR–20090729, Richmond Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: July 23, 2009.
30. East Resources, Inc., Pad ID: Courtney H 255–1H, ABR–20090730, Richmond Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: July 23, 2009.
31. East Resources, Inc., Pad ID: Neal 134D, ABR–20090731, Richmond Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: July 23, 2009.
32. East Resources, Inc., Pad ID: Kipferl 261–1H, ABR–20090732, Jackson Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: July 23, 2009.
33. Cabot Oil & Gas Corporation, Pad ID: BrooksJ P1, ABR–20090733, Springville Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: July 27, 2009.
34. Pennsylvania General Energy Company, Pad ID: Tract 729 Well #2384, ABR–20090734, Cummings Township, Lycoming County, Pa.; Consumptive Use of up to 4.900 mgd; Approval Date: July 27, 2009.
35. Pennsylvania General Energy Company, Pad ID: State Forest Tract 293 Well Pad #1, ABR–20090735, Cummings Township, Lycoming County, Pa.; Consumptive Use of up to 4.900 mgd; Approval Date: July 27, 2009.
36. Cabot Oil & Gas Corporation, Pad ID: HunsingerA P1, ABR–20090736, Dimock Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: July 28, 2009.
37. Cabot Oil & Gas Corporation, Pad ID: Elk Lake School District P1, ABR–20090737, Dimock Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: July 28, 2009.
38. Cabot Oil & Gas Corporation, Pad ID: ChudleighW P1, ABR–20090738, Springville Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: July 28, 2009.
39. Chesapeake Appalachia, LLC, Pad ID: Hershberger, ABR–20090739, Terry Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: July 28, 2009.
40. Alta Operating Company, LLC, Pad ID: Five E's FLP Pad Site, ABR–20090801, Middletown Township, Susquehanna County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 6, 2009.
41. EQT Production Company, Pad ID: Hurd, ABR–20090802, Ferguson

Township, Clearfield County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 10, 2009.

42. Victory Energy Corporation, Pad ID: Wilcox #1, ABR–20090803, Covington Township, Tioga County, Pa.; Consumptive Use of up to 0.999 mgd; Approval Date: August 10, 2009.
43. Victory Energy Corporation, Pad ID: Brookfield #1, ABR–20090804, Brookfield Township, Tioga County, Pa.; Consumptive Use of up to 0.999 mgd; Approval Date: August 10, 2009.
44. Cabot Oil & Gas Corporation, Pad ID: GrimsleyJ P1, ABR–20090805, Dimock Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: August 13, 2009.
45. Chesapeake Appalachia, LLC, Pad ID: Eileen, ABR–20090806, Smithfield Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 13, 2009.
46. Chesapeake Appalachia, LLC, Pad ID: Claudia, ABR–20090807, Terry Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 13, 2009.
47. Chesapeake Appalachia, LLC, Pad ID: Skoronski, ABR–20090808, Northmoreland Township, Wyoming County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 13, 2009.
48. Chesapeake Appalachia, LLC, Pad ID: Fitzsimmons, ABR–20090809, Albany Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 13, 2009.
49. Fortuna Energy, Inc., Pad ID: Klein R, ABR–20090810, Armenia Township, Bradford County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 13, 2009.
50. Fortuna Energy, Inc., Pad ID: DCNR 587 Pad #2, ABR–20090811, Ward Township, Tioga County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 13, 2009.
51. Fortuna Energy, Inc., Pad ID: DCNR 587 Pad #4, ABR–20090812, Ward Township, Tioga County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 13, 2009.
52. Chief Oil & Gas, LLC, Pad ID: Phelps Unit #1H, ABR–20090813, Lathrop Township, Susquehanna County, Pa.; Consumptive Use of up to 5.000 mgd; Approval Date: August 17, 2009.
53. Seneca Resources Corporation, Pad ID: T. Wivell Pad Horizontal; ABR–20090814, Covington Township, Tioga County, Pa.; Consumptive Use of up to 2.000 mgd; Approval Date: August 17, 2009.
54. Chief Oil & Gas, LLC, Pad ID: Bower Unit #1H Drilling Pad, ABR–20090815, Penn Township, Lycoming County, Pa.; Consumptive Use of up to 5.000 mgd; Approval Date: August 18, 2009.
55. Chief Oil & Gas, LLC, Pad ID: Warburton Unit #1H Drilling Pad, ABR–20090816, Penn Township, Lycoming County, Pa.; Consumptive Use of up to 5.000 mgd; Approval Date: August 18, 2009.
56. Anadarko E&P Company, LP, Pad ID: WW Litke #1H, ABR–20090817, Curtin Township, Centre County, Pa.; Consumptive Use of up to 5.000 mgd; Approval Date: August 19, 2009.
57. Covalent Energy Corporation, Pad ID: Ross 1, ABR–20090818, Maryland Town, Otsego County, N.Y.; Consumptive Use of up to 0.0790 mgd; Approval Date: August 24, 2009.
58. EXCO–North Coast Energy, Inc., Pad ID: Treval LLC Unit, ABR–20090819, Greenfield Township, Lackawanna County, Pa.; Consumptive Use of up to 2.000 mgd; Approval Date: August 24, 2009.
59. Anadarko E&P Company, LP, Pad ID: COP Tract 678 #1000H, ABR–20090820, Noyes Township, Clinton County, Pa.; Consumptive Use of up to 5.000 mgd; Approval Date: August 26, 2009.
60. Anadarko E&P Company, LP, Pad ID: COP Tract 678 #1001H & #1002H, ABR–20090821, Noyes Township, Clinton County, Pa.; Consumptive Use of up to 5.000 mgd; Approval Date: August 26, 2009.
61. Anadarko E&P Company, LP, Pad ID: Texas Gulf B #1H, ABR–20090822, Beech Creek Township, Clinton County, Pa.; Consumptive Use of up to 5.000 mgd; Approval Date: August 26, 2009.
62. Anadarko E&P Company, LP, Pad ID: Texas Gulf B #2H & #3H, ABR–20090823, Beech Creek Township, Clinton County, Pa.; Consumptive Use of up to 5.000 mgd; Approval Date: August 26, 2009.
63. East Resources, Inc., Pad ID: Sampson 147 1H–3H, ABR–20090824, Charleston Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: August 27, 2009.
64. East Resources, Inc., Pad ID: Smith 253 1H, ABR–20090825, Sullivan Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: August 27, 2009.
65. Chief Oil & Gas, LLC, Pad ID: Polovitch Unit #1H, ABR–20090826, Nicholson Township, Wyoming County, Pa.; Consumptive Use of up to 5.000 mgd; Approval Date: August 28, 2009.
66. Seneca Resources Corporation, Pad ID: DCNR 595 Pad D, ABR–20090827, Bloss Township, Tioga County, Pa.; Consumptive Use of up to 2.999 mgd; Approval Date: August 28, 2009.
67. Alta Operating Company, LLC, Pad ID: Markovitch Pad Site, ABR–20090828, Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of up to 3.999 mgd; Approval Date: August 31, 2009.
68. East Resources, Inc., Pad ID: Wheeler 268 1H, ABR–20090829, Jackson Township, Tioga County, Pa.; Consumptive use of up to 4.000 mgd; Approval Date: August 31, 2009.

Authority: Public Law 91–575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: September 15, 2009.

Thomas W. Beauduy,

Deputy Director.

[FR Doc. E9–23171 Filed 9–24–09; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending September 12, 2009

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*).

The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application

by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: DOT–OST–2009–0216.

Date Filed: September 9, 2009.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 30, 2009.

Description: Application of The 224th Flight Unit State Airlines (''JSC FU224'') requesting a foreign air carrier permit and exemption authority to engage in (i) charter foreign air transportation of property between points in Russia and points in the United States, with or without stopovers, and (ii) fifth freedom charter service pursuant to the prior approval requirements.

Docket Number: DOT–OST–2004–19077.

Date Filed: September 9, 2009.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 30, 2009.

Description: Application of Continental Airlines, Inc. requesting renewal of its authority to provide scheduled air transportation of persons, property and mail between Newark Liberty and Beijing on Segment 1 of its certificate for Route 821.

Docket Number: DOT–OST–2004–19077.

Date Filed: September 10, 2009.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: October 1, 2009.

Description: Application of American Airlines, Inc. requesting renewal of its certificate of public convenience and necessity for Route 810, authorizing scheduled foreign air transportation of persons, property and mail between Chicago, Illinois and Shanghai, China, as well as renewal of its allocation of seven associated weekly frequencies.

Docket Number: DOT–OST–2009–0219.

Date Filed: September 10, 2009.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: October 1, 2009.

Description: Application of Alitalia—Compagnia Aerea Italiana S.p.A. requesting a foreign air carrier permit to engage in: (i) Foreign scheduled and charter air transportation of persons, property and mail between any point or points behind any member state or the European Union via any point or points in any member state and via intermediate points to any point or points in the United States or beyond; (ii) foreign scheduled and charter air transportation of persons, property and mail between any point or points in the United States and any point or points in any member of the European Common Aviation Area; (iii) foreign scheduled and charter cargo air transportation between any point or points in the United States and any other point or points; (iv) other charter pursuant to prior approval requirements; and (v) transportation authorized by any additional route rights that may be made available to European Union carriers in the future.

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. E9–23183 Filed 9–24–09; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety Notice of Applications for Modification of Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for modification of special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for modification of special permits (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix ''M'' denote a modification request. These applications have been separated from the new application for special permits to facilitate processing.

DATES: Comments must be received on or before October 13, 2009.

Address Comments to: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue, SE., Washington DC or at *http://regulations.gov.*

This notice of receipt of applications for modification of special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on September 17, 2009.

Delmer F. Billings,

Director, Office of Hazardous Materials, Special Permits and Approvals.

MODIFICATION SPECIAL PERMITS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permit thereof
11725–M		ATK Space Systems Inc. Beltsville, MD.	49 CFR 173.34(d); 173.40; 173.301; 173.302(a); 173.304(a)(2).	To modify the special permit to authorize cargo vessel as an additional mode of transportation.
14318–M		Lockheed Martin Corporation Vandenberg AFB, CA.	48 CFR 173.315	To modify the special permit to authorize additional Division 2.3; Division 6.1, Class 8, and Class 3 hazardous materials.
14457–M		Amtrol Alfa Metalomecanica SA Portugal.	49 CFR 173.304a(a)(1); 175.3.	To modify the special permit to extend authorized cylinder service life from 15 years to 30 years.

MODIFICATION SPECIAL PERMITS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permit thereof
14617–M	.....	Western International Gas & Cylinders, Inc. Bellville, TX.	49 CFR 172.203(a), 72.301(c), 180.205(f)(4), 180.205(g), 180.209(a).	To modify the special permit to add 3AL cylinders to the cylinders approved for ultrasonic testing and to authorize cylinders made from 6061 alloy be re-qualified at 10 year intervals instead of 5 year intervals.
14700–M	.....	Pentair Water Group, and it affiliates (Former Grantee: Fleck Controls, LLC) Chardon, OH.	49 CFR 173.302a and 173.306(g).	To modify the special permit to authorize an increase to the tanks' maximum operating pressure from 100 psig to 125 psig.
14828–M	.....	Croman Corporation White City, OR.	49 CFR 172.101 Column (9B), 172.204(c)(3), 173.27(b)(2) and (3), 175.3, 175.30 and 175.75.	To modify the special permit to authorize the addition of Division 1.1 and Division 1.4 explosives.

[FR Doc. E9–22889 Filed 9–24–09; 8:45 am]

BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Application for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

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

Address Comments To: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION, CONTACT: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue, SE., Washington DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on September 11, 2009.

Delmer F. Billings,

Director, Office of Hazardous Materials Special Permits and Approvals.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
NEW SPECIAL PERMITS				
14895–N	.....	Hubbard-Hall Inc., Waterbury, CT.	49 CFR 173.158	To authorize the manufacture, marking, sale and use of 55-gallon UN 1H1 drums for transportation of up to 70% nitric acid. (mode 1).
14896–N	.....	Department of Defense, Scott AFB, IL.	49 CFR 172.504 and 172.514.	To authorize the transportation in commerce of the HEMTT M978 Tanker containing the residue of Class 3 fuel oil (less than 5 gallons) without placarding when transported by motor vehicle. (mode 1).
14897–N	.....	AMKO Service Company, Midvale, OH.	49 CFR 173.302a, 180.205, 180.209 180.213.	To authorize the transportation in commerce of certain DOT specification cylinders that have been testing using Acoustic Emission/Ultrasonic Examination every ten years rather than every five years. (modes 1, 2, 3, 4).
14899–N	.....	MGH Management Group, LLC.	49 CFR 177.834(h), 178.700.	To authorize the manufacture, marking, sale and use of 50 gallon to 105 gallon refueling tanks containing certain Class 3 liquids which will be discharged without removal from the motor vehicle. (mode 1).
14900–N	.....	BE Aerospace, Lenexa, KS.	49 CFR 173.304(f)(3)(ii) and (f)(4).	To authorize the transportation in commerce of products containing chemical oxygen generators without an outer packaging that is capable of passing the Flame Penetration and Resistance Test and the Thermal Resistance Test. (mode 4).

[FR Doc. E9–22890 Filed 9–24–09; 8:45 am]

BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35292]

Pinsly Railroad Company—Control Exemption—The Prescott and Northwestern Railroad Company

Pinsly Railroad Company (PRC), a noncarrier, has filed a verified notice of exemption to obtain control of The Prescott and Northwestern Railroad Company (PNW), a Class III rail carrier, through the purchase of all PNW's stock from Potlatch Land & Lumber, LLC (PLL).[1] PRC currently controls five Class III railroads: Pioneer Valley Railroad Company, Inc. (PVR), which operates in Massachusetts; Florida Central Railroad Company, Inc. (FCR), Florida Midland Railroad Company, Inc. (FMR), and Florida Northern Railroad Company, Inc. (FNR), each of which operates in Florida; and Arkansas Midland Railroad Company, Inc. (AKMD), which operates in Arkansas. PRC states that it executed a Stock Purchase Agreement with PLL on September 4, 2009, to acquire all of PNW's stock and assume control of PNW.[2]

The transaction is scheduled to be consummated simultaneously with the transaction filed in STB Finance Docket No. 35293 no later than December 31, 2009, unless the transaction in STB Finance Docket No. 35293 is not finalized by that date. In that event, this transaction will be consummated separately on or after the date that this notice becomes effective (which will occur on October 9, 2009).

Applicant states that: (i) The rail line involved in this transaction does not connect with any rail lines of the PVR, FCR, FMR, FNR, AKMD or any other railroad now controlled by applicant; (ii) the acquisition of control of PNW is not part of a series of anticipated transactions that would connect any of the railroads with each other or with any railroad in their corporate family; and (iii) this transaction does not involve a Class I rail carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all the carriers involved are Class III rail carriers.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than October 2, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35292, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Thomas J. Litwiler, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606–2832.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: September 22, 2009.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. E9–23191 Filed 9–24–09; 8:45 am]

BILLING CODE 4915–01–P

[1] PRC has also concurrently filed a motion for protective order pursuant to 49 CFR 1104.14(b) to allow PRC to file the unredacted Stock Purchase Agreement under seal. That motion will be addressed in a separate decision.

[2] The Stock Purchase Agreement also covers PRC's acquisition of another Class III rail line. For that acquisition, PRC has filed a verified petition for exemption in *Pinsly Railroad Company–Control Exemption–Warren & Saline River Railroad Company,* STB Finance Docket No. 35293. The petition will be addressed in a separate decision.

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2006–26367]

Motor Carrier Safety Advisory Committee Report

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of Motor Carrier Safety Advisory Committee Report.

SUMMARY: The FMCSA announces that its Motor Carrier Safety Advisory Committee (MCSAC) issued a report to the Agency on September 2, 2009, concerning Task 09–03 regarding improving the existing processes, procedures, and requirements for ensuring that new entrant motor carriers are knowledgeable about Federal safety regulations prior to beginning operations in interstate commerce.

FOR FURTHER INFORMATION CONTACT: Mr. Jeffrey Miller, Chief, Strategic Planning and Program Evaluation Division, Office of Policy Plans and Regulation, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, (202) 366–1258, *mcsac@dot.gov.*

SUPPLEMENTARY INFORMATION: On May 20, 2009, the MCSAC unanimously accepted Task 09–03: Provide advice to FMCSA on approaches that could be implemented to improve the existing processes, procedures, and requirements for ensuring that new entrant motor carriers are knowledgeable about Federal motor carrier safety mandates prior to beginning operations in interstate commerce. The MCSAC established a workgroup to address the task. The workgroup met in person from August 31, 2009, through September 2, 2009. On September 2, 2009, the workgroup presented its report to MCSAC for review and approval. The MCSAC unanimously approved the report on September 2, 2009. The report provides advice to FMCSA on approaches or strategies the Agency should consider for ensuring that new entrant motor carriers are knowledgeable about the Federal Motor Carrier Safety Regulations and Hazardous Materials Regulations, and have the ability to implement and maintain safety management controls and a safety culture in the workplace to achieve full compliance with the regulations and minimize the risks of crashes. The report was submitted to FMCSA on September 2, 2009, and can be viewed at the MCSAC Web site at *http://mcsac.fmcsa.dot.gov.* The report has also been posted to the rulemaking docket FMCSA 2001–11061, concerning FMCSA's August 25, 2009, Advance Notice of Proposed Rulemaking which requests public comment on the methods the Agency should consider implementing to assure that new applicant carriers are knowledgeable about Federal safety regulations prior to beginning operations in interstate commerce.

Issued on: September 17, 2009.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E9–23200 Filed 9–24–09; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

BNSF Railway and Norfolk Southern Railway (Docket Number FRA–2009–0088)

The BNSF Railway (BNSF) and Norfolk Southern Railway (NS), two Class 1 Railroads, petitioned FRA for a waiver of compliance from certain provisions prescribed by CFR § 232.607 *Inspection and testing requirements* [73 FR 61554, October 16, 2008].

The requirement specifically limits movement of Electronically Controlled Pneumatic (ECP) brake trains to 3,500 miles between Class 1 initial terminal brake inspections. BNSF and NS request relief to allow for the implementation of ECP trains on a joint pilot project from Plant Scherer, located near Macon, Georgia, to the Powder River Basin and return to origin. However, this move exceeds the 3,500 mile limit granted under CFR § 232.607. The joint BNSF/NS move from Plant Scherer to Thunder Junction, Wyoming, and return to Macon, is a loop ranging from 4200 to 4710 miles.

The five proposed routes are (one way):

- Route 1: Thunder Jct.—Alliance—Kansas City—Memphis—Chattanooga—Scherer = 2100 miles.
- Route 2: Thunder Jct.—Alliance—Kansas City—St. Louis—Chattanooga—Scherer = 2150 miles.
- Route 3: Thunder Jct.—Denver—Amarillo—Springfield—Memphis—Chattanooga—Scherer = 2238 miles.
- Route 4: Thunder Jct.—Denver—Kansas City—Springfield—Memphis—Chattanooga—Scherer = 2115 miles.
- Route 5: Thunder Jct.—Denver—Amarillo—Springfield—Memphis—Birmingham—Chattanooga—Scherer = 2355 miles.

All required inspections and brake tests, as outlined in CFR Part 232, subpart G, will be performed at Plant Scherer by Qualified Maintenance Personnel. The petitioners state in their request the extended distance traveled by these select trains will not have an adverse effect on safety. They also state that over the past 21 months, ECP trains have been operating at a greater level of safety than conventional trains.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.*, Waiver Petition Docket Number FRA–2009–0088) and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://www.regulations.gov*.

Anyone is able to search the electronic form of any written communications and 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).

Issued in Washington, DC on September 21, 2009.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E9–23201 Filed 9–24–09; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2001–9561; FMCSA–2003–15268; FMCSA–2005–21254; FMCSA–2005–21711; FMCSA–2006–26066; FMCSA–2007–26653; FMCSA–2007–27897; FMCSA–2007–28695]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 26 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective October 24, 2009. Comments must be received on or before October 26, 2009.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2001–9561; FMCSA–2003–15268; FMCSA–2005–21254; FMCSA–2005–21711; FMCSA–2006–26066; FMCSA–2007–26653; FMCSA–2007–27897; FMCSA–2007–28695, using any of the following methods.

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the on-line 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 20590–0001.
- *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., Monday through Friday, except Federal Holidays.

- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket number for this Notice. Note that DOT posts all comments received without change to *http://www.regulations.gov*, including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 26 individuals who have requested a renewal of their exemption in accordance with FMCSA procedures. FMCSA has evaluated these 26 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Calvin D. Atwood, Gregory W. Babington, George L. Cannon, William P. Doolittle, Steven C. Durst, Kenneth J. Fisk, Jonathan M. Gentry, Danny R. Gray, Benny D. Hatton, Jr., Robert W. Healey, Jr., Nathaniel H. Herbert, Jr., Jason E. Mallette, Thomas W. Markham, Raul Martinez, Joseph L. Mast, Kevin L. Moody, Terry W. Moore, Charles W. Mullenix, Robert M. Pickett, II, Donald F. Plouf, John N. Poland, Brent L. Seaux, Humberto A. Valles, Gary M. Wolff, John C. Young, George R. Zenor.

These exemptions are extended subject to the following conditions: (1) That each individual have a physical examination every year (a) By an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retain a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 26 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (66 FR 30502; 66 FR 41654; 68 FR 44837; 70 FR 41811; 72 FR 64273; 68 FR 37197; 68 FR 48989; 70 FR 42615; 72 FR 40360; 70 FR 30999; 70 FR 46567; 72 FR 40359; 70 FR 48797; 70 FR 61493; 72 FR 64273; 71 FR 63379; 72 FR 1050; 72 FR 8417; 72 FR 36099; 72 FR 39879; 72 FR 52419; 72 FR 46261; 72 FR 54972). Each of these 26 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by October 26, 2009.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 26 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was based on the merits of each case and only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all of these

drivers, are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on September 17, 2009.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E9–23198 Filed 9–24–09; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Application By Survivors for Payment of Bond or Check Issued Under the Armed Forces Leave Act of 1946, as amended.

DATES: Written comments should be received on or before November 16, 2009, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Judi Owens, 200 Third Street, A4–A, Parkersburg, WV 26106–1328, or *judi.owens@bpd.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Judi Owens, Bureau of the Public Debt, 200 Third Street, A4–A, Parkersburg, WV 26106–1328, (304) 480–8150.

SUPPLEMENTARY INFORMATION:

Title: Application By Survivor For Payment of Bond or Check Issued Under The Armed Forces Leave Act of 1946, As Amended.

OMB Number: 1535–0104.

Form Number: PD F 2066.

Abstract: The information is requested to support payment of bonds or checks issued under the Armed Forces Leave Act of 1946, as amended.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals.

Estimated Number of Respondents: 150.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 75.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: September 15, 2009.

Judi Owens,

Manager, Information Management.

[FR Doc. E9–22632 Filed 9–24–09; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Request to reissue U.S. Savings Bonds to a personal trust.

DATES: Written comments should be received on or before November 16, 2009, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Judi Owens, 200 Third Street, A4–A, Parkersburg, WV 26106–1328, or *Judi.Owens@bpd.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Judi Owens, Bureau of the Public Debt, 200 Third Street, A4–A, Parkersburg, WV 26106–1328, (304) 480–8150.

SUPPLEMENTARY INFORMATION:

Title: Request To Reissue United States Savings Bonds To a Personal Trust.

OMB Number: 1535–0009.

Form Number: PD F 1851.

Abstract: The information is requested to support a request for reissue of savings bonds in the name of the trustee of a personal trust estate.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals.

Estimated Number of Respondents: 59,000.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 12,500.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: September 15, 2009.

Judi Owens,

Manager, Information Management.

[FR Doc. E9–22627 Filed 9–24–09; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Application For Recognition as Natural Guardian of a Minor Not Under Legal Guardianship and for Disposition of Minor's Interest in Registered Securities.

DATES: Written comments should be received on or before November 16, 2009, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Judi Owens, 200 Third Street, A4–A, Parkersburg, WV 26106–1328, or *Judi.Owens@bpd.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Judi Owens, Bureau of the Public Debt, 200 Third Street, A4–A, Parkersburg, WV 26106–1328, (304) 480–8150.

SUPPLEMENTARY INFORMATION:

Title: Application For Recognition As Natural Guardian Of A Minor Not Under Legal Guardianship And For Disposition Of Minor's Interest In Registered Securities.

OMB Number: 1535–0105.

Form Number: PD F 2481.

Abstract: The information is to support disposition of registered securities belonging to a minor.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals.

Estimated Number of Respondents: 25.

Estimated Time Per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 5.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: September 15, 2009.

Judi Owens,

Manager, Information Management.

[FR Doc. E9–22630 Filed 9–24–09; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Communications Committee of the Taxpayer Advocacy Panel

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Communications Committee of the Taxpayer Advocacy Panel will be conducted via a telephone conference call. The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, October 15, 2009.

FOR FURTHER INFORMATION CONTACT: Patricia Robb at 1–888–912–1227, or (414) 231–2360.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Communications Committee of the Taxpayer Advocacy Panel will be held Thursday, October 15, 2009, at 11 a.m. Central Time via a telephone conference call. You can submit written comments to the panel by faxing to (414) 231–2363, or by mail to Taxpayer Advocacy Panel, Stop 1006MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203–2221, or you can contact us at *http://www.improveirs.org.* Please contact Patricia Robb at 1–888–912–1227 or (414) 231–2360 for dial-in information.

The agenda will include various IRS issues.

Dated: September 21, 2009.

Shawn F. Collins,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E9–23160 Filed 9–24–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Bureau of Engraving and Printing

Senior Executive Service Combined Performance Review Board (PRB)

AGENCY: Treasury Department, Bureau of Engraving and Printing.

ACTION: Notice of Members of Combined Performance Review Board (PRB).

SUMMARY: Pursuant to 5 U.S.C. 4314(c)(4), this notice announces the appointment of members of the Combined Performance Review Board (PRB) for the Bureau of Engraving and Printing (BEP), Financial Management Service (FMS), the Bureau of the Public Debt (BPD), the United States Mint, the Alcohol and Tobacco Tax and Trade Bureau (TTB) and the Financial Crimes Enforcement Network (FINCEN). The Board reviews the performance appraisals of career senior executives below the level of bureau head and principal deputy in the bureaus, except for executives below the Assistant Commissioner/Executive Director level in the Financial Management Service and Bureau of the Public Debt. The Board makes recommendations regarding proposed performance appraisals, ratings, bonuses, pay adjustments and other appropriate personnel actions.

Composition of Combined PRB: The Board shall consist of at least three voting members. In the case of an appraisal of a career appointee, more than half of the members shall consist of career appointees. The names and titles of the Combined PRB members are as follows:

Primary Members

Chuck Simpson, Assistant Commissioner, Information Resources, FMS.

Anita Shandor, Deputy Commissioner, BPD.

Pamela J. Gardiner, Deputy Director, BEP.

Andrew Brunhart, Deputy Director, United States Mint.

John J. Manfreda, Administrator, TTB.

William F. Baity, Deputy Director, FINCEN.

Alternate Members

Sheryl Morrow, Assistant Commissioner, Federal Finance, FMS.
Lori Santamorena, Executive Director, Government Securities Regulations Staff, BPD.
Scott Wilson, Associate Director (Management), BEP.
Marty Greiner, Chief Financial Officer, United States Mint.
Mary G. Ryan, Assistant Administrator, Field Operations, TTB.
Diane K. Wade, Associate Director, Management Programs Division, FINCEN.

DATES: Membership is effective on 09/30/2009.

FOR FURTHER INFORMATION CONTACT: Karen Bickle, Chief, Office of Human Resources, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228. Telephone Number: (202) 874–2781.

Larry Felix,

Director, Bureau of Engraving and Printing.

[FR Doc. E9–23154 Filed 9–24–09; 8:45 am]

BILLING CODE 4840–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New (LGY Foreclosure Impact Survey)]

Proposed Information Collection (Loan Guaranty Service (LGY) Foreclosure Impact Survey—Veterans Recently Separated): Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine the impact of increased foreclosure rates on the veteran population.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 24, 2009.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *http://www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–New (LGY Foreclosure Impact Survey)'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or Fax (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Loan Guaranty Service (LGY) Foreclosure Impact Survey—Veterans Recently Separated.

OMB Control Number: 2900–New (New (LGY Foreclosure Impact Survey).

Type of Review: New collection.

Abstract: The Foreclosure Impact Survey will be used to respond to Public Law 110–389, Veterans' Benefits Improvement Act of 2008, Section 502, Report on Impact of Mortgage Foreclosures on Veterans. The mission of LGY is to help veterans and active duty personnel purchase and retain homes in recognition of their service to our nation. The program offers many advantages to veterans, including no down payment, and no mortgage insurance premiums.

The survey will address two elements of Public Law 110–389: (1) data regarding the income levels of recently separated veterans and (2) the impact of delays in the adjudication of disability compensation claims on the capacity of veterans to maintain adequate housing.

Affected Public: Individuals or households.

Estimated Annual Burden: 450 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 1,800.

Dated: September 21, 2009.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. E9–23076 Filed 9–24–09; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Friday,
September 25, 2009

Part II

Department of Health and Human Services

Centers for Medicare & Medicaid Services

Medicare and Medicaid Programs; Quarterly Listing of Program Issuances—April through June 2009; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–9053–N]

Medicare and Medicaid Programs; Quarterly Listing of Program Issuances—April through June 2009

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice lists CMS manual instructions, substantive and interpretive regulations, and other **Federal Register** notices that were published from April 2009 through June 2009, relating to the Medicare and Medicaid programs. This notice provides information on national coverage determinations (NCDs) affecting specific medical and health care services under Medicare. Additionally, this notice identifies certain devices with investigational device exemption (IDE) numbers approved by the Food and Drug Administration (FDA) that potentially may be covered under Medicare. This notice also includes listings of all approval numbers from the Office of Management and Budget for collections of information in CMS regulations and a list of Medicare-approved carotid stent facilities. Included in this notice is a list of the American College of Cardiology's National Cardiovascular Data registry sites, active CMS coverage-related guidance documents, and special one-time notices regarding national coverage provisions. Also included in this notice is a list of National Oncologic Positron Emissions Tomography Registry sites, a list of Medicare-approved ventricular assist device (destination therapy) facilities, a list of Medicare-approved lung volume reduction surgery facilities, a list of Medicare-approved clinical trials for fluorodeoxyglucose positron emissions tomogragphy for dementia, and a list of Medicare-approved bariatric surgery facilities.

Section 1871(c) of the Social Security Act requires that we publish a list of Medicare issuances in the **Federal Register** at least every 3 months. Although we are not mandated to do so by statute, for the sake of completeness of the listing, and to foster more open and transparent collaboration efforts, we are also including all Medicaid issuances and Medicare and Medicaid substantive and interpretive regulations (proposed and final) published during this 3-month time frame.

FOR FURTHER INFORMATION CONTACT: It is possible that an interested party may need specific information and not be able to determine from the listed information whether the issuance or regulation would fulfill that need. Consequently, we are providing contact persons to answer general questions concerning these items. Copies are not available through the contact persons. (*See* Section III of this notice for how to obtain listed material.)

Questions concerning CMS manual instructions in Addendum III may be addressed to Ismael Torres, Office of Strategic Operations and Regulatory Affairs, Centers for Medicare & Medicaid Services, C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–1864.

Questions concerning regulation documents published in the **Federal Register** in Addendum IV may be addressed to Gwendolyn Johnson, Office of Strategic Operations and Regulatory Affairs, Centers for Medicare & Medicaid Services, C4–14–03, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–6954.

Questions concerning Medicare NCDs in Addendum V may be addressed to Patricia Brocato-Simons, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services, C1–09–06, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–0261.

Questions concerning FDA-approved Category B IDE numbers listed in Addendum VI may be addressed to John Manlove, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services, C1–13–04, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–6877.

Questions concerning approval numbers for collections of information in Addendum VII may be addressed to Melissa Musotto, Office of Strategic Operations and Regulatory Affairs, Regulations Development and Issuances Group, Centers for Medicare & Medicaid Services, C5–14–03, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–6962.

Questions concerning Medicare-approved carotid stent facilities in Addendum VIII may be addressed to Sarah J. McClain, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services, C1–09–06, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–2994.

Questions concerning Medicare's recognition of the American College of Cardiology-National Cardiovascular Data Registry sites in Addendum IX may be addressed to JoAnna Baldwin, MS, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services, C1–09–06, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–7205.

Questions concerning Medicare's active coverage-related guidance documents in Addendum X may be addressed to Beverly Lofton, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services, C1–09–06, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–7136.

Questions concerning one-time notices regarding national coverage provisions in Addendum XI may be addressed to Beverly Lofton, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services, C1–09–06, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–7136.

Questions concerning National Oncologic Positron Emission Tomography Registry sites in Addendum XII may be addressed to Stuart Caplan, RN, MAS, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services, C1–09–06, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–8564.

Questions concerning Medicare-approved ventricular assist device (destination therapy) facilities in Addendum XIII may be addressed to JoAnna Baldwin, MS, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services, C1–09–06, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–7205.

Questions concerning Medicare-approved lung volume reduction surgery facilities listed in Addendum XIV may be addressed to JoAnna Baldwin, MS, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services, C1–09–06, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–7205.

Questions concerning Medicare-approved bariatric surgery facilities listed in Addendum XV may be addressed to Kate Tillman, RN, MA, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services, C1–09–06, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–9252.

Questions concerning fluorodeoxyglucose positron emission

tomography for dementia trials listed in Addendum XVI may be addressed to Stuart Caplan, RN, MAS, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services, C1–09–06, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–8564.

Questions concerning all other information may be addressed to Gwendolyn Johnson, Office of Strategic Operations and Regulatory Affairs, Regulations Development Group, Centers for Medicare & Medicaid Services, C5–14–03, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–6954.

SUPPLEMENTARY INFORMATION:

I. Program Issuances

The Centers for Medicare & Medicaid Services (CMS) is responsible for administering the Medicare and Medicaid programs. These programs pay for health care and related services for 39 million Medicare beneficiaries and 35 million Medicaid recipients. Administration of the two programs involves (1) furnishing information to Medicare beneficiaries and Medicaid recipients, health care providers, and the public and (2) maintaining effective communications with regional offices, State governments, State Medicaid agencies, State survey agencies, various providers of health care, all Medicare contractors that process claims and pay bills, and others. To implement the various statutes on which the programs are based, we issue regulations under the authority granted to the Secretary of the Department of Health and Human Services under sections 1102, 1871, 1902, and related provisions of the Social Security Act (the Act). We also issue various manuals, memoranda, and statements necessary to administer the programs efficiently.

Section 1871(c)(1) of the Act requires that we publish a list of all Medicare manual instructions, interpretive rules, statements of policy, and guidelines of general applicability not issued as regulations at least every 3 months in the **Federal Register**. We published our first notice June 9, 1988 (53 FR 21730). Although we are not mandated to do so by statute, for the sake of completeness of the listing of operational and policy statements, and to foster more open and transparent collaboration, we are continuing our practice of including Medicare substantive and interpretive regulations (proposed and final) published during the respective 3-month time frame.

II. How To Use the Addenda

This notice is organized so that a reader may review the subjects of manual issuances, memoranda, substantive and interpretive regulations, NCDs, and FDA-approved IDEs published during the subject quarter to determine whether any are of particular interest. We expect this notice to be used in concert with previously published notices. Those unfamiliar with a description of our Medicare manuals may wish to review Table I of our first three notices (53 FR 21730, 53 FR 36891, and 53 FR 50577) published in 1988, and the notice published March 31, 1993 (58 FR 16837). Those desiring information on the Medicare NCD Manual (NCDM, formerly the Medicare Coverage Issues Manual (CIM)) may wish to review the August 21, 1989, publication (54 FR 34555). Those interested in the revised process used in making NCDs under the Medicare program may review the September 26, 2003, publication (68 FR 55634).

To aid the reader, we have organized and divided this current listing into 11 addenda:

- Addendum I lists the publication dates of the most recent quarterly listings of program issuances.
- Addendum II identifies previous **Federal Register** documents that contain a description of all previously published CMS Medicare and Medicaid manuals and memoranda.
- Addendum III lists a unique CMS transmittal number for each instruction in our manuals or Program Memoranda and its subject matter. A transmittal may consist of a single or multiple instruction(s). Often, it is necessary to use information in a transmittal in conjunction with information currently in the manuals.
- Addendum IV lists all substantive and interpretive Medicare and Medicaid regulations and general notices published in the **Federal Register** during the quarter covered by this notice. For each item, we list the—
  - Date published;
  - **Federal Register** citation;
  - Parts of the Code of Federal Regulations (CFR) that have changed (if applicable);
  - Agency file code number; and
  - Title of the regulation.
- Addendum V includes completed NCDs, or reconsiderations of completed NCDs, from the quarter covered by this notice. Completed decisions are identified by the section of the NCDM in which the decision appears, the title, the date the publication was issued, and the effective date of the decision.
- Addendum VI includes listings of the FDA-approved IDE categorizations, using the IDE numbers the FDA assigns. The listings are organized according to the categories to which the device numbers are assigned (that is, Category A or Category B), and identified by the IDE number.
- Addendum VII includes listings of all approval numbers from the Office of Management and Budget (OMB) for collections of information in CMS regulations in title 42; title 45, subchapter C; and title 20 of the CFR.
- Addendum VIII includes listings of Medicare-approved carotid stent facilities. All facilities listed meet CMS standards for performing carotid artery stenting for high risk patients.
- Addendum IX includes a list of the American College of Cardiology's National Cardiovascular Data registry sites. We cover implantable cardioverter defibrillators (ICDs) for certain indications, as long as information about the procedures is reported to a central registry.
- Addendum X includes a list of active CMS guidance documents. As required by section 731 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Pub. L. 108–173, enacted on December 8, 2003), we will begin listing the current versions of our guidance documents in each quarterly listings notice.
- Addendum XI includes a list of special one-time notices regarding national coverage provisions. We are publishing a list of issues that require public notification, such as a particular clinical trial or research study that qualifies for Medicare coverage.
- Addendum XII includes a listing of National Oncologic Positron Emission Tomography Registry (NOPR) sites. We cover positron emission tomography (PET) scans for particular oncologic indications when they are performed in a facility that participates in the NOPR.
- Addendum XIII includes a listing of Medicare-approved facitilites that receive coverage for ventricular assist devices used as destination therapy. All facilities were required to meet our standards in order to receive coverage for ventricular assist devices implanted as destination therapy.
- Addendum XIV includes a listing of Medicare-approved facilities that are eligible to receive coverage for lung volume reduction surgery. Until May 17, 2007, facilities that participated in the National Emphysema Treatment Trial are also eligible to receive coverage.
- Addendum XV includes a listing of Medicare-approved facilities that meet minimum standards for facilities modeled in part on professional society statements on competency. All facilities

must meet our standards in order to receive coverage for bariatric surgery procedures.

• Addendum XVI includes a listing of Medicare-approved clinical trials for fluorodeoxyglucose positron emission tomography (FDG–PET) for dementia and neurodegenerative diseases.

III. How To Obtain Listed Material

A. Manuals

Those wishing to subscribe to program manuals should contact either the Government Printing Office (GPO) or the National Technical Information Service (NTIS) at the following addresses:

Superintendent of Documents, Government Printing Office, ATTN: New Orders, P.O. Box 371954, Pittsburgh, PA 15250–7954, Telephone (202) 512–1800, Fax number (202) 512–2250 (for credit card orders); or

National Technical Information Service, Department of Commerce, 5825 Port Royal Road, Springfield, VA 22161, Telephone (703) 487–4630.

In addition, individual manual transmittals and Program Memoranda listed in this notice can be purchased from NTIS. Interested parties should identify the transmittal(s) they want. GPO or NTIS can give complete details on how to obtain the publications they sell. Additionally, most manuals are available at the following Internet address: *http://cms.hhs.gov/manuals/default.asp*.

B. Regulations and Notices

Regulations and notices are published in the daily **Federal Register**. Interested individuals may purchase individual copies or subscribe to the **Federal Register** by contacting the GPO at the address given above. When ordering individual copies, it is necessary to cite either the date of publication or the volume number and page number.

The **Federal Register** is also available on 24x microfiche and as an online database through *GPO Access.* The online database is updated by 6 a.m. each day the **Federal Register** is published. The database includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward. Free public access is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is *http://www.gpoaccess.gov/fr/index.html*, by using local WAIS client software, or by telnet to *http://swais.gpoaccess.gov*, then log in as guest (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then log in as guest (no password required).

C. Rulings

We publish rulings on an infrequent basis. CMS Rulings are decisions of the Administrator that serve as precedent final opinions and orders and statements of policy and interpretation. They provide clarification and interpretation of complex or ambiguous provisions of the law or regulations relating to Medicare, Medicaid, Utilization and Quality Control Peer Review, private health insurance, and related matters. Interested individuals can obtain copies from the nearest CMS Regional Office or review them at the nearest regional depository library. We have, on occasion, published rulings in the **Federal Register**. Rulings, beginning with those released in 1995, are available online, through the CMS Home Page. The Internet address is *http://cms.hhs.gov/rulings*.

D. CMS' Compact Disk-Read Only Memory (CD–ROM)

Our laws, regulations, and manuals are also available on CD–ROM and may be purchased from GPO or NTIS on a subscription or single copy basis. The Superintendent of Documents list ID is HCLRM, and the stock number is 717–139–00000–3. The following material is on the CD–ROM disk:

• Titles XI, XVIII, and XIX of the Act.
• CMS-related regulations.
• CMS manuals and monthly revisions.
• CMS program memoranda.

The titles of the Compilation of the Social Security Laws are current as of January 1, 2005. (Updated titles of the Social Security Laws are available on the Internet at *http://www.ssa.gov/OP_Home/ssact/comp-toc.htm*.) The remaining portions of CD–ROM are updated on a monthly basis.

Because of complaints about the unreadability of the Appendices (Interpretive Guidelines) in the State Operations Manual (SOM), as of March 1995, we deleted these appendices from CD–ROM. We intend to re-visit this issue in the near future and, with the aid of newer technology, we may again be able to include the appendices on CD–ROM.

Any cost report forms incorporated in the manuals are included on the CD–ROM disk as LOTUS files. LOTUS software is needed to view the reports once the files have been copied to a personal computer disk.

IV. How To Review Listed Material

Transmittals or Program Memoranda can be reviewed at a local Federal Depository Library (FDL). Under the FDL program, government publications are sent to approximately 1,400 designated libraries throughout the United States. Some FDLs may have arrangements to transfer material to a local library not designated as an FDL. Contact any library to locate the nearest FDL.

In addition, individuals may contact regional depository libraries that receive and retain at least one copy of most Federal Government publications, either in printed or microfilm form, for use by the general public. These libraries provide reference services and interlibrary loans; however, they are not sales outlets. Individuals may obtain information about the location of the nearest regional depository library from any library.

For each CMS publication listed in Addendum III, CMS publication and transmittal numbers are shown. To help FDLs locate the materials, use the CMS publication and transmittal numbers. For example, to find the Medicare Benefit Policy publication titled ''Surgery for Diabetes,'' use CMS–Pub. 100–03, Transmittal No. 100.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance, Program No. 93.774, Medicare—Supplementary Medical Insurance Program, and Program No. 93.714, Medical Assistance Program)

Dated: September 3, 2009.

Jacquelyn Y. White,

Director, Office of Strategic Operations and Regulatory Affairs.

Addendum I

This addendum lists the publication dates of the most recent quarterly listings of program issuances.

June 22, 2007 (72 FR 34508)
September 28, 2007 (72 FR 55282)
December 28, 2007 (72 FR 73990)
April 1, 2008 (73 FR 17422)
June 27, 2008 (73 FR 36596)
September 26, 2008 (73 FR 55902)
December 30, 2008 (73 FR 79982)
March 27, 2009 (74 FR 13516)
June 26, 2009 (74 FR 30689)

Addendum II—Description of Manuals, Memoranda, and CMS Rulings

An extensive descriptive listing of Medicare manuals and memoranda was published on June 9, 1988, at 53 FR 21730 and supplemented on September 22, 1988, at 53 FR 36891 and December 16, 1988, at 53 FR 50577. Also, a complete description of the former CIM (now the NCDM) was published on

August 21, 1989, at 54 FR 34555. A brief description of the various Medicaid manuals and memoranda that we maintain was published on October 16, 1992, at 57 FR 47468.

ADDENDUM III—MEDICARE AND MEDICAID MANUAL INSTRUCTIONS

[April through June 2009]

Transmittal No.	Manual/Subject/Publication No.
	Medicare General Information (CMS—Pub. 100–01)
00	None
	Medicare Benefit Policy (CMS—Pub. 100–02)
105	List of Medicare Telehealth Services
	Originating Site Facility Fee Payment (ESRD–Related Services)
106	Speech-Language Pathology Private Practice Payment Policy
	Practice of Speech-Language Pathology
	Services Furnished by a Therapist in Private Practice
107	July 2009 Update of the Hospital Outpatient Prospective Payment System
	Outpatient Observation Services
	Medicare National Coverage Determination (CMS—Pub. 100–03)
100	Surgery for Diabetes
	Bariatric Surgery for Treatment of Morbid Obesity (Various Effective Dates Below)
	Surgery for Diabetes (Effective February 12, 2009)
101	Wrong Surgical or Other Invasive Procedure Performed on a Patient; Surgical or Other Invasive Procedure Performed on the Wrong Body Part; Surgical or Other Invasive Procedure Performed on the Wrong Patient
	Wrong Surgical or Other Procedure Performed on a Patient (Effective January 15, 2009)
	Surgical or Other Invasive Procedure Performed on the Wrong Body Part (Effective January 15, 2009)
	Medicare Claims Processing (CMS—Pub. 100–04)
1708	Hospice Cap Calculations Letters and Administrative Appeals
1709	Manualization of the Medicare Physician Fee Schedule Record Layouts for Contractors Processing Institutional Claims
	Intermediary and Regional Home Health Intermediary Record Layout for Clinical Laboratory Fee Schedule
	RHHI Fees for Hospice, Radiology and Other Diagnostic Prices and Local HCPCS Codes
	Intermediary Format for Durable Medical Equipment, Prosthetic, Orthotic and Supply Fee Schedule
	Intermediary Outpatient Rehabilitation and CORF Services Fee Schedule
	Intermediary Format for Skilled Nursing Facility Fee Schedule
	Intermediary Format for CORF Services Supplemental and Critical Access Hospital Fee Schedule
	Physician Fee Schedule Payment Policy Indicator File Record Layout
	Intermediary Format for Mammography Fee Schedule
	Intermediary Format for Ambulance Fee Schedule
1710	Billing Routine Cost of Clinical Trials
	Carrier Specific Requirements for Certain Specialties/Services
	Requirements for Billing Routine Costs of Clinical Trials
1711	Surgery for Diabetes
	General
	ICD–9 Procedure Codes for Bariatric Surgery (FIs Only)
	Claims Guidance for Payment Medicare Summary Notices (MSNs) and Claim Adjustment Reason Codes
1712	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
1713	Additional Data Collection on Hospice Claims
	Data Required on Claim to FI
1714	Correction to Editing of Health Insurance Prospective Payment System Codes on Home Health Prospective Payment System Claims
	Home Health Prospective Payment System Claims
1715	New Physician Specialty Code for Hospice and Palliative Care
	Physician Specialty Codes
1716	List of Medicare Telehealth Services
	List of Medicare Telehealth Services
	Submission of Telehealth Claims for Distant Site Providers
1717	Speech-Language Pathology Privateacility Services—General
	Part B Outpatient Rehabilitation and Comprehensive Outpatient Rehabilitation Facility Services—General
	Services Paid Under the Medicare Physician's Fee Schedule
	Addendum
1718	New Patient Discharge Status Code 21 to Define Discharges or Transfers to Court/Law Enforcement
	Form Locators 16–30
1719	Rural Health Clinic and Federally Qualified Health Clinic Updates
	RHCs/FQHCs Special Billing Instructions

ADDENDUM III—MEDICARE AND MEDICAID MANUAL INSTRUCTIONS—Continued

[April through June 2009]

Transmittal No.	Manual/Subject/Publication No.
	General Billing Requirements for Preventive Services
	Initial Preventive Physical Exam
	Ultrasound Screening for Abdominal Aortic Aneurysms
	Diabetes Self-Management Training Services
	Medical Nutrition Therapy Services
	RHCs/FQHCs Special Billing Instructions
	HCs/FQHCs Special Billing Instructions
	RHCs/FQHCs Special Billing Instructions
1720	Health Insurance Portability and Accountability Act American National
	Standards Institute (ANSI) 837 5010 Coordination of Benefit Requirements—Part II
	COB Trading Partner and Contractor Crossover Claim Requirements
	Coordination of Benefits Agreement Coordination of Benefits Requirements
1721	Billing Routine Cost of Clinical Trials
	Carrier Specific Requirements for Certain Specialties/Services
	Requirements for Billing Routine Cost of Clinical Trials
1722	Instructions for Downloading the Medicare ZIP Code Files for October 2009
1723	Only Clinical Trial Services Receive Fee-For-Service Payment on Claims Billed for Managed Care Beneficiaries
	Requirements for Billing Routine Costs of Clinical Trials
	Billing and Processing Fee for Service Claims for Covered Clinical Trial Services Furnished to Managed Care Enrollees
1724	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
1725	Requirements for Specialty Codes
	Requirements for Specialty Codes
1726	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
1727	Coordination of Benefits Agreement (COBA) Repair and Claims Recovery Requirements Stemming from the Health Insurance Portability and Accountability Act 5010 Claims Transactions
	Coordination of Benefits Agreement 837 5010 Coordination of Benefits Flat File Errors
	Coordination of Benefits Agreement Full Claims Repair Process
	Coordination of Benefits Agreement (COBA) Eligibility File Claims Recovery Process
1728	Surgery for Diabetes
	General
	ICD–9 Procedure Codes for Bariatric Surgery (FIs Only)
	Claims Guidance for Payment
	Medicare Summary Notices and Claim Adjustment Reason Codes
1729	Section 148 of the Medicare Improvements for Patients and Providers Act (MIPPA)
	Clinical Diagnostic Laboratory Tests Furnished by CAHs
	Hospital and Skilled Nursing Facility Patients
	General Explanation of Payment
	Hospital Billing Under Part B
	Critical Access Hospital Outpatient Laboratory Service
1730	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
1731	Clarification of CMS Publication 100–04, Chapter 32, Section 80.8 Billing of Routine Foot Care When Payment Ceases for Loss of Protective Sensation Evaluation and Management
	Billing Requirements for Special Services
1732	Pricing Claims for Services Rendered in Place of Service Home
	General Billing Requirements
	Medicare Claims Processing Manual/Chapter 1/General Billing Requirements/Table of Contents
	Payment Jurisdiction Among Contractors for Services Paid Under the Physician Fee Schedule and Anesthesia Services
	Claims Processing Instructions for Payment Jurisdiction for Claims Received on or after April 1, 2004
1733	Manual Clarifications for Skilled Nursing Facility and Therapy Billing
	Inpatient Billing from Hospitals and SNFs
	HCPCS Coding Requirements
	Special Inpatient Billing Instructions
	Bills with Covered and Noncovered Days
	Billing in Benefits Exhaust and No-Payment Situations
1734	Claim Adjustment Reason Code (CARC), Remittance Advice Remark Code and Medicare Remit Easy Print Update
1735	Changes to the Laboratory National Coverage Determination Edit Software for July 2009
1736	Chapter 24 Update to Restore Inadvertently Deleted Information and to Remove
	Reserved
	Reserved
	Contractor Roles in ASCA Reviews
1737	July 2009 Quarterly Average Sales Price Medicare Part B Drug Pricing
	Files and Revisions to Prior Quarterly Pricing Files
1738	Additional Data Collection on Hospice Claims
	Data Required on Claim to FI
1739	July 2009 Integrated Outpatient Code Editor Specifications Version 10.2
1740	July 2009 Update to the ASC Payment System; Summary of Payment Policy Changes
1741	Update-Inpatient Psychiatric Facilities Prospective Payment System Rate Year 2010
1742	Clarification of Chapter 32, Section 80.8 Billing of Routine Foot Care When Payment Ceases for Loss of Protective Sensation Evaluation and Management
	Billing Requirements for Special Services
1743	Billing Routine Cost of Clinical Trials

ADDENDUM III—MEDICARE AND MEDICAID MANUAL INSTRUCTIONS—Continued

[April through June 2009]

Transmittal No.	Manual/Subject/Publication No.
	Carrier Specific Requirements for Certain Specialties/Services
	Requirements for Billing Routine Cost of Clinical Trials
1744	Manual Update to Include Billing Instructions for Professional Component and Technical Component in Regards to One Line Global Billing for Pathology Services DOS for Clinical Laboratory and Pathology Specimen
1745	July 2009 Update of the Hospital Outpatient Prospective Payment System When an Inpatient Admission May Be Changed to Outpatient Status
	Background
	Policy and Billing Instructions for Condition Code 44
	Outlier Adjustments
	Identifying Hospitals and CMHCs Subject to Outlier Reconciliation
	Reconciling Outlier Payments for Hospitals and CMHCs
	Time Value of Money
	Procedures for Medicare Contractors to Perform and Record Outlier
	Reconciliation Adjustments
	Observation Services Overview
	Revenue Code Reporting
	Reporting Hours of Observation
	Billing and Payment for All Hospital Observation Services Furnished between January 1, 2006 and December 31, 2007
	Separate and Packaged Payment for Direct Referral for Observation Services Furnished between January 1, 2006 and December 31, 2007
	Separate and Packaged Payment for Observation Services Furnished between January 1, 2006 and December 31, 2007
	Billing and Payment for Observation Services Beginning January 1, 2008
	Billing and Payment for Direct Referral for Observation Care Furnished Beginning January 1, 2008
	Hospital Outpatient Payment Under OPPS for New, Unclassified Drugs and Biologicals After FDA Approval But Before Assignment of a Product-Specific Drug or Biological HCPCS Code
1746	Quarterly Update to Correct Coding Initiative Edits, Version 15.2, Effective July 1, 2009
1747	Beneficiary-Submitted Claims
	Monitoring Claims Submission Violations
	Handling Incomplete or Invalid Claims
1748	July Update to the 2009 Medicare Physician Fee Schedule Database
1749	Revised Billing Instructions for Occurrence Span Code 74 on Skilled Nursing Facility No Payment Claims
	Billing in Benefits Exhaust and No-Payment Situations
1750	October Quarterly Update to 2009 Annual Update of HCPCS Codes Used for Skilled Nursing Facility Consolidated Billing Enforcement
1751	New Waived Tests
1752	Addition/Deletion of HCPCS Codes—July 2009 Quarterly Update
1753	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
1754	July Quarterly Update for 2009 Durable Medical Equipment, Prosthetics, Orthotics, and Suppliers Fee Schedule
1755	Wrong Surgical or Other Invasive Procedure Performed on a Patient; Surgical or Other Invasive Procedure Performed on the Wrong Body Part; Surgical or Other Invasive Procedure Performed on the Wrong Patient
	Billing Wrong Surgical or Other Invasive Procedures Performed on a Patient, Surgical or Other Invasive Procedures Performed on the Wrong Body Part, and Surgical or Other Invasive Procedures Performed on the Wrong Patient
1756	Claim Status Category Code and Claim Status Code Update
1757	Claims Processing for Skilled Nursing Facility Consolidated Billing
	Carrier/Part B MAC/DMEMAC Claims Processing for Consolidated Billing for Physician and Non-Physician Practitioner Services Rendered to Beneficiaries in a SNF Part A Stay
	Reject and Unsolicited Response Edits
	A/B Crossover Edits
	Duplicate Edits
	Edit for Ambulance Services
	Edit for Clinical Social Workers (CSWs)
	Edit for Therapy Services Separately Payable when Furnished by a Physician
	CWF Override Codes
	Coding Files and Updates
	Annual Update Process
1758	Correction to Fiscal Year (FY) 2009 Medicare Severity Long-Term Care Diagnosis-Related Group (MS–LTC–DRG) Weights
1759	July 2009 Update to the ASC Payment System; Summary of Payment Policy Changes
1760	July 2009 Update of the Hospital Outpatient Prospective Payment System when an Inpatient Admission May Be Changed to Outpatient Status
	Background
1761	Billing Routine Cost of Clinical Trials
	Carrier Specific Requirements for Certain Specialties/Services
	Requirements for Billing Routine Cost of Clinical Trials
	Policy and Billing Instructions for Condition Code 44
	Outlier Adjustments
	Identifying Hospitals and CMHCs Subject to Outlier Reconciliation
	Reconciling Outlier Payments for Hospitals and CMHCs
	Time Value of Money
	Procedures for Medicare Contractors to Perform and Record Outlier Reconciliation Adjustments
	Observation Services Overview
	Revenue Code Reporting

ADDENDUM III—MEDICARE AND MEDICAID MANUAL INSTRUCTIONS—Continued

[April through June 2009]

Transmittal No.	Manual/Subject/Publication No.
	Reporting Hours of Observation
	Billing and Payment for All Hospital Observation Services Furnished Between January 1, 2006 and December 31, 2007
	Billing and Payment for All Hospital Observation Services Furnished Between January 1, 2006 and December 31, 2007
	Separate and Packaged Payment for Direct Referral for Observation Services Furnished Between January 1, 2006 and December 31, 2007
	Separate and Packaged Payment for Direct Referral for Observation Services Furnished Between January 1, 2006 and December 31, 2007
	Billing and Payment for Observation Services Beginning January 1, 2008
	Billing and Payment for Direct Referral for Observation Care Furnished Beginning January 1, 2008
	Hospital Outpatient Payment Under OPPS for New, Unclassified Drugs and Biologicals After FDA Approval But Before Assignment of a Product-Specific Drug or Biological HCPCS Code
	Medicare Secondary Payer (CMS—Pub. 100–05)
68	Claim Adjustment Reason Code Update for Medicare Secondary Payer Claims Processing
69	Update to the Electronic Correspondence Referral System User Guide v10.0 and Quick Reference Card v10.0
	Coordination With the Coordination of Benefits Contractor
	Contractor MSP Auxiliary File Update Responsibility
	COBC Electronic Correspondence Referral System
	Attachment 1—ECRS User Guide, Software Version 10.0
	Attachment 1A—ECRS Part D Plan User Guide, Software
	Providing Written Documents to the COBC
70	Instructions on utilizing 837 Institutional CAS segments for Medicare Secondary Payer Part A Claims
	Medicare Financial Management (CMS—Pub. 100–06)
150	Internal Control Requirements Update
	Introduction
	Authority
	FMFIA and the CMS Contractor Contract
	GAO Standards for Internal Controls in the Federal Government
	Definition and Objectives
	Monitoring
	Contractor Internal Control Review Process
	Risk Assessment
	Risk Analysis Chart
	Internal Control Objectives
	CMS Contractor Control Objectives
	Policies and Procedures
	Testing Methods
	Documentation and Working Papers
	Certification Package for Internal Controls
	OMB Circular A–123, Appendix A: Internal Control Over Financial Reporting
	CPIC Requirements
	Certification Statement
	Executive Summary
	CPIC Report of Material Weaknesses
	CPIC Report of Internal Control Deficiencies
	Definitions of Control Deficiency, Significant Deficiency, and Material Weaknesses Corrective Action Plans
	Submission, Review, and Approval of Corrective Action Plans
	CMS Finding Numbers
	Initial CAP Report
	Quarterly CAP Report
	Entering Data into the Initial or Quarterly CAP Report
	List of CMS Contractor Control Objectives
	CMS Financial Reporting Cycle Memo
	Financial Reporting Cycle Memo Inclusions
	List of Appendices
151	Notice of New Interest Rate for Medicare Overpayments and Underpayments—3rd Notification for FY 2009
152	Recovery Audit Contractors (RACs)
	Handling Appeals Resulting from RAC Initiated Denials
	Referrals to the Department of Treasury
	Tracking Overpayments
	Tracking Appeals
	Reporting Administrative Costs Directly Associated with the RAC Program Potential Fraud
	AC and MAC Requirements Involving RAC Information Dissemination
	Contacting Non-Responders
	Voluntary Refunds
	Working with RAC Support Contractors

ADDENDUM III—MEDICARE AND MEDICAID MANUAL INSTRUCTIONS—Continued

[April through June 2009]

Transmittal No.	Manual/Subject/Publication No.
153	Implementation of the Redesigned Provider Statistical and Reimbursement (PS&R) System
	Contractor's Responsibility Prior to Submission of Cost Reports
	Medicare State Operations Manual (CMS—Pub. 100–07)
41	Revisions to Appendices P and PP
42	Revision to Appendix P, "Survey Protocol for Long Term Care Facilities—Part I"
	"Investigative Protocol—Unintended Weight Loss"
43	Revised Chapter 2, "The Certification Process," Section 2008A
	Early Surveys of New Providers and Suppliers
44	Revisions to Exhibit 286, "Hospital/CAH Medicare Database Worksheet"
45	Revisions to Chapter 6—"Special Procedures for Laboratories"
	Background
	Consultative CLIA Activities
	Certificate of Registration
	Certificate of Compliance
	CLIA Certificate Status Changes
	Criteria for One Certificate for Multiple Sites
	Laboratories Under Direct RO Jurisdiction
	Laboratories Performing Limited Public Health Testing
46	Revisions to Appendix V, "Emergency Medical Treatment and Labor Act Interpretive Guidelines"
47	Revised Appendix A, "Interpretive Guidelines for Hospitals"
48	Revisions to Appendix PP, "Guidance to Surveyors of Long Term Care Facilities"
49	New Critical Access Hospital (CAH) Requirements Under 42 CFR 485.610(e) Related to CAH Co-location and CAH Provider-based Locations
	Medicare Program Integrity (CMS—Pub. 100–08)
288	Incorporation of Physician Fee Schedule Regulatory Changes
	Definitions
	Pre-Screening Process
	Application Rejections
	Denials for Incomplete Applications
	Returning the Application
	Types of Business Organizations
	Certification Statement
	Delegated Officials
	IDTF Standards
	Requesting and Receiving Clarifying Information
	Definitions
	Determining Whether a CHOW Has Occurred
	Processing CHOW Applications
	Effective Billing Date for Physicians, Non-Physician Practitioners, and Physician or Non-Physician Practitioner Organizations
	Denials
	General Procedures
	Electronic Fund Transfers
	Medicare Advantage and Other Managed Care Organizations
	Clinical Nurse Specialists
	Nurse Practitioners
	Physicians
	Speech Language Pathologists in Private Practice
	Contractor Issued Revocations
	File Maintenance
289	Incorporation of Physician Fee Schedule Regulatory Changes
	Definitions
	Pre-Screening Process
	Application Rejections
	Denials for Incomplete Applications
	Returning the Application
	Types of Business Organizations
	Certification Statement
	Delegated Officials
	IDTF Standards
	Requesting and Receiving Clarifying Information
	Determining Whether a CHOW Has Occurred
	Effective Billing Date for Physicians, Non-Physician Practitioners, and Physician or Non-Physician Practitioner Organizations
	Denials
	General Procedures
	Electronic Fund Transfers

ADDENDUM III—MEDICARE AND MEDICAID MANUAL INSTRUCTIONS—Continued

[April through June 2009]

Transmittal No.	Manual/Subject/Publication No.
	Medicare Advantage and Other Managed Care Organizations
	Clinical Nurse Specialists
	Nurse Practitioners
	Speech Language Pathologists in Private Practice
	Contractor Issued Revocations
	File Maintenance
291	Reassignment and Ambulatory Surgical Centers (ASCs)
292	Submission of Paper and Electronic CMS—855 Enrollment Applications
293	Review of Durable Medical Equipment, Prosthetics, Orthotics, and Supplies
	Period of Medical Necessity for Serial DMEPOS claims
	Accessories
	Repairs
	Maintenance
	General DMEPOS Review Reminders
294	Additional Extract from Multi-Carrier System to Provider Enrollment, Chain and Ownership System for 4th Quarter Deactivations
295	Revision to Certain Instructions Related to Provider Enrollment Deactivations and Revocations
	Radiation Therapy Centers
	Certified Registered Nurse Anesthetists
	CMS or Contractor Issued Deactivations
	Contractor Issued Revocations
	DPSE Issued Revocations
	PSC Identified Revocations
	CMS Satellite Office or Regional Office Identified Revocations
Medicare Contractor Beneficiary and Provider Communications (CMS—Pub. 100–09)	
00	None
Medicare End Stage Renal Disease Network Organizations (CMS—Pub 100–14)	
00	None
Medicare Managed Care (CMS—Pub. 100–16)	
00	None
Medicare Business Partners Systems Security (CMS—Pub. 100–17)	
00	None
Demonstrations (CMS—Pub. 100–19)	
61	Method of Payment for Extended Stay Services under the Frontier Extended Stay Clinic Demonstration, Authorized by Section 434 of the Medicare Modernization Act. This Change Request provides additional information to CR 6057
One Time Notification (CMS—Pub. 100–20)	
469	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
470	Expansion of the Current Scope of Editing for Ordering/Referring Providers for Claims Processed by Medicare Carriers and Part B Medicare
	Administrative Contractors
471	Revision to Processing Hospice Visit Charges on Remittance Advices and Medicare Summary Notices
472	Request for Common Working Files to Send Common Working Files Medicare Quality Assurance the 5010 File Formats as of October 5, 2009
473	Deductible Application on Clinical Trial Claims
474	Ten (10) percent Write-off from the Nine CWF data bases for the Tables called: Medicare Secondary Payment and Beneficiary ESRD Dialysis Auxiliary, for the Calendar Years 2000–2008
475	Modification to Accommodate Acute Care Episode Demonstration
476	Implementation of Indirect Medical Education and Long Term Care Hospital Provisions from the American Recovery and Reinvestment Act of 2009
477	Change Type of Bill (TOB) for Federally Qualified Health Centers from 73x to 77x
478	Internet-based Provider Enrollment, Chain and Ownership Outreach to Academic Medical Institutions and Large Group Practices

ADDENDUM III—MEDICARE AND MEDICAID MANUAL INSTRUCTIONS—Continued

[April through June 2009]

Transmittal No.	Manual/Subject/Publication No.
479	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
480	Expansion of the Current Scope of Editing for Ordering/Referring Providers for Durable Medical Equipment, Prosthetics, Orthotics, and Supplier Suppliers Claims Process by Durable Medical Equipment Medicare Administrative Contractors
481	Implementation of the Health Care Claim Status Inquiry and Response (276/277) Version 005010—Durable Medical Equipment Shared System Change
482	Mainframe Integrated Outpatient Code Editor Tool Set Upgrade
483	Fiscal Intermediary Shared System Analysis for System-Related Outpatient Prospective Payment System Processing Issues
484	Archiving and Retrieving of the Integrated Outpatient Code Editor for Processing Claims
485	Implementation—Systems Improvements to Streamline Updates to the Place of Service Code Set
486	Jurisdiction 5 A/B MAC Merge of the Part B East Missouri, West Missouri, Nebraska, Kansas, and Iowa Production and User Acceptance Test Regions
487	Modification of the Common Working File Copybook to Transmit a "WC" Qualifier to Distinguish Workers Compensation Medicare Set-Aside Arrangement MSP Records
488	Processing and Payment of Physician and Non-Physician Practitioner Services Reassigned to ASCs
489	Require Medicare Administrative Contractors Fiscal Intermediaries and Carriers to Provide Program Safeguard Contractors (PSCs)/Zoned Program Integrity Contractors (ZPICs) with Monthly Updates of Deactivated Crosswalk File Entries
490	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
492	Fiscal Year 2009 Inpatient Prospective Payment System Claims with Medicare Severity Diagnosis Related Group (MS–DRG) 956
494	MREP Update for 835 Version 5010
495	Further Instruction for Implementation of the Next Version of the Health Insurance Portability and Accountability Act 835 Transaction and Related Standard Paper Remittance
496	Fiscal Intermediary Standard System Analysis and Technical Consultation—to be Performed by the Maintainer for the Planning and Execution of the J1 WPS Legacy Part A Pilot Split and Subsequent Workload Reporting Requirements
497	Payment for Maintenance and Servicing of Certain Oxygen Equipment as a Result of the Medicare Improvements for Patients and Providers Act of 2008—THIS CR RESCINDS AND FULLY REPLACES CR 6404
498	Reporting Gross Payments on IRS Form–1099
499	Placing Medicare Florida Fraud Hotline Number on the Medicare Summary Notices for Zip Codes in Florida
500	VMS Modifications to Implement the Common Electronic Data Interchange System, Part III, NCPDP 5.1 Implementation
501	Allow Zoned Program Integrity Contractor to access Durable Medical Equipment Medicare Administrative Contractor by ZPIC Zone
502	Jurisdiction 4 A/B MAC Merge of the Part B Oklahoma, New Mexico and Colorado CICS Production and User Acceptance Test Regions
503	Reporting Non-Tax Withholding Due to Federal Payment Levy Program
504	J12 Production Region Merge of the District of Columbia, Maryland, New Jersey, and Pennsylvania Part A Workloads
505	Medicare Part B Radiation Therapy Centers Supplier Enrollment Revalidation
506	Issued to specific audience, not posted to Internet/Intranet/due to Sensitivity of Instruction
507	Jurisdiction 13 A/B MAC Merge of the three Part B New York and the Part B Connecticut CICS Production and User Acceptance Test Regions
508	Implementation of the Next Version of the Health Insurance Portability and Accountability Act (HIPAA) 835 Transaction
509	DME MAC Instructions for Therapy Caps 2009
510	Expansion of the Current Scope of Editing for Ordering/Referring Providers for claims processed by Medicare Carriers and Part B Medicare Administrative Contractors

ADDENDUM IV—REGULATION DOCUMENTS PUBLISHED IN THE FEDERAL REGISTER

[April through June 2009]

Publication date	FR Vol. 74 Page No.	42 CFR parts affected	File code	Title of regulation
April 3, 2009	15221	440	CMS–2232–F2	Medicaid Programs; State Flexibility for Medicaid Benefit Packages.
April 24, 2009	18656	447 and 455	CMS–2198–F2	Medicaid Program; Disproportionate Share Hospital Payments; Correcting Amendment.
April 24, 2009	18728		CMS–2299–PN	Medicare and Medicaid Programs; Application of the American Osteopathic Association for Continued Deeming Authority for Hospitals.
April 24, 2009	18734		CMS–1563–N	Medicare Program; Meeting of the Practicing Physicians Advisory Council, June 1, 2009.
April 24, 2009	18808		CMS–4139–N	Medicare Program; Recognition of NAIC Model Standards for Regulation of Medicare Supplemental Insurance.
April 24, 2009	18912	405 and 418	CMS–1420–P	Medicare Program; Proposed Hospice Wage Index for Fiscal Year 2010.
April 28, 2009	19155	45 CFR 144 and 146	CMS–4140–NC	Request for Information Regarding the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008.

ADDENDUM IV—REGULATION DOCUMENTS PUBLISHED IN THE FEDERAL REGISTER—Continued

[April through June 2009]

Publication date	FR Vol. 74 Page No.	42 CFR parts affected	File code	Title of regulation
May 1, 2009	20323		CMS–2303–N	Establishment of the Children's Health Insurance Program Working Group and Request for Nominations for Members.
May 1, 2009	20362		CMS–1495–NC	Medicare Program; Inpatient Psychiatric Facilities Prospective Payment System Payment Update for Rate Year Beginning July 1, 2009 (RY 2010).
May 6, 2009	21052	412	CMS–1538–P	Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2010.
May 6, 2009	21230	433	CMS–2275–P2	Medicaid Program; Health Care-Related Taxes.
May 6, 2009	21232	431, 433, 440, and 441	CMS–2287–P2, CMS–2213–P2, CMS–2237–P.	Medicaid Program; Rescission of School-Based Services Final Rule, Outpatient Services Definition Rule, and Partial Rescission of Case Management Services Interim Final Rule.
May 12, 2009	22208	483	CMS–1410–P	Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for FY 2010; Minimum Data Set, Version 3.0 for Skilled Nursing Facilities and Medicaid Nursing Facilities.
May 22, 2009	24015		CMS–2900–PN	Medicare and Medicaid Programs; Application by the Community Health Accreditation Program for Continued Deeming Authority for Hospices.
May 22, 2009	24017		CMS–1407–N	Medicare Program; Public Meeting in Calendar Year 2009 for New Clinical Laboratory Tests Payment Determinations.
May 22, 2009	24019		CMS–7014–N	Medicare Program; Meeting of the Advisory Panel on Medicare Education, July 8, 2009.
May 22, 2009	24080	412, 413, 415, and 489	CMS–1406–P	Medicare Program; Proposed Changes to the Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and Fiscal Year 2010 Rates and to the Long-Term Care Hospital Prospective Payment System and Rate Year 2010 Rates.
May 26, 2009	24857		CMS–2487–PN	Medicare and Medicaid Programs; Application by the American Osteopathic Association for Continued Deeming Authority for Ambulatory Surgical Centers.
June 3, 2009	26546	412	CMS–1337–IFC	Medicare Program; Revisions to FY 2009 Medicare Severity-Long-Term Care Diagnosis-Related Group (MS–LTC–DRG) Weights.
June 3, 2009	26600	412	CMS–1406–P2	Medicare Program; Proposed Rate Year (RY) 2010 Medicare Severity-Long-Term Care Diagnosis-Related Group (MS–LTC–DRG) Relative Weights and High-Cost Outlier Fixed-Loss Amount.
June 22, 2009	29453	441	CMS–2296–ANPRM	Medicaid Program; Home and Community-Based Services (HCBS) Waivers.
June 26, 2009	30584		CMS–2896–FN2	Medicare and Medicaid Programs; Approval of the Joint Commission's Continued Deeming Authority for Critical Access Hospitals.
June 26, 2009	30587		CMS–2476–PN	Medicare and Medicaid Programs; Application by the American Association for Accreditation of Ambulatory Surgery Facilities for Continued Deeming Authority for Ambulatory Surgical Centers.
June 26, 2009	30588		CMS–2302–PN	Medicare and Medicaid Programs; Application by the Joint Commission for Continued Deeming Authority for Hospitals.
June 26, 2009	30689		CMS–9052–N	Medicare and Medicaid Programs; Quarterly Listing of Program Issuances—January through March 2009.
June 30, 2009	31183	431, 433, 440, and 441	CMS–2287–F2, CMS–2213–F2, CMS–2237–F.	Medicaid Program; Rescission of School-Based Services Final Rule, Outpatient Services Definition Rule, and Partial Rescission of Case Management Services Interim Final Rule.
June 30, 2009	31196	433	CMS–2275–F2	Medicaid Program; Health Care-Related Taxes.

Addendum V—National Coverage Determinations [April through June 2009]

A national coverage determination (NCD) is a determination by the Secretary with respect to whether or not a particular item or service is covered nationally under Title XVIII of the Social Security Act, but does not include a determination of what code, if any, is assigned to a particular item or service covered under this title, or determination with respect to the amount of payment made for a particular item or service so covered. We include below all of the NCDs that were issued during the quarter covered by this notice. The entries below include information concerning completed decisions as well as sections on program and decision memoranda, which also announce pending decisions or, in some cases, explain why it was not appropriate to issue an NCD. We identify completed decisions by the section of the NCDM in which the decision appears, the title, the date the publication was issued, and the effective date of the decision. Information on completed decisions as well as pending decisions has also been posted on the CMS Web site at *http://cms.hhs.gov/coverage.*

Title	NCDM Section	TN No.	Issue date	Effective date
Surgery for Diabetes	100.1, 100.14	R100NCD	04/17/2009	02/12/2009
Changes to the Laboratory National Coverage Determination (NCD) Edit Software for July 2009	100.4	R1735CP	05/15/2009	07/01/2009
Wrong Surgical or Other Invasive Procedure Performed on a Patient; Surgical or Other Invasive Procedure Performed on the Wrong Body Part; Surgical or Other Invasive Procedure Performed on the Wrong Patient	140.6, 140.7, 140.8	R101NCD	06/12/2009	01/15/2009
Wrong Surgical or Other Invasive Procedure Performed on a Patient; Surgical or Other Invasive Procedure Performed on the Wrong Body Part; Surgical or Other Invasive Procedure Performed on the Wrong Patient	140.6, 140.7	R102NCD	07/02/2009	01/15/2009

Addendum VI—FDA-Approved Category B IDEs [April through June 2009]

Under the Food, Drug, and Cosmetic Act (21 U.S.C. 360c) devices fall into one of three classes. To assist CMS under this categorization process, the FDA assigns one of two categories to each FDA-approved IDE. Category A refers to experimental IDEs, and Category B refers to non-experimental IDEs. To obtain more information about the classes or categories, please refer to the **Federal Register** notice published on April 21, 1997 (62 FR 19328).

The following list includes all Category B IDEs approved by FDA during the second quarter, April through June 2009.

IDE	Category
BB14019	B
G070171	B
G080129	B
G080167	B
G080178	B
G080209	B
G080232	B
G090023	B
G090044	B
G090048	B
G090051	B
G090052	B
G090056	B
G090057	B
G090061	B
G090064	B
G090066	B
G090068	B
G090069	B
G090070	B
G090074	B
G090086	B
G090087	B

Addendum VII—Approval Numbers for Collections of Information

Below we list all approval numbers for collections of information in the referenced sections of CMS regulations in Title 42; Title 45, Subchapter C; and Title 20 of the Code of Federal Regulations, which have been approved by the Office of Management and Budget:

OMB Control Numbers ..... Approved CFR Sections in Title 42, Title 45, and Title 20 (Note: Sections in Title 45 are preceded by ''45 CFR,'' and sections in Title 20 are preceded by ''20 CFR'').

OMB No.	Approved CFR sections
0938–0008	Part 424 Subpart C
0938–0022	413.20, 413.24, 413.106
0938–0023	424.103
0938–0025	406.28, 407.27
0938–0027	486.100–486.110
0938–0033	405.807
0938–0035	407.40
0938–0037	413.20, 413.24
0938–0041	408.6, 408.202
0938–0042	410.1, 410.40, 424.124, 424.601, 414.605, 414.610, 414.615, 414.620, 414.625, 424.32
0938–0045	405.711
0938–0046	405.2133
0938–0050	413.20, 413.24
0938–0062	431.151, 435.151, 435.1009, 440.220, 440.250, 442.1, 442.10–442.16, 442.30, 442.40, 442.42, 442.100–442.119, 483.400–483.480, 488.332, 488.400, 498.3–498.5
0938–0065	485.701–485.729
0938–0074	491.1–491.11
0938–0080	406.7, 406.13

OMB No.	Approved CFR sections
0938–0086	420.200–420.206, 455.100–455.106
0938–0101	430.30
0938–0102	413.20, 413.24
0938–0107	413.20, 413.24
0938–0146	431.800–431.865
0938–0147	431.800–431.865
0938–0151	493.1–493.2001
0938–0155	405.2470
0938–0193	430.10–430.20, 440.167
0938–0202	413.17, 413.20
0938–0214	411.25, 489.2, 489.20
0938–0236	413.20, 413.24
0938–0242	488.26 and 442.30
0938–0245	407.10, 407.11
0938–0246	431.800–431.865
0938–0251	406.7
0938–0266	416.1–416.150
0938–0267	485.56, 485.58, 485.60, 485.64, 485.66
0938–0269	412.116, 412.632, 413.64, 413.350, 484.245
0938–0270	405.376
0938–0272	440.180, 441.300–441.310
0938–0273	485.701–485.729
0938–0279	424.5
0938–0287	447.31
0938–0296	413.170, 413.184
0938–0301	413.20, 413.24, 415.60
0938–0302	418.22, 418.24, 418.28, 418.56, 418.58, 418.70, 418.74, 418.83, 418.96, 418.100
0938–0313	489.11, 489.20
0938–0328	482.12, 482.13, 482.21, 482.22, 482.27, 482.30, 482.41, 482.43, 482.45, 482.53, 482.56, 482.57, 482.60, 482.61, 482.62, 482.66, 485.618, 485.631
0938–0334	491.9, 491.10
0938–0338	486.104, 486.106, 486.110
0938–0354	441.50
0938–0355	442.30, 488.26
0938–0358	488.26
0938–0359	412.40–412.52
0938–0360	488.60
0938–0365	484.10, 484.12, 484.14, 484.16, 484.18, 484.36, 484.48, 484.52
0938–0372	414.330
0938–0378	482.60–482.62
0938–0379	442.30, 488.26
0938–0386	405.2100–405.2171
0938–0391	488.18, 488.26, 488.28
0938–0426	480.104, 480.105, 480.116, 480.134
0938–0429	447.53
0938–0443	478.18, 478.34, 478.36, 478.42
0938–0444	1004.40, 1004.50, 1004.60, 1004.70
0938–0445	412.44, 412.46, 431.630, 476.71, 476.74, 476.78
0938–0447	405.2133
0938–0448	405.2133, 45 CFR 5, 5b; 20 CFR Parts 401, 422E
0938–0449	440.180, 441.300–441.310
0938–0454	424.20
0938–0456	412.105
0938–0463	413.20, 413.24, 413.106
0938–0467	431.17, 431.306, 435.910, 435.920, 435.940–435.960
0938–0469	417.126, 422.502, 422.516
0938–0470	417.143, 422.6
0938–0477	412.92
0938–0484	424.123
0938–0501	406.15
0938–0502	433.138
0938–0512	486.301–486.348
0938–0526	475.102, 475.103, 475.104, 475.105, 475.106
0938–0534	410.38, 424.5
0938–0544	493.1–493.2001
0938–0564	411.32
0938–0565	411.20–411.206
0938–0566	411.404, 411.406, 411.408
0938–0573	412.256
0938–0578	447.534
0938–0581	493.1–493.2001
0938–0599	493.1–493.2001
0938–0600	405.371, 405.378, 413.20

OMB No.	Approved CFR sections
0938–0610	417.436, 417.801, 422.128, 430.12, 431.20, 431.107, 483.10, 484.10, 489.102
0938–0612	493.801, 493.803, 493.1232, 493.1233, 493.1234, 493.1235, 493.1236, 493.1239, 493.1241, 493.1242, 493.1249, 493.1251, 493,1252, 493.1253, 493.1254, 493.1255, 493.1256, 493.1261, 493.1262, 493.1263, 493.1269, 493.1273, 493.1274, 493.1278, 493.1283, 493.1289, 493.1291, 493.1299
0938–0618	433.68, 433.74, 447.272
0938–0653	493.1771, 493.1773, 493.1777
0938–0657	405.2110, 405.2112
0938–0658	405.2110, 405.2112
0938–0667	482.12, 488.18, 489.20, 489.24
0938–0686	493.551–493.557
0938–0688	486.301–486.325
0938–0691	412.106
0938–0692	466.78, 489.20, 489.27
0938–0701	422.152
0938–0702	45 CFR 146.111, 146.115, 146.117, 146.150, 146.152, 146.160, 146.180
0938–0703	45 CFR 148.120, 148.122, 148.124, 148.126, 148.128
0938–0714	411.370–411.389
0938–0717	424.57
0938–0721	410.33
0938–0723	421.300–421.316
0938–0730	405.410, 405.430, 405.435, 405.440, 405.445, 405.455, 410.61, 415.110, 424.24
0938–0732	417.126, 417.470
0938–0734	45 CFR 5b
0938–0739	413.337, 413.343, 424.32, 483.20
0938–0749	424.57
0938–0753	422.000–422.700
0938–0754	441.151, 441.152
0938–0758	413.20, 413.24
0938–0760	484.55, 484.205, 484.245, 484.250
0938–0761	484.11, 484.20
0938–0763	422.250, 422.252, 422.254, 422.256, 422.258, 422.262, 422.264, 422.266, 422.270, 422.300, 422.304, 422.306, 422.308, 422.310, 422.312, 422.314, 422.316, 422.318, 422.320, 422.322, 422.324, 423.251, 423.258, 423.265, 423.272, 423.286, 423.293, 423.301, 423.308, 423.315, 423.322, 423.329, 423.336, 423.343, 423.346, 423.350
0938–0770	410.2
0938–0778	422.111, 422.564
0938–0779	417.126, 417.470, 422.64, 422.210
0938–0781	411.404, 484.10
0938–0786	438.352, 438.360, 438.362, 438.364
0938–0790	460.12–460.210
0938–0792	491.8, 491.11
0938–0796	422.64
0938–0798	413.24, 413.65, 419.42
0938–0802	419.43
0938–0818	410.141–410.146, 414.63
0938–0829	422.568
0938–0832	Parts 489 and 491
0938–0833	483.350–483.376
0938–0841	431.636, 457.50, 457.60, 457.70, 457.340, 457.350, 457.431, 457.440, 457.525, 457.560, 457.570, 457.740, 457.750, 457.810, 457.940, 457.945, 457.965, 457.985, 457.1005, 457.1015, 457.1180
0938–0842	412.23, 412.604, 412.606, 412.608, 412.610, 412.614, 412.618, 412.626, 413.64
0938–0846	411.352–411.361
0938–0857	Part 419
0938–0860	Part 419
0938–0866	45 CFR Part 162
0938–0872	413.337, 483.20
0938–0873	422.152
0938–0874	45 CFR Parts 160 and 162
0938–0878	Part 422 Subparts F and G
0938–0887	45 CFR 148.316, 148.318, 148.320
0938–0897	412.22, 412.533
0938–0907	412.230, 412.304, 413.65
0938–0910	422.620, 422.624, 422.626
0938–0911	426.400, 426.500
0938–0915	421.120, 421.122
0938–0916	483.160
0938–0920	438.6, 438.8, 438.10, 438.12, 438.50, 438.56, 438.102, 438.114, 438.202, 438.206, 438.207, 438.240, 438.242, 438.402, 438.404, 438.406, 438.408, 438.410, 438.414, 438.416, 438.604, 438.710, 438.722, 438.724, 438.810
0938–0921	414.804
0938–0931	45 CFR 142.408, 162.408, and 162.406
0938–0933	438.50
0938–0935	422 Subparts F and K
0938–0936	423
0938–0939	405.502

OMB No.	Approved CFR sections
0938–0944	422.250, 422.252, 422.254, 422.256, 422.258, 422.262, 422.264, 422.266, 422.270, 422.300, 422.304, 422.306, 422.308, 422.310, 422.312, 422.314, 422.316, 422.318, 422.320, 422.322, 422.324, 423.251, 423.258, 423.265, 423.272, 423.279, 423.286, 423.293, 423.301, 423.308, 423.315, 423.322, 423.329, 423.336, 423.343, 423.346, 423.350
0938–0950	405.910
0938–0951	423.48
0938–0953	405.1200 and 405.1202
0938–0954	414.906, 414.908, 414.910, 414.914, 414.916
0938–0957	Part 423 Subpart R
0938–0964	403.460, 411.47
0938–0969	421.405
0938–0975	423.562(a)
0938–0976	423.568
0938–0977	Part 423 Subpart R
0938–0978	423.464
0938–0982	422.310, 423.301, 423.322, 423.875, 423.888
0938–0986	412.20–412.30
0938–0990	423.56
0938–0992	423.505, 423.514
0938–0993	1396
0938–0997	424.5
0938–0999	Part 424 Subpart C
0938–1004	423.502
0938–1009	411.357(v), 411.357(w)
0938–1013	423.56(e)
0938–1019	405.1206, 422.622
0938–1020	412.525(a)(4), 412.529(c)(3), 412.84(i)(2)
0938–0123	422.152(a)(1), 422.152(a)(2)
0938–1024	1396
0938–1026	447.520
0938–1013	423.56e
0938–1019	405.1206, 422.622
0938–1023	422.152a
0938–1033	455
0938–1034	489.20
0938–1049	424.36(b)

Addendum VIII—Medicare-Approved Carotid Stent Facilities [April through June 2009]

On March 17, 2005, we issued our decision memorandum on carotid artery stenting. We determined that carotid artery stenting with embolic protection is reasonable and necessary only if performed in facilities that have been determined to be competent in performing the evaluation, procedure, and follow-up necessary to ensure optimal patient outcomes. We have created a list of minimum standards for facilities modeled in part on professional society statements on competency. All facilities must at least meet our standards in order to receive coverage for carotid artery stenting for high risk patients.

Facility	Provider No.	Effective date	State	Additional information
East El Paso Physicians Medical Center, 1416 George Dieter Drive, El Paso, TX 79936.	450877	05/14/2009	TX	
New York Westchester Square Medical Center, 2475 St. Raymond Avenue, Bronx, NY 10461.	330316	05/14/2009	NY	
P&S Surgical Hospital, 312 Grammont Street, Suite 101, Monroe, LA 71201	190246	05/14/2009	LA	
The MetroHealth System, 2500 MetroHealth Drive, Cleveland, OH 44109–1998	360059	05/20/2009	OH	
Clarian Arnett Health, 5165 McCarty Lane, Lafayette, IN 47905	150173	07/02/2009	IN	
Maury Regional Medical Center, 1224 Trotwood Avenue, Columbia, TN 38401	440073	07/02/2009	TN	
Tulane Medical Center, 1415 Tulane Avenue, New Orleans, LA 70112	190176	07/02/2009	LA	
Northeast Baptist Hospital, 8811 Village Drive, San Antonio, TX 78217	450058	10/04/2005	TX	
St. Luke's Baptist Hospital, 7930 Floyd Curl Drive, San Antonio, TX 78229	450058	10/04/2005	TX	
Southeast Baptist Hospital, 4214 East Southcross Boulevard, San Antonio, TX 78222.	450058	10/04/2005	TX	
North Central Baptist Hospital, 520 Madison Oak Drive, San Antonio, TX 78258	450058	10/04/2005	TX	

Addendum IX—American College of Cardiology's National Cardiovascular Data Registry Sites [April through June 2009]

In order to obtain reimbursement, Medicare national coverage policy requires that providers implanting ICDs for primary prevention clinical indications (that is, patients without a history of cardiac arrest or spontaneous arrhythmia) report data on each primary prevention ICD procedure. This policy became effective January 27, 2005. Details of the clinical indications that are covered by Medicare and their respective data reporting requirements are available in the Medicare National Coverage Determination (NCD) Manual, which is on the Centers for Medicare & Medicaid Services (CMS) Web site at *http://www.cms.hhs.gov/Manuals/IOM/itemdetail.asp?filterType=none&filterByDID=99&sortByDID=1&sortOrder=ascending&itemID=CMS014961*.

A provider can use either of two mechanisms to satisfy the data reporting requirement. Patients may be enrolled either in an Investigational Device Exemption trial studying ICDs as identified by the FDA or in the American College of Cardiology's National Cardiovascular Data Registry (ACC–NCDR) ICD registry. Therefore, in order for a beneficiary to receive a Medicare-covered ICD implantation for primary prevention, the beneficiary must receive the scan in a facility that participates in the ACC–NCDR ICD registry.

We maintain a list of facilities that have been enrolled in this registry. Addendum IX includes the facilities that have been designated in the quarter covered by this notice.

Facility name	Address 1	Address 2	City	State	Zip
Abbott Northwestern Hospital	800 East 28th Street (Internal Zip 33210).		Minneapolis	MN	55407
Abilene Regional Medical Center	6250 Highway 83–84 Antilley Road.		Abilene	TX	97606
Abington Memorial Hospital	1200 York Road	5 Toll–AMH	Abington	PA	19446
Adena Regional Medical Center	272 Hospital Road		Chillicothe	OH	45601
Adventist Bolingbrook Hospital	120 North Oak Street		Bolingbrook	IL	60440
Adventist Glen Oaks Hospital	701 Winthrop Avenue		Glendale Heights	IL	60139
Adventist Hinsdale Hospital	120 N. Oak Street		Hinsdale	IL	60521
Adventist Medical Center	10123 SE. Market Street		Portland	OR	97216
Advocate Christ Medical Center	4440 West 95th Street	#127NOB	Oak Lawn	IL	60453
Advocate Condell Medical Center	801 S. Milwaukee Avenue		Libertyville	IL	60048
Advocate Good Shepherd Hospital.	450 W. Highway 22		Barrington	IL	60010
Advocate Illinos Masonic Medical Center.	836 W. Wellington Avenue		Chicago	IL	60657
Advocate Lutheran General Hospital.	1775 Dempster Street		Park Ridge	IL	60068
Affinity Medical Center	400 Austin Avenue		Massillon	OH	44646
Aiken Regional Medical Center	302 University Parkway		Aiken	SC	29802
Akron City Hospital	525 East Market Street		Akron	OH	44309–2090
Akron General Medical Center	400 Wabash Avenue	Heart & Vascular Center.	Akron	OH	44307
Alamance Regional Medical Center.	P.O. Box 202		Burlington	NC	27216
Alaska Regional Hospital	2801 Debarr Road		Anchorage	AK	99508
Albany Medical Center Hospital	43 New Scotland Avenue		Albany	NY	12208
Albert Einstein Medical Center	5501 Old York Road		Philadelphia	PA	19141
Alegent Health Bergan Mercy Medical Center.	7500 Mercy Road		Omaha	NE	68124
Alegent Health Immanuel Medical Center.	6828 North 72nd Street	Suite 3000N	Omaha	NE	68122–1709
Alegent Health Mercy Hospital	6901 North 72nd Street		Omaha	NE	68122
Alexian Brothers Medical Center	800 Biesterfield Road		Elk Grove Village	IL	60007–3311
Allegheny General Hosptial	320 East North Avenue		Pittsburg	PA	15212
Allegiance Health (W.A. Foote Memorial Hospital).	205 N. East Avenue	Heart Center 1st Floor.	Jackson	MI	49201
Allen Memorial Hospital	1825 Logan Avenue		Waterloo	IA	50703
Alpena Regional Medical Center	1501 W. Chisholm Street		Alpena	MI	49707
Alta Bates Medical Center	2450 Ashby Avenue		Berkeley	CA	94705
Alta Bates Summit Medical Center.	350 Hawthorne Avenue		Oakland	CA	94609
Alton Memorial Hospital	1 Memorial Drive		Alton	IL	62067
Altoona Hospital	620 Howard Avenue		Altoona	PA	16601
Altru Health System	1200 South Columbia Road		Grand Forks	ND	58201
Alvarado Hospital	6645 Alvarado Road		San Diego	CA	92120
Anaheim Memorial Medical Center.	1111 W. La Palma Avenue		Anaheim	CA	92801
AnMed Health	800 North Fant Street		Anderson	SC	29621
Anna Jaques Hospital	25 Highland Avenue		Newburyport	MA	01950
Anne Arundel Medical Center	2001 Medical Parkway		Annapolis	MD	21404
Appleton Medical Center/ ThedaClark Medical Center.	1818 N. Meade Street	Rm 165–B	Appleton	WI	54911
Arizona Heart Hospital	1930 East Thomas Road		Phoenix	AZ	85016
Arizona Regional Medical Center	4838 East Baseline Road	Suite 109–110	Mesa	AZ	85206
Arkansas Heart Hospital	1701 S. Shackelford Road		Little Rock	AR	72202
Arlington Memorial Hospital	800 W. Randol Mill Road		Arlington	TX	76012

Facility name	Address 1	Address 2	City	State	Zip
Arnot-Ogden Medical Center	600 Roe Avenue		Elmira	NY	14905
Arrowhead Hospital	18701 N. 67th Avenue		Glendale	AZ	85308
Ashtabula County Medical Center.	2420 Lake Avenue		Ashtabula	OH	44004
Aspirus Wausau Hospital	333 Pine Ridge Boulevard		Wausau	WI	54401
Athens Regional Medical Center	1199 Prince Avenue		Athens	GA	30606
Atlanta Medical Center	303 Parkway Drive NE.		Atlanta	GA	30312
Atlanticare Regional Medical Center.	2500 English Creek Avenue		Egg Habour Township.	NJ	08234
Atrium Medical Center	One Medical Center		Franklin	OH	45005
Audrain Medical Center	620 E. Monroe Street		Mexico	MO	65265
Aultman Hospital	2600 Sixth Street SW.		Canton	OH	44710
Aurora BayCare Medical Center	2845 Greenbrier Road		Green Bay	WI	54308
Aurora Medical Center—Kenosha.	2900 W. Oklahoma Avenue		Milwaukee	WI	53132
Aurora Medical Center of Washington County.	1032 E. Sumner Street		Hartford	WI	53027
Aurora Medical Center Oshkosh	855 N. Westhaven Street		Oshkosh	WI	53132
Aurora Memorial Hospital of Burlington.	2900 W. Oklahoma Avenue		Milwaukee	WI	53215
Aurora Sheboygan Memorial Medical Center.	2629 N. 7th Street		Sheboygan	WI	53083
Aurora Sinai Medical Center	945 N. 12th Street		Milwaukee	WI	53233
Aurora West Allis Memorial Hospital.	2900 E. Oklahoma Avenue		Milwaulee	WI	53215
Auxilio Mutuo Hospital	Apartado 191227		San Juan	PR	00919–1227
Aventura Hospital and Medical Center.	5631 Glencrest Boulevard		Tampa	FL	33625–1008
Avera Heart Hospital of South Dakota.	4500 West 69th Street		Sioux Falls	SD	57108
Avera Sacred Heart Hospital	501 Summit		Yankton	SD	57078
Avera St. Luke's	305 South State Street		Aberdeen	SD	57401
Bakersfield Heart Hospital	3001 Sillect Avenue		Bakersfield	CA	93308
Bakersfield Memorial Hospital	420 34th Street	P.O. Box 1888	Bakersfield	CA	93303–1888
Ball Memorial Hospital	2401 University Avenue		Muncie	IN	47303
Baltimore Washington Medical Center.	301 Hosptial Drive	2nd Floor Cardiac Cath Lab.	Glen Burnie	MD	21061
Banner Boswell Medical Center	10401 W. Thunderbird Boulevard.		Sun City	AZ	85351
Banner Desert Medical Center	Banner Desert Medical Center, Quality Management.	1400 S. Dobson Road.	Mesa	AZ	85202
Banner Estrella Medical Center	9201 W. Thomas Road		Phoenix	AZ	85037
Banner Good Samaritan Med Center.	1111 East McDowell Road		Phoenix	AZ	85006–2612
Banner Heart Hospital	6750 E. Baywood Avenue		Mesa	AZ	85206
Banner Thunderbird Med Center	5555 W. Thunderbird Road		Glendale	AZ	85306
Baptist Health Medical Center	9601 Interstate 630 Exit 7		Little Rock	AR	72205–7299
Baptist Health Medical Center	3333 Springhill Drive		North Little Rock	AR	72117
Baptist Hospital	1000 W. Moreno Street		Pensacola	FL	32501
Baptist Hospital	4220 Harding Road		Nashville	TN	37202
Baptist Hospital East	4000 Kresge Way		Louisville	KY	40207
Baptist Hospital of Miami	8900 SW. 88th Street		Miami	FL	33176
Baptist Hospital of Southeast Texas.	P.O. Box 1591	3080 College Street.	Beaumont	TX	77704
Baptist Hospital West	10820 Parkside Drive		Knoxville	TN	37934
Baptist Medical Center	800 Prudential Drive		Jacksonville	FL	32207
Baptist Medical Center	730 North Main Avenue	Suite 409	San Antonio	TX	78205
Baptist Memorial Hospital North Mississippi.	2301 South Lamar Boulevard		Oxford	MS	38655
Baptist Memorial Hospital	6019 Walnut Grove Road		Memphis	TN	38120
Baptist Memorial Hospital-Desoto	7601 Southcrest Parkway		Southaven	MS	38671
Baptist Memorial Hospital-Union City.	1201 Bishop Street		Union City	TN	38261
Baptist St. Anthony's Health Systems.	1600 Wallace Boulevard		Amarillo	TX	79106
Barberton Citizens Hospital	155 5th Street NE.		Barberton	OH	44203
Barnes Jewish Hospital/Washington University.	#1 Barnes Jewish Hospital Plaza.	SW. Tower-Main. Mailstop 90–59–315.	Saint Louis	MO	63110–9930
Bartow Regional Medical Center	2200 Osprey Boulevard		Bartow	FL	33830
Bassett Healthcare-(Mary Imogene Bassett Hospital).	One Atwell Road		Cooperstown	NY	13326
Baton Rouge General Medical Center.	3600 Florida Boulevard		Baton Rouge	LA	70806

Facility name	Address 1	Address 2	City	State	Zip
Battle Creek Health System	300 North Avenue		Battle Creek	MI	49016
Baxter Regional Medical Center, Attn: A/P.	624 Hospital Drive		Mountain Home	AR	72653
Bay Medical Center	615 North Bonita Avenue		Panama City	FL	32401
Bay Regional Medical Center	1900 Columbus Avenue		Bay City	MI	48708
Bayfront Medical Center	701 Sixth Street South		St. Petersburg	FL	33701
Bayhealth Medical Center (KGH)	640 S. State Street		Dover	DE	19901
Baylor All Saints Medical Center at Fort Worth.	1400 8th Avenue		Fort Worth	TX	76104
Baylor Jack and Jane Hamilton Heart and Vascular Hospital.	621 North Hall Street		Dallas	TX	75226
Baylor Medical Center at Garland	2300 Marie Curie Drive		Garland	TX	75042
Baylor Medical Center at Irving	1901 North MacArthur Boulevard.		Irving	TX	75061
Baylor Regional Medical Center at Grapevine.	1650 West College Street		Grapevine	TX	76051
Bayshore Medical Center	4000 Spencer Highway		Pasadena	TX	77504
Baystate Medical Center	759 Chestnut Street	Springfield 4 4558	Springfield	MA	01199
Beauregard Memorial Hospital	600 S. Pine Street		Deridder	LA	70634
Bellevue Hospital Center	462 First Avenue		New York	NY	10016
Bellin Memorial Hospital	744 S. Webster Avenue	Cardiac Data Center 5th Floor.	Green Bay	WI	54301
Benefis Healthcare	1101 26th Street South		Great Falls	MT	59405–5161
Berkshire Medical Center, Inc.	725 North Street		Pittsfield	MA	01201–4124
Bert Fish Medical Center	401 Palmetto Street		New Smyrna Beach.	FL	32168
Beth Israel Deaconess Medical Center.	185 Pilgrim Road		Boston	MA	02215
Bethesda Memorial Hospital	2815 S. Seacrest Blvd		Boynton Beach	FL	33435
Bethesda North Hospitals	375 Dixmyth Avenue		Cincinnati	OH	45220–2489
Beverly Hospital	85 Herrick Street		Beverly	MA	01915
Bexar County Hospital District d.b.a. University Health.	4502 Medical Drive	Stop 34–1	San Antonio	TX	78229
Biloxi Regional Medical Center	150 Reynoir Street		Biloxi	MS	39531
Blake Medical Center	2020 59th Street West		Bradenton	FL	34209
Blanchard Valley Hospital	1900 South Main Street	HeartCare Center	Findlay	OH	45840
Blessing Hospital	1005 Broadway	P.O. Box 7005	Quincy	IL	62305–7005
Bloomington Hospital	601 W. Second Street		Bloomington	IN	47403
Boca Raton Community Hospital	12201 NW. Second Place		Coral Springs	FL	33071
Bon Secours DePaul Medical Center.	150 Kingsley Lane		Norfolk	VA	23505
Bon Secours—Maryview Medical Center.	5801 Bremo Road	Suite 310, North Medical Office Building.	Richmond	VA	23226
Bon Secours-Memorial Regional Medical Center.	5801 Bremo Road	Suite 310, North Medical Office Building.	Richmond	VA	23226
Bon Secours St Francis Medical Center.	13701 Centerpointe Parkway		Midlothian	VA	23114
Bon Secours St. Marys Hospital	5801 Bremo Road	Suite 310, North Medical Office Building.	Richmond	VA	23226
Boone Hospital Center	1600 E. Broadway		Columbia	MO	65201–5897
Borgess Medical Center	1521 Gull Road		Kalamazoo	MI	49048
Boston Medical Center	One Boston Medical Place		Boston	MA	02118
Bothwell Regional Health Center	601 East 14th Street		Sedalia	MO	65301
Botsford Hospital	28050 Grand River Avenue		Farmington Hills	MI	48336
Boulder Community Hospital	1100 Balsam Avenue		Boulder	CO	80304
Braddock Campus	900 Seton Drive		Cumberland	MD	21502–1850
Brandon Regional Hospital	119 Oakfield Drive		Brandon	FL	33511
Bridgeport Hospital	267 Grant Street		Bridgeport	CT	06610
Brigham & Womens Hospital	75 Francis Street	L258A	Boston	MA	02115
Bromenn Hospital	P.O. Box 2850		Bloomington	IL	61702–2850
Bronson Methodist Hospital	601 John Street		Kalamazoo	MI	49007–5348
Brookdale Hospital & Medical Center.	1 Brookdale Plaza		Brooklyn	NY	11212
Brooklyn Hospital Center	121 DeKalb Avenue		Brooklyn	NY	11201
Brooksville Regional Hospital	17240 Cortez Boulevard		Brooksville	FL	34601
Brookwood Medical Center	2010 Brookwood Medical Center.		Birmingham	AL	35209
Broward General Medical Center	1600 S. Andrews Avenue		Ft. Lauderdale	FL	33316
Bryan LGH Medical Center	1600 South 48th Street		Lincoln	NE	68526
Bryn Mawr Hospital	Suite 557 Lankenau MOB East	100 Lancaster Avenue.	Wynnewood	PA	19096

Facility name	Address 1	Address 2	City	State	Zip
Buffalo General Hospital/Aaron Health Sciences Library 4D.	100 High Street		Buffalo	NY	14203
Cabell Huntington Hospital	1340 Hal Greer Boulevard		Huntington	WV	25701
California Pacific Medical Center	2330 Clay Street, Stern Building, Room #103.	Stern Building, Room #103	San Francisco	CA	94115
CAMC Teays Valley Hospital	1400 Hospital Drive		Hurricane	WI	25526
Camden-Clark Memorial Hospital	800 Garfield Avenue		Parkersburg	WV	26101
Candler Hospital, Inc.	5353 Reynolds Street		Savannah	GA	31405
Cape Canaveral Hospital	701 West Cocoa Beach Causeway.		Cocoa Beach	FL	32931
Cape Cod Hospital	40 Quinlan Way		Hyannis	MA	02601
Cape Fear Valley Health System	303 Wagoner Drive		Fayetteville	NC	28303–4646
Capital Medical Center	3900 Capital Mall Drive		Olympia	WA	98502
Capital Regional Medical Center	*barbara.scott3@hcahealthcare.com.*		Tallahassee	FL	32308
Capital Regional Medical Center	1125 Madison Street (P.O. Box 1128).		Jefferson City	MO	65102–1128
Cardio Tricare	4300 Alton Road		Miami Beach	FL	33140
Cardiovascular Center of Puerto Rico.	P.O. Box 366528		San Juan	PR	00936–6528
Carilion Roanoke Memorial Hosp	Att: Cardiac Cath Lab	P.O. Box 13367	Roanoke	VA	24033–3367
Caritas Norwood Hospital	800 Washington Street		Norwood	MA	02062
Caritas St. Elizabeths Medical Center.	736 Cambridge Street		Boston	MA	02135
Carle Foundation Hospital	611 W. Park Street		Urbana	IL	61801
Carolina Pines Regional Medical Center.	1304 W. BoBo Newsom Highway.		Hartsville	SC	29550
Carolinas Hospital System	805 Pamplico Highway		Florence	SC	29505
Carolinas Medical Center	1001 Blythe Boulevard		Charlotte	NC	28227
Carolinas Medical Center—Mercy.	2001 Vail Avenue	Cath Lab	Charlotte	NC	28207
Carondelet Heart Institute at St. Joseph Medical Center.	1000 Carondelet Drive		Kansas City	MO	64114
Carroll Hospital Center	200 Memorial Avenue		Westminster	MD	21157
Carson Tahoe Regional Medical Center.	1600 Medical Parkway		Carson City	NV	89706
Cartersville Medical Center	P.O. Box 20008		Cartersville	GA	30120
Casa Grande Regional Medical Center.	1800 E. Florence Boulevard		Casa Grande	AZ	85222
Castleview Hospital	300 North Hospital Drive		Price	UT	84501
Catawba Valley Medical Center	810 Fairgrove Church Road		Hickory	NC	28602
Catholic Medical Center	100 McGregor Street	Level C Room 248	Manchester	NH	03102–3770
Cayuga Medical Center at Ithaca	101 Dates Drive		Ithaca	NY	14850
Cedars-Sinai Health Systems	8700 Beverly Boulevard	MGB 901	Los Angeles	CA	90048
Centennial Hills Hospital Medical Center.	6900 N. Durango Drive		Las Vegas	NV	89149–4409
Centennial Medical Center	12505 Lebanon Boulevard		Frisco	TX	75035
Centennial Medical Center	2300 Patterson Street		Nashville	TN	37203
Centerpoint Medical Center	19600 E. 39th Street		Independence	MO	64057
Centinela Hospital Medical Center.	555 E. Hardy Street		Inglewood	CA	90301
Central Baptist Hospital	1800 Nicholasville Road Suite 401.		Lexington	KY	40503
Central DuPage Hospital	25 N. Winfield Road		Winfield	IL	60190
Central Florida Regional Hospital	1401W. Seminole Boulevard		Sanford	FL	32771
Central Maine Medical Center	CMHVI 60 High Street		Lewiston	ME	04240
Central Minnesota Heart Center at St. Cloud Hospital.	1406 Sixth Avenue North		St. Cloud	MN	56303
Central Mississippi Medical Center.	1850 Chadwick Drive		Jackson	MS	39204
Central Washington Hospital	1201 South Miller Street		Wenatchee	WA	98801
Chandler Regional Medical Center.	475 S. Dobson Road	Quality Management Department.	Chandler	AZ	85224
Charleston Area Medical Center	501 Morris Street		Charleston	WV	25301
Charlotte Regional Medical Center.	809 East Marion Avenue		Punta Gorda	FL	33950
Charlton Memorial Hospital	363 Highland Avenue		Fall River	MA	02720–3700
Chattanooga-Hamilton County Hospital Authority/ER.	975 E. Third Street		Chattanooga	TN	37403
Chesapeake General Hospital	736 Battlefield Boulevard North		Chesapeake	VA	23320
Cheshire Medical Center	580 Court Street		Keene	NH	03431
Chester County Hospital	701 E. Marshall Street		West Chester	PA	19380
Chester River Hospital Center	100 Brown Street		Chestertown	MD	21620

Facility name	Address 1	Address 2	City	State	Zip
Cheyenne Regional Medical Center.	Cheyenne Regional Medical Center.	214 E. 23rd Street	Cheyenne	WY	82001
Christian Hospital	11133 Dunn Road		St Louis	MO	63136
Christiana Care Health System	4755 Ogletown-Stanton Road		Newark	DE	19718
Christus Hospital-St. Mary	3600 Gates Boulevard		Port Arthur	TX	77642
Christus Saint Elizabeth Hospital	2830 Calder Street		Beaumont	TX	77702
Christus Santa Rosa Hospital	333 N. Santa Rosa Street		San Antonio	TX	78207
Christus Spohn Hospital Corpus Christi—Shoreline.	600 Elizabeth Street		Corpus Christi	TX	78404
Christus St. John Hospital	18300 St. John Drive	Cath Lab	Nassau Bay	TX	77058
Christus St. Michael Health System.	2600 St. Michael Drive		Texarkana	TX	75503
Christus St. Patrick Hospital	524 South Ryan Street		Lake Charles	LA	70602–3401
Christus—Schumpert Highland Hospital.	One St. Mary Place		Shreveport	LA	71101
Christus—St. Frances Cabrini Hospital.	3330 Masonic Drive	Cath Lab	Alexandria	LA	71301
Citrus Memorial Health System	502 W. Highland Boulevard		Inverness	FL	34452
CJW Medical Center	7101 Jahnke Road		Richmond	VA	23225–4044
Claremore Regional Hospital	1202 N. Muskogee Place		Claremore	OK	74017
Clarian Health Partners-Methodist Hospital campus.	1701 N. Senate Boulevard	Room A1082	Indianapolis	IN	46202
Clarian North Medical Center	11725 Illinois Street B–178		Carmel	IN	46032
Clark Memorial Hospital	1220 Missouri Avenue		Jeffersonville	IN	47130
Clear Lake Regional Medical Center.	500 Medical Center Boulevard		Webster	TX	77598
Cleveland Clinic Florida	3100 Weston Road		Weston	FL	33331
Cleveland Clinic Foundation	9500 Euclid Avenue		Cleveland	OH	44195
Coliseum Medical Centers	350 Hospital Drive		Macon	GA	31217
College Station Medical Center	1604 Rock Prairie Road		College Station	TX	77845
Columbia Hospital	4425 North Port Washington Road.		Glendale	WI	53212
Columbia Regional Hospital	404 Keene Street		Columbia	MO	65201
Columbia St. Mary's Hospital Milwaukee.	4425 N. Port Washington Road		Milwaukee	WI	53212
Columbia St. Mary's Hospital Ozaukee.	13111 N. Port Washington Road.		Mequon	WI	53097
Columbus Cardiovascular Care, PLLC.	2520 5th Street NorthP.O. Box 1307.		Columbus	MS	39703
Columbus Regional Hospital	2400 17th Street		Columbus	IN	47201
Comanche County Memorial Hospital.	3401 W. Gore Boulevard	P.O. Box 129	Lawton	OK	73505
Community Health Partners	3700 Kolbe Road		Lorain	OH	44053
Community Hospital	5637 Marine Parkway		New Port Richey	FL	34652
Community Hospital	The Community Hospital	901 MacArthur Boulevard.	Munster	IN	46321
Community Hospital and Wellness Center.	433 West High Street		Bryan	OH	43506
Community Hospital East	Cardiovascular Services	1500 North Ritter Avenue.	Indianapolis	IN	46219
Community Hospital of the Monterey Peninsula.	P.O. Box HH		Monterey	CA	93942–1085
Community Hospital South	1500 N. Ritter Avenue		Indianapolis	IN	46219–3027
Community Medical Center	2827 Fort Missoula Road		Missoula	MT	59804
Community Medical Center	99 Highway 37 West		Toms River	NJ	08775
Community Medical Center	1800 Mulberry Street		Scranton	PA	18510
Community Medical Center-Clovis.	2755 Herndon Avenue		Clovis	CA	93611
Community Memorial Hospital	147 N. Brent Street		Ventura	CA	93003
Community Memorial Hospital	W180 N8085 Town Hall Road		Menomonee Falls	WI	53052
CommunityMercy AKA Springfield Regional Medical Center.	2615 E. High Street		Springfield	OH	45525
Concord Hospital	250 Pleasant Street		Concord	NH	03301
Conroe Regional Medical Center	504 Medical Center Boulevard		Conroe	TX	77304
Covenant Heart Institute	3615 19th Street		Lubbock	TX	79410
Conway Regional Medical Center	2302 College Avenue		Conway	AR	72034–6226
Cooley Dickinson Hospital	30 Locust Street		Northampton	MA	01060
Cooper University Hospital	One Cooper Plaza	D386B	Camden	NJ	08103
Coral Gables Hospital	3100 Douglas Road		Coral Gables	FL	33134
Corpus Christi Medical Center	7101 SPID		Corpus Christi	TX	78412
County of Santa Clara	751 S. Bascom Avenue		San Jose	CA	95128
Covenant Healthcare	1447 N. Harrison Street		Saginaw	MI	48602
Covenant Medical Center	3421 West Ninth Street		Waterloo	IA	50702
Cox Medical Center South	3801 S. National Avenue		Springfield	MO	65807

Facility name	Address 1	Address 2	City	State	Zip
Craven Regional Medical Center	2000 Neuse Boulevard	P.O. Box 12157	New Bern	NC	28560
Creighton University Medical Center.	601 N. 30th Street		Omaha	NE	68131
Crestwood Medical CenterTriad Hospitals, Inc..	One Hospital Drive		Huntsville	AL	35801–3495
Crittenton Hospital Medical Center.	1101 W. University Drive		Rochester	MI	48307–1831
Crouse Hospital	736 Irving Avenue		Syracuse	NY	13210
Crozer Chester Medical Center	1 Medical Center Boulevard		Chester	PA	19013–3995
Cumberland Cardiology	5000 U.S. Route 321		Prestonsburg	KY	41653
CVPH Medical Center	75 Beekman Street		Plattsburgh	NY	12901
Cypress Fairbanks Medical Center.	10655 Steepletop Drive		Houston	TX	77065
Dallas Regional Medical Center	1011 N. Galloway Avenue		Mesquite	TX	75149
Dameron Hospital	525 W. Acacia Street		Stockton	CA	95203
Danbury Hospital	24 Hospital Avenue	Cardiology 2 South	Danbury	CT	06810
Dauterive Hospital	600 N. Lewis Street		New Iberia	LA	70563
Davis Hospital	1600 West Antelope Drive		Layton	UT	84041
DCH Regional Medical Center	809 University Boulevard E.		Tuscaloosa	AL	35401–2029
Deaconess Billings Clinic	2800 9th Avenue, North		Billings	MT	59101
Deaconess Hospital	311 Straight Street		Cincinnati	OH	45219
Deaconess Hospital	5501 N. Portland Avenue		Oklahoma City	OK	73112
Deaconess Hospital	600 Mary Street		Evansville	IN	47747
Deaconess Medical Center	W. 800 Fifth Avenue		Spokane	WA	99204
Deborah Heart & Lung Center	200 Trenton Road		Browns Mills	NJ	08015
Decatur General Hospital	1201 7th Street		Decatur	AL	35601
Dekalb Medical Center	2701 N. Decatur Road		Decatur	GA	30033
Dekalb Regional Medical Center	200 Medical Center Drive		Fort Payne	AL	35968
Del Sol Medical Center	10301 Gateway West		El Pasoq	TX	79925
Delray Medical Center	5352 Linton Boulevard		Delray Beach	FL	33484
Delta Regional Medical Center	1400 E. Union Street		Greenville	MS	38702
Denton Regional Medical Center	3535 South I–35E		Denton	TX	76205
Denver Health Medical Center	777 Bannock Street		Denver	CO	80204
DePaul Health Center	12303 DePaul Drive		Bridgeton	MO	63044
Des Peres Hospital	2345 Dougherty Ferry Road		St. Louis	MO	63122
Desert Regional Medical Center	1150 N. Indian Canyon		Palm Springs	CA	92262
DeTar Hospital	506 E. San Antonio Street		Victoria	TX	77902
Dixie Regional Medical Center	1380 E. Medical Drive		St. George	UT	84790
Doctors Hospital	5000 University Drive		Miami	FL	33146
Doctors Hospital	5100 West Broad Street		Columbus	OH	43228
Doctors Hospital	9440 Poppy Drive		Dallas	TX	75218
Doctor's Hospital	3983 I–49 S. Service Road		Opelousas	LA	70570
Doctors Hospital at Renaissance	5501 S. McColl Road		Edinburg	TX	78539
Doctors Hospital—Augusta	3651 Wheeler Drive		Augusta	GA	30909
Doctors Hospital of Sarasota	5731 Bee Ridge Road		Sarasota	FL	34233
Doctors Hospital-Tidwell	510 West Tidwell Road		Houston	TX	77091
Doctors Medical Center	2000 Vale Road		San Pablo	CA	94806
Doctors Medical Center	1441 Florida Avenue		Modesto	CA	95350
Dominican Santa Cruz Hospital	1555 Soquel Drive		Santa Cruz	CA	95065
Downey Regional Medical Center	11500 Brookshire Avenue		Downey	CA	90241
Doylestown Hospital	595 West State Street		Doylestown	PA	18901
DuBois Regional Medical Center	100 Hospital Avenue		DuBois	PA	15801
Duke Raleigh Hospital	3400 Wake Forest Road		Raleigh	NC	27609
Duke University Hospital	Erwin Road DUMC 3943		Durham	NC	27710
Dunn Memorial Hospital	1600 23rd Street		Bedford	ID	47421
Durham Regional Hospital	3634 Roxboro Road		Durham	NC	27704
East Alabama Medical Center	2000 Pepperall Parkway		Opelika	AL	36830
East Georgia Regional Medical Center.	1499 Fair Road (P.O. Box 1048).		Statesboro	GA	30459
East Jefferson General Hospital	4200 Houma Boulevard	Quality Management Department.	Metairie	LA	70006
East Texas Medical Center	1000 S. Beckham Avenue		Tyler	TX	75711
Eastern Idaho RMC	3100 Channing Way		Idaho Falls	ID	83404
Eastern Maine Medical Center	489 State Street	P.O. Box 404	Bangor	ME	04402–0404
Easton Hospital (Northampton Hospital Corp.).	250 South 21st Street		Easton	PA	18042
Edward Hospital	120 Spalding Drive #205		Naperville	IL	60540
Eisenhower Medical Center	39000 Bob Hope Drive		Rancho Mirage	CA	92270
El Camino Hospital	2500 Grant Road		Mountain View	CA	94040
Eliza Coffee Memorial Hospital	603 West College Street		Florence	AL	35630
Elkhart General Hospital	600 East Boulevard	3 South Suites	Elkhart	IN	46514–2499
Elliot Hospital	1 Elliot Way		Manchester	NH	03103
Ellis Hospital	1101 Nott Street		Schenectady	NY	12308

Facility name	Address 1	Address 2	City	State	Zip
Elmhurst Hospital Center	79–01 Broadway	Dept of Cardiology, Suite D–54.	Elmhurst	NY	11373
Elmhurst Memorial Hospital Marquardt Memorial Lib.	200 Berteau Avenue		Elmhurst	IL	60126
EMH Regional Medical Center	630 East River Street		Elyria	OH	44035
Emory Crawford Long Hospital	550 Peachtree Street		Atlanta	GA	30308
Emory Dunwoody Medical Center.	4575 North Shallowford Road		Atlanta	GA	30338
Emory Eastside Medical Center	1700 Medical Way		Snellville	GA	30078
Emory Johns Creek	6325 Hospital Parkway		Johns Creek	GA	30097
Emory University Hospital	1364 Clifton Road, NE. C408		Atlanta	GA	30322
Englewood Community Hospital (HCA).	700 Medical Boulevard		Englewood	FL	34223
Englewood Hospital & Medical Center.	350 Engle Street		Englewood	NJ	07631
Enloe Medical Center	1600 Esplanade		Chico	CA	95926
Erie County Medical Center	462 Grider Street		Buffalo	NY	14215
Evergreen Healthcare	12040 NE. 128th Street MS21		Kirkland	WA	98034
Excela Health Westmoreland Hospital.	532 West Pittsburgh Street		Greensburg	PA	15601
Exempla good Samaritan Medical Center.	2420 W. 26th Avenue Building D Suite 100.		Denver	CO	80211
Exempla Lutheran Medical Center.	2420 W. 26th Avenue Building D Suite 140.		Denver	CO	80211
Exempla Saint Joseph Hospital	2420 W. 26th Avenue Building D Suite 140.		Denver	CO	80211
Exeter Hospital	5 Alumni Drive		Exeter	NH	03833
F.E. Lajam, MD PC	140–04 58th Road		Flushing	NY	11355
Fairfield Cardiac Cath Labs	3000 Mack Road	Suite 200	Fairfield	OH	45014
Fairfield Medical Center	401 N. Ewing Street		Lancaster	OH	43130
Fairview Hospital	18101 Lorain Road #329		Cleveland	OH	44111
Fairview Park Hospital	P.O. Box 1408		Dublin	GA	31021
Fairview Southdale Hospital	6401 France Avenue South		Edina	MN	55435
Faith Regional Health Services	2700 W. Norfolk Avenue		Norfolk	NE	68701
Fawcett Memorial Hospital	21298 Olean Boulevard		Port Charlotte	FL	33949–4960
Faxton—St. Luke's Campus	1656 Champlin Avenue		New Hartford	NY	13413
FirstHealth Moore Regional Hospital.	155 Memorial Drive		Pinehurst	NC	28374
Fisher-Titus Medical Center	272 Benedict Avenue		Norwalk	OH	44857
Flagler Hospital	400 Health Park Boulevard		St. Augustine	FL	32086
Flagstaff Medical Center	1200 N. Beaver Street		Flagstaff	AZ	86001–3198
Fletcher Allen Health Care	111 Colchester Avenue		Burlington	VT	05401
Florida Hospital Zephyrhills	5631 Glencrest Boulevard		Tampa	FL	33625–1008
Florida Hospital	601 East Rollins Street	Box 99	Orlando	FL	32803
Florida Hospital Fish Memorial	1055 Saxon Boulevard		Orange City	FL	32763
Florida Hospital Ormond Memorial.	875 Sterthaus Avenue		Ormond Beach	FL	32174
Florida Hospital Waterman, Inc.	1000 Waterman Way		Tavares	FL	32778
Florida Medical Center	5000 W. Oakland Park Boulevard.		Lauderdale Lakes	FL	33313
Flowers Hospital	4370 West Main Street		Dothan	AL	36305
Floyd Medical Center	304 Turner McCall Boulevard		Rome	GA	30165
Floyd Memorial Hospital	1850 State Street		New Albany	IN	47150
Forrest General Hospital	6051 Highway 49 South		Hattiesburg	MS	39404–6389
Forsyth Medical Center	3333 Silas Creek Parkway	Clinical Improvement Box 102.	Winston-Salem	NC	27103
Fort Sanders Regional Medical Center.	1901 Clinch Avenue		Knoxville	TN	37916–2307
Fort Walton Beach Medical Center.	1000 Mar Walt Drive		Fort Walton Beach	FL	32547
Forum Health—Northside Medical Center.	500 Gypsy Lane		Youngstown	OH	44501–0240
Fountain Valley Regional Hosp	17100 Euclid Street		Fountain Valley	CA	92708–4004
Frankford Hospital	Knights & Red Lion Roads		Philadelphia	PA	19114
Frankfort Regional Medical Center.	299 Kings Daughter Drive		Frankfort	KY	40601
Franklin Square Hospital	9000 Franklin Square Drive		Baltimore	MD	21237
Frederick Memorial Hospital	400 W. Seventh Street		Frederick	MD	21710
Freeman Hospital	1102 W. 32nd Street	1102 W. 32nd Street.	Joplin	MO	64804
Freeport Health Network	1045 W. Stephenson Street		Freeport	IL	61032
Fremont Area Medical Center	450 East 23rd Street		Fremont	NE	68025
French Hospital Medical Center	1911 Johnson Avenue		St Luis Obispo	CA	93401

Facility name	Address 1	Address 2	City	State	Zip
Fresno Community Hospital and Medical Center.	2823 Fresno Street		Fresno	CA	93721
Fresno Heart Hospital	15 East Audubon Drive		Fresno	CA	93720
Froedtert Hospital	9200 W. Wisconsin Avenue		Milwaukee	WI	53226
Frye Regional Medical Center	420 N. Center Street		Hickory	NC	28601
Gadsden Regional Medical Center.	1007 Goodyear Avenue		Gadsden	AL	35903
Galichia Heart Hospital	2610 N. Woodlawn Boulevard		Wichita	KS	67220
Garden City Hospital	6245 Inkster Road		Garden City	MI	48135
Garden Grove Hospital	12601 Garden Grove Boulevard		Garden Grove	CA	92843
Gaston Memorial Hospital	2525 Court Drive		Gastonia	NC	28054
Gateway Medical CenterGateway Health System.	651 Dunlap Lane		Clarksville	TN	37043
Gateway Regional Medical Center.	2100 Madison Avenue		Granite City	IL	62040
Geisinger Medical Center	100 North Academy Avenue		Danville	PA	17822–2160
Geisinger Wyoming Valley Medical Center.	100 North Academy Avenue		Danville	PA	17822–2160
Genesis Medical Center	1236 East Rusholme Street	Suite 190	Davenport	IA	52803–2459
Genesis Medical Center, Illini Campus.	801 Illini Drive		Silvis	IL	61282
Genesys Regional Medical Center.	One Genesys Parkway		Grand Blanc	MI	48439
Georgetown University Hospital	3800 Reservoir Road NW.		Washington	DC	20007
Gerald Champion Reginal Medical.	2669 North Scenic Drive		Alamogordo	NM	88310
Glenbrook Hospital	2100 Pfingsten Road		Evanston	IL	60026
Glendale Adventist Medical Center.	1509 Wilson Terrace		Glendale	CA	91206
Glendale Memorial Hospital and Health Center.	1420 S. Central Avenue		Glendale	CA	91204
Glens Falls Hospital	100 Park Street		Glens Falls	NY	12801
Glenwood Regional Medical Center.	503 McMillan Road		West Monroe	LA	71291
Good Samaritan Heart Center	520 South 7th Street		Vincennes	IN	47591
Good Samaritan Hospital and Health Center.	2222 Philadelphia Drive		Dayton	OH	45406
Good Samaritan Hospital	2425 Samaritan Drive	2425 Samaritan Drive.	San Jose	CA	95124
Good Samaritan Hospital	605 N. 12th Street		Mount Vernon	IL	62864
Good Samaritan Hospital	3815 Highland Avenue		Downers Grove	IL	60515
Good Samaritan Hospital	375 Dixmyth Avenue		Cincinnati	OH	45220–2489
Good Samaritan Hospital	1225 Wilshire Boulevard		Los Angelos	CA	90017
Good Samaritan Hospital	10 East 31st Street		Kearney	NE	68848
Good Samaritan Hospital	255 Lafayette Avenue		Suffern	NY	10901
Good Samaritan Hospital Cardiology.	1000 Montauk Highway		West Islip	NY	11795
Good Samaritan Hospital of Maryland.	5601 Loch Raven Boulevard		Baltimore	MD	21239
Good Samaritan Medical Center	1309 North Flagler Drive		West Palm Beach	FL	33401
Good Samaritan Regional Medical Center.	3600 NW. Samaritan Drive		Corvallis	OR	97330
Good Shepherd Medical Center	700 East Marshall Avenue		Longview	TX	75601
Goshen General Hospital	200 High Park Avenue		Goshen	IN	46526
Governor Juan F. Luis Hospital & Medical Center.	4007 Estate Diamond Ruby		Christiansted	VI	00820
Graduate Hospital	1800 Lombard Street		Philadelphia	PA	19146
Grady Health System	80 Jessie Hill Jr. Drive SE.		Atlanta	GA	30303
Grady Memorial Hospital	561 West Central Avenue		Delaware	OH	43015–1489
Grand Strand Regional Medical Center.	809 82nd Parkway		Myrtle Beach	SC	29572
Grandview Medical Center	405 Grand Avenue		Dayton	OH	45405
Grant Medical Center	111 S. Grant Avenue		Columbus	OH	43215
Gratiot Medical Center	4005 Orchard Drive	Campus Ridge 1	Midland	MI	48670
Great Plains Regional Medical Center.	Box 2339		Elk City	OK	73648
Greater Baltimore Medical Center.	GBMC—Cardiac Cath Lab	6701 N. Charles Street.	Towson	MD	21204
Greene Memorial Hospital	1141 N. Monroe Drive		Xenia	OH	45385
Greenview Regional Hospital	1801 Ashley Circle		Bowling Green	KY	42104
Greenville Memorial Hospital	701 Grove Road		Greenville	SC	29605
Greenwich Hospital	5 Perryridge Road		Greenwich	CT	06830
Gulf Coast Medical Center	449 W. 23rd Street		Panama City	FL	32406–5309
Gulf Coast Medical Center	1400 Highway 59		Wharton	TX	77488

Facility name	Address 1	Address 2	City	State	Zip
Gundersen Lutheran Medical Center, Inc..	1900 South Avenue	H06–004	LaCrosse	WI	54601
Gwinnett Hospital System	1000 Medical Center Boulevard		Lawrenceville	GA	30045
Hackensack University Medical Center.	30 Prospect Avenue		Hackensack	NJ	07601
Hahnemann University Hospital	230 N. Broad Street		Philadelphia	PA	19102
Halifax Medical Center	303 N. Clyde Morris Boulevard		Daytona Beach	FL	32114–2732
Halifax Regional Hospital	2204 Wilborn Avenue		South Boston	VA	24592
Hamilton Medical Center	1200 Memorial Drive		Dalton	GA	30720
Hamot Medical Center	201 State Street		Erie	PA	16550
Hannibal Regional Hospital	6000 Hospital Drive		Hannibal	MO	63401
Harbor Hospital Center	3001 S. Hanover Street		Baltimore	MD	21225
Hardin Memorial Hospital	913 N. Dixie Avenue		Elizabethtown	KY	42701
Harlingen Medical Center	5501 South Expressway 77		Harlingen	TX	78550
Harper University Hospital	3990 John R. Street		Detroit	MI	48201
Harris Methodist Fort Worth	1301 Pennsylvania Avenue		Fort Worth	TX	76104
Harris Methodist HEB	1600 Hospital Parkway		Bedford	TX	76022
Harrison Medical Center	2520 Cherry Avenue		Bremerton	WA	98310
Hartford Hospital	80 Seymour Street		Hartford	CT	06102–8000
Harton Regional Medical Center	1801 N. Jackson Street		Tullahoma	TN	37388
Havasu Regional Medical Center	101 Civic Center Lane		Lake Havasu City	AZ	86403
Hawaii Medical Center East, LLC	2230 Liliha Street		Honolulu	HI	96817
Hawaii Medical Center West	91–2141 Fort Weaver Road		Ewa Beach	HI	96706
Hays Medical Center	2220 Canterbury Road		Hays	KS	67601
Hazard ARH Regional Medical Center.	100 Medical Center Drive		Hazard	KY	41701
Health Care Authority for Baptist Health.	2105 East South Boulevard		Montgomery	AL	36116
Heart and Lung Clinic	900 East Broadway Box 5510		Bismarck	ND	58502
Heart Center of Indiana	8333 Nabb Road Suite 330	Suite 330	Indianapolis	IN	46290
Heart Hospital of Austin	3801 N. Lamar Boulevard		Austin	TX	78756
Heart Hospital of Lafayette	1105 Kaliste Saloom Road		Lafayette	LA	70508
Heart Hospital of New Mexico	504 Elm Street NE.		Albuqerque	NM	87102
Heart of Florida Regional Medical Center.	40100 Highway 27		Davenport	FL	33837
Heart of Lancaster Regional Medical Center.	250 College Avenue		Lancaster	PA	17604
Heartland Regional Medical Center.	3333 W. Deyoung Street		Marion	IL	62959
Heartland Regional Medical Center.	The Heart Center—Cardiac Cath Lab.	5325 Faraon Street	Saint Joseph	MO	64506–3373
Helen Ellis Memorial	1395 South Pinella Avenue		Tarpon Springs	FL	34689
Hellen Keller Hospital	1300 South Montgomery Avenue.		Sheffield	AL	35660
Hemet Valley Medical Center	1117 E. Devonshire Avenue		Hemet	CA	92543
Hendersonville Medical Center	355 New Shackle Island Road		Hendersonville	TN	37075
Hendrick Medical Center	1900 Pine Street		Abilene	TX	79601
Hennepin County Medical Center	701 Park Avenue		Minneapolis	MN	55415–1829
Henrico Doctors Hospital	1602 Skipwith Road	Cardiac Cath Lab	Richmond	VA	23229
Henry Ford Hospital	2799 W. Grand Boulevard	K–14	Detroit	MI	48202
Henry Ford Macomb	15855 Nineteen Mile Road		Clinton Township	MI	48038
Henry Ford Macomb-Warren	13355 East Ten Mile Road		Warren	MI	48089
Henry Mayo Newhall Memorial Hospital.	23845 McBean Parkway		Valencia	CA	91350
Henry Medical Center, Inc.	1133 Eagles Landing Parkway		Stockbridge	GA	30281
Hialeah Hospital	651 East 25th Street		Hialeah	FL	33013
High Point Regional Hospital	601 N. Elm Street		High Point	NC	27261
Highland Park Hospital	718 Glenview Avenue		Highland Park	IL	60035
Hillcrest Baptist Medical Center	3000 Herring Avenue		Waco	TX	76708
Hillcrest Hospital	6780 Mayfield Road		Mayfield Heights	OH	44124
Hillcrest Medical Center	1120 S. Utica Avenue	3 West	Tulsa	OK	74104
Hilton Head Regional Medical Center.	25 Hospital Center Boulevard		Hilton Head	SC	29925
HMA–Physician Management Region 25 Disb. Acct. (Physician's Regional).	6101 Pine Ridge Road		Naples	FL	34119
Hoag Memorial Hospital Presbyterian.	One Hoag Drive		Newport Beach	CA	92658
Holland Community Hospital	602 Michigan Avenue		Holland	MI	49423
Hollywood Medical Center	3600 Washington Street		Hollywood	FL	33021
Holmes Regional Medical Center	1355 South Hickory Street Suite 203.		Melbourne	FL	32901
Holy Cross Hospital	4725 N. Federal Highway		FT. Lauderdale	FL	33308
Holy Cross Hospital	2701 W. 68th Street		Chicago	IL	60629

Facility name	Address 1	Address 2	City	State	Zip
Holy Cross Hospital Medical Library.	1500 Forest Glen Road		Silver Spring	MD	20910
Holy Spirit Health System	503 N. 21st Street	Heart Center Admin..	Camp Hill	PA	17011–2204
Holzer Cardiovascular Institute	90 Jackson Pike		Gallipolis	OH	45631
Hopkins County Memorial Hospital.	115 Airport Road		Sulphur Springs	TX	75482
Hospital Auxilio Mutuo de Puerto Rico.	P.O. Box 191277		San Juan	PR	00919–1227
Hospital of St. Raphael	Cardiac Cath Lab, 1450 Chapel Street.		New Haven	CT	06511
Hospital of the University of Pennsylvania.	9011 E. Gates 3400 Spruce Street.		Philadelphia	PA	19104
Houston Northwest Medical Center Accounts Payable.	710 FM 1960 Road West		Houston	TX	77090
Howard County General Hospital	5755 Cedar Lane		Columbia	MD	21044
Howard Regional Health System	3500 South LaFountain Street		Kokomo	IN	46904–9011
Howard University Hospital	2041 Georgia Avenue, NW		Washington	DC	20060
Huguley Memorial Medical Center.	11801 South Freeway		Ft. Worth	TX	76115
Huntington Hospital	100 W. California Boulevard		Pasadena	CA	91109
Huntington Hospital	270 Park Avenue		Huntington	NY	11743
Huntsville Hospital	101 Sivley Road		Huntsville	AL	35801
Hutchinson Hospital	1701 E. 23rd Avenue		Hutchinson	KS	67502
Iberia Medical Center	2315 East Main Street		New Iberia	LA	70560
Immanuel-St. Joseph's Hospital	1025 Marsh Street		Mankato	MN	56001
Indian River Medical Center	1000 36th Street		Vero Beach	FL	32960
Indiana Heart Institute	8333 Naab Rd	Suite 330	Indianapolis	IN	46260
Indiana Regional Medical Center Cardiology Department.	835 Hospital Road		Indiana	PA	15701
Ingalls Hospital	One Ingalls Drive		Harvey	IL	60426
Ingham Regional Medical Center	401 W. Greenlawn Avenue		Lansing	MI	48910
Innovis Health	3000 32nd Avenue SW.		Fargo	ND	58104
Inova Alexandria Hospital	3289 Woodburn Road		Falls Church	VA	22042
Inova Fairfax Hospital/Inova Heart & Vascular Institute.	3300 Gallows Road		Falls Church	VA	22042
Inova Loudoun Hospital	3289 Woodburn Road	Suite 235	Falls Church	VA	22042
Integris Baptist Medical Center	3433 NW. 56th Street, Suite 805.		Oklahoma City	OK	73112
Integris Health	600 S. Monroe Street		Enid	OK	73701
Integris Southwest Medical Center.	4401 South Western Avenue		Oklahoma City	OK	73109
Interfaith Medical Center	1545 Atlantic Avenue		Brooklyn	NY	11213
Intermountain Medical Center	P.O. Box 577000		Murray	UT	84157–7000
Iowa Lutheran Hospital	700 E. University Avenue		Des Moines	IA	50316
Iowa Methodist Medical Center	700 E. University Avenue		Des Moines	IA	50316
Iredell Memorial Hospital	557 Brookdale Drive		Statesville	NC	28687
Iroquois Memorial Hospital	200 Fairman Avenue		Watseka	IL	60970
Jackson Hospital and Clinic	1725 Pine Street		Montgomery	AL	36106
Jackson Madison General Hospital.	708 West Forrest Avenue		Jackson	TN	38301
Jackson Memorial Hospital	1611 NW. 12th Avenue		Miami	FL	33136
Jacobi Medical Center	1400 Pelham Parkway		Bronx	NY	10461–1101
Jamaica Hospital Medical Center	8900 VanWyck Expressway		Jamaica	NY	11418
Jane Phillips Memorial Medical Center.	3500 Frank Phillips Boulevard		Bartlesville	OK	74006
Jeanes Hospital	7600 Central Avenue		Philadelphia	PA	19111
Jeff Anderson Regional Medical Center.	2124 14th Street		Meridian	MS	39301
Jefferson Memorial Hospital	P.O. Box 350		Crystal City	MO	63019
Jefferson Regional Medical Center.	1600 West 40th Avenue		Pine Bluff	AR	71603
Jefferson Regional Medical Center.	P.O. Box 18119 565 Coal Valley Road.		Pittsburgh	PA	15236–0119
Jennie Edmundson Memorial Hospital.	933 E. Pierce Street		Council Bluffs	IA	51503
Jersey City Medical Center	355 Grand Street		Neptune	NJ	07307
Jersey Shore University Medical Center.	1945 State Route 33		Neptune	NJ	07753
Jewish Hospital	4777 East Galbraith Road		Cincinnati	OH	45236
Jewish Hospital	200 Abraham Flexner Way		Louisville	KY	40202
JFK Medical Center	5631 Glencrest Boulevard		Tampa	FL	33625–1008
John C. Lincoln Hospital—Deer Valley.	19829 N. 27th Ave.		Phoenix	AZ	85027–4002

Facility name	Address 1	Address 2	City	State	Zip
John C. Lincoln Hospital—North Mountain.	250 E. Dunlap Avenue		Phoenix	AZ	85020–2871
John F. Kennedy Memorial Hospital.	47–111 Monroe Street		Indio	CA	92201
John Muir Medical Center—Concord Campus.	1601 Ygnacio Valley Road		Walnut Creek	CA	94550
John Muir—Walnut Creek	1601 Ygnacio Valley Road		Walnut Creek	CA	94550
Johns Hopkins Bayview Medical Center.	4940 Eastern Avenue		Baltimore	MD	21224
Johns Hopkins Hospital	600 N. Wolfe Street		Baltimore	MD	21287
Johnson City Medical Center Hosp.	400 N. State of Franklin		Johnson City	TN	37604
Jordan Valley Hospital	3580 W. 9000 S		West Jordan	UT	84088
Kadlec Medical Center	888 Swift Boulevard		Richland	WA	99352
Kaiser Foundation Hospital	1526 Edgemont Street		Los Angeles	CA	90027
Kaiser Foundation Hospital	6600 Bruceville Road		Sacramento	CA	95823
Kaiser Permanente—Moanalua Medical Center.	3288 Moanalua Road		Honolulu	HI	96819
Kaiser Permanente—Panorama City.	13652 Cantara Street		Panoram City	CA	91402
Kaiser Permanente Medical Center.	2350 Geary Boulevard	1st Floor—CV Surgery.	San Francisco	CA	94115
Kaiser Permanente Medical Center—Santa Clara.	710 Lawrence Expressway	Department 212	Santa Clara	CA	95051
Kaiser Permanente Medical Center Health Sciences Library.	9400 E. Rosecrans Avenue		Bellflower	CA	90706
Kaiser Sunnyside Medical Center	10180 SE. Sunnyside Road		Clackamas	OR	97015
Kansas Heart Hospital	3601 N. Webb Road		Wichita	KS	67226
Kansas Heart Hospital	3601 N. Webb Road		Wichita	KS	67226
Kansas Medical Center	1124 West 21st Street		Andover	KS	67002
Kansas University Hospital Authority.	3901 Rainbow Boulevard		Kansas City	KS	66160
Kapi'olani Medical Center Pali Momi.	98–1079 Moanalua Road		Aiea	HI	96701
Katherine Shaw Bethea Hospital	403 E. First Street		Dixon	IL	61021
Kaweah Delta Hospital District	Kaweah Delta Hospital District	400 W. Mineral King Avenue.	Visalia	CA	93291
Kendall Regional Medical Center	5631 Glencrest Boulevard		Tampa	FL	33625–1008
Kershaw County Medical Center	1315 Roberts Street		Camden	SC	29020
Kettering Medical Center	3535 Southern Boulevard		Kettering	OH	45429
Kingman Regional Medical Center.	3269 Stockton Hill Road		Kingman	AZ	86401
Kings Daughters Hospital	1901 Southwest H.K. Dodgen Loop.		Temple	TX	76502
Kings Daughters Medical Center	2201 Lexington Avenue		Ashland	KY	41101
Kingwood Medical Center	22999 Highway 59 N.		Kingwood	TX	77339
Kishwaukee Community Hospital	One Kish Hospital Drive		Dekalb	IL	60115
Knox Community Hospital	1330 Coshocton Road		Mount Vernon	OH	43050
Kootenai Medical Center	2003 Lincoln Way		Coeur d' Alene	ID	83814
Kuakini Medical Center	347 North Kuakini Street		Honolulu	HI	96817
Lafayette General Medical Center.	1214 Coolidge Avenue		Lafayette	LA	70505
LaGrange Memorial Hospital	120 North Oak Street		Hinsdale	IL	60521
Lahey Clinic	41 Mall Road		Burlington	MA	01805
Lake Charles Memorial Hospital	1701 Oak Park Boulevard		Lake Charles	LA	70601
Lake City Medical Center	340 NW. Commerce Boulevard		Lake City	FL	32055
Lake Hospital System	36000 Euclid Avenue		Willoughby	OH	44094
Lake Pointe Medical Center	6800 Scenic Drive		Rowlett	TX	75088
Lake Regional Health System	54 Hospital Drive		Osage Beach	MO	65065
Lakeland Hospital	1234 Napier Avenue		Saint Joseph	MI	49085–2112
Lakeland Regional Medical Center.	1324 Lakeland Hills Boulevard		Lakeland	FL	33804
Lakeside Hospital	6901 N. 72nd Street Suite 3300		Omaha	NE	68122
Lakeview Regional Medical Center.	95 East Fairway Drive		Covington	LA	70433–7500
Lakeway Regional Hospital	726 McFarland Street		Morristown	TN	37814
Lakewood Hospital	14519 Detroit Avenue		Lakewood	OH	44107
Lakewood Ranch Medical Center	8330 Lakewood Ranch Boulevard.		Bradenton	FL	34202
Lakewood Regional Medical Center.	3700 East South Street		Lakewood	CA	90712
Lancaster Community Hosp	43830 North 10th Sreet West		Lancaster	CA	93534
Lancaster General Hospital	555 N. Duke Street P.O. Box 3555.		Lancaster	PA	17604–3555

Facility name	Address 1	Address 2	City	State	Zip
Lancaster Regional Medical Center.	250 College Avenue		Lancaster	PA	17604
Landmark Medical Center	115 Cass Avenue		Woonsocket	RI	02895
Lane Regional Medical Center	6300 Main Street		Zachary	LA	70791
Lankenau Hospital	Suite 557 Lankenau MOB East	100 Lancaster Avenue.	Wynnewood	PA	19096
La Porte Hospital	1007 Lincolnway		La Porte	IN	46352
Laredo Medical Center	1720 Bustamante Street		Laredo	TX	78044
Largo Medical Center	201 14th Street SW.		Largo	FL	33770
Las Colinas Medical Center	6800 North MacArthur Boulevard.		Irving	TX	75039
Las Palmas Medical Center	1801 N. Oregon Street		El Paso	TX	79902
Latrobe Hospital	One Mellon Way		Latrobe	PA	15601
Lawnwood Medical Center	1700 S. 23rd Street		Fort Pierce	FL	34950
Lawrence & Memorial Hospital	365 Montauk Avenue		New London	CT	06375
Lawrence Hospital	55 Palmer Avenue		Broxville	NY	10708–3491
Lee Memorial Health System-Cape Coral Hospital.	276 Cleveland Avenue		Fort Myers	FL	33901
Lee Memorial Health System-Health Park Med Center.	276 Cleveland Avenue		Fort Myers	FL	33901
Lee's Summit Medical Center	2100 SE. Blue Parkway		Lee's Summit	MO	64063
Leesburg Regional Medical Center.	600 East Dixie Avenue		Leesburg	FL	34748
Legacy Emanuel Hospital	1919 NW. Lovejoy Street		Portland	OR	97209
Legacy Good Samaritan Hospital	1919 NW. Lovejoy Street		Portland	OR	97209
Legacy Meridian Park Hospital	1919 NW. Lovejoy Street		Portland	OR	97209
Legacy Salmon Creek Hospital	1919 NW. Lovejoy Street		Portland	OR	97209
Lehigh Regional Medical Center	1500 Lee Boulevard		Lehigh Acres	FL	33963
Lehigh Valley Hospital	1200 S. Cedar Crest Boulevard	Jaindl Pavilion 1st Floor.	Allentown	PA	18103
Lehigh Valley Hospital—Muhlenberg.	2545 Schoenersville Road	Invasive Cardiology 3rd Floor.	Bethlehem	PA	18017–7330
Lenox Hill Heart and Vascular Institute of New York.	100 East 77th Street		New York	NY	10021
Lewis Gale Medical Center	1900 Electric Road		Salem	VA	24153
Lexington Medical Center	2720 Sunset Boulevard		West Columbia	SC	29169
Liberty Hospital	2525 Glenn Hendren Drive		Liberty	MO	64068
Licking Memorial Hospital	1320 W. Main Street		Newark	OH	43055
Lima Memorial Hospital	1001 Bellefontaine Avenue		Lima	OH	45804
Little Company of Mary Hospital	4101 Torrance Boulevard		Torrance	CA	90503
Little Company of Mary Hospital	2800 W. 95th Street		Evergreen Park	IL	60805
Logan General Hospital, LLC	20 Hospital Drive		Logan	WV	25601
Loma Linda University Medical Center.	11234 Anderson Street Room 2431.		Loma Linda	CA	92354
Long Beach Memorial Medical Center.	2801 Atlantic Avenue		Long Beach	CA	90806
Long Island College Hospital	339 Hicks Street		Brooklyn	NY	11201
Long Island Jewish Medical Center.	270–05 76th Avenue		New Hyde Park	NY	11040
Longmont United Hospital	1950 Moutain View Avenue		Longmont	CO	80501
Longview Regional Medical Center.	P.O. Box 14000		Longview	TX	75607
Los Alamitos Medical Center	3751 Katella Avenue		Los Alamitos	CA	90720
Los Robles Hospital & Medical Center.	215 W. Janss Road		Thousand Oaks	CA	91360–1899
Louisiana Medical Center and Heart Hospital.	64030 Louisiana Highway 434		Lacombe	LA	70445
Lourdes Hospital	1530 Lone Oak Road		Paducah	KY	42003
Lowell General Hospital	295 Varnum Avenue		Lowell	MA	01854
Lower Bucks Hospital	501 Bath Road		Bristol	PA	19007
Lower Keys Medical Center	5900 College Road		Key West	FL	33040
Loyola University Medical Center	2160 S. First Avenue	Rm. 1318 Bldg. 104 Att: Mike.	Maywood	IL	60153
Lubbock Heart Hospital	4810 N. Loop 289		Lubbock	LA	79416
Lutheran Hospital of Indiana	7950 W. Jefferson Boulevard		Fort Wayne	IN	46804
Lutheran Medical Center	150 55th Street		Brooklyn	NY	11220
Lynchburg General Hospital	1901 Tate Springs Road	Cardiac Cath Lab	Lynchburg	VA	24501–1167
MacNeal Hospital	3249 S. Oak Park Avenue		Berwyn	IL	60402
Magnolia Regional Health Center	611 Alcorn Drive		Corinth	MS	38834
Maimonides Medical Center Division of Cardiology.	Division of Cardiology	4802 10th Avenue	Brooklyn	NY	11219
Maine Medical Center	22 Bramhall Street		Portland	ME	04102
Mainland Medical Center	6801 Emmett F. Lowry Expressway.		Texas City	TX	77591

Facility name	Address 1	Address 2	City	State	Zip
Manatee Memorial Hospital	206 Second Street East		Bradenton	FL	34208
Marian Medical Center	1400 East Church Street		Santa Maria	CA	93454
Maricopa Integrated Health System.	2601 E. Roosevelt Street		Phoenix	AZ	85008
Marin General Hospital	250 Bon Air Road		Greenbrae	CA	94904
Marion General Hospital	441 N. Wabash Avenue		Marion	IN	46952
Marion General Hospital	1000 McKinley Park Drive		Marion	OH	43302–6397
Marquette General Hospital System.	580 W. College Avenue		Marquette	MI	49855
Marshall University School of Medicine.	420 West Magnetic Street		Huntington	WV	25701
Martha Jefferson Hospital	459 Locust Avenue		Charlottesville	VA	22902
Martin Memorial Medical Center	P.O. Box 9010		Stuart	FL	34995
Mary Black Hospital	1700 Skylyn Drive		Spatanburg	SC	29307
Mary Greeley Medical Center	1111 Duff Avenue		Ames	IA	50010
Mary Hitchcock Memorial Hospital.	One Medical Center Drive		Lebanon	NH	03756
Mary Immaculate Hospital	2 Bernadine Drive		Newport News	VA	23601
Mary Rutan Hospital	205 Palmer Avenue		Bellefontaine	OH	43311
Mary Washington Hospital	1001 Sam Perry Boulevard		Fredericksburg	VA	22401
Massachusetts General Hospital	55 Fruit Street		Boston	MA	02114
Mat-Su Regional Medical Center	2500 S. Woodworth Loop		Palmer	AR	99645
Maui Memorial Medical Center	221 Mahalani Street		Wailuku	HI	96793
Maury Regional Hospital	1224 Trotwood Avenue		Columbia	TN	38401
Mayo Clinic	4500 San Pablo Road		Jacksonville	FL	32216
Mayo Clinic Arizona	5777 E. Mayo Boulevard		Phoenix	AZ	85054
Mayo Clinic— St. Mary's Hospital	1216 2nd Street SW.		Rochester	MN	55902
McAlester Regional Health Center.	1 Clark Bass Boulevard		McAlester	OK	74501
McAllen Medical Center	301 W. Expressway 83		McAllen	TX	78503
MCG Health Inc.	1120 15th Street BBR–8521		Augusta	GA	30912
McKay-Dee Hospital Center	4401 Harrison Boulevard		Ogden	UT	84405
McKee Medical Center	2000 Boise Avenue		Loveland	CO	80538
McLeod Regional Medical Center	555 E. Chaves Street		Florence	SC	29501
Mease Countryside Hospital	300 Pinellas Street	MS 73	Clearwater	FL	33756
Mease Dunedin Hospital	207 Jeffords Street MS 142		Clearwater	FL	33756
Med Central Mansfield	335 Glessner Avenue		Mansfield	OH	44903
Medcenter One	300 N. 7th Street		Bismarck	ND	58501
Medical Center at Bowling Green	250 Park Street		Bowling Green	KY	42101
Medical Center Hospital	500 W. 4th Street		Odessa	TX	79760
Medical Center of Arlington	3301 Matlock Road		Arlington	TX	76015
Medical Center of Aurora	1501 S. Potomac Street		Aurora	CO	80012
Medical Centerof Central Georgia.	777 Hemlock Street HB 53		Macon	GA	31208
Medical Center of Lewisville	500 West Main Street		Lewisville	TX	75057
Medical Center of Louisiana at New Orleans.	1541 Tulane Avenue Room #203 Butterworth Building		New Orleans	LA	70112
Medical Center of McKinney	4500 Medical Center Drive		McKinney	TX	75069
Medical Center of Plano	3901 W. 15th Street		Plano	TX	75075–7738
Medical Center of South Arkansas, LLC.	700 West Grove Street		El Dorado	AR	71730
Medical Center of Southeastern Oklahoma.	1800 University Boulevard		Durant	OK	74701
Medical Center of the Rockies	2500 Rocky Mountain Avenue		Loveland	CO	80538
Medical City Dallas Hospital	7777 Forest Lane		Dallas	TX	75230
Medical University of South Carolina.	25 Countenay Drive		Charleston	SC	29425–2110
Memorial Health System	1400 E. Boulder Street		Colorado Springs	CO	80909–5599
Memorial Health University Medical Center.	Cardiac Cath Lab Memorial Health University Medical Center.	4700 Waters Avenue.	Savannah	GA	31404
Memorial Hermann Hospital	6411 Fannin Street		Houston	TX	77030
Memorial Hermann HVI South West.	7787 Southwest Freeway		Houston	TX	77074
Memorial Hermann Memorial City Hospital.	921 Gessner Road		Houston	TX	77024
Memorial Hermann Northeast	18951 Memorial North		Humble	TX	77338
Memorial Hermann Northwest Hospital.	1635 North Loop West		Houston	TX	77008
Memorial Hermann The Woodlands Hospital.	9250 Pinecroft Drive		Spring	TX	77380
Memorial Hospital	800 West 9th Street		Jasper	IN	47546
Memorial Hospital	2525 Desales Avenue		Chattanooga	TN	37404–1102
Memorial Hospital at Gulfport	4500 13th Street	P.O. Box 1810	Gulfport	MS	39502

Facility name	Address 1	Address 2	City	State	Zip
Memorial Hospital Carbondale	405 W. Jackson Street		Carbondale	IL	65902
Memorial Hospital Miramar	1901 SW. 172 Avenue		Miramar	FL	33029
Memorial Hospital of Martinsville	320 Hospital Drive		Martinsville	VA	24112
Memorial Hospital of Rhode Island Brown University.	111 Brewster Street		Pawtucket	RI	02860
Memorial Hospital of South Bend	615 N. Michigan Street		South Bend	IN	46601–1033
Memorial Hospital Pembroke/South Broward Hospital.	7800 Sheridan Street		Pembroke Pines	FL	33024
Memorial Hospital West/South Broward Hospital District.	703 North Flamingo Road		Pembroke Pines	FL	33028
Memorial Hospital—Jacksonville	3625 University Boulevard South.		Jacksonville	FL	32215
Memorial Hospitals Association	1700 Coffee Road		Modesto	CA	95355
Memorial Medical Center	701 N. First Street		Springfield	IL	62781
Memorial Medical Center	2450 S. Telshor Boulevard		Las Cruces	NM	88011
Memorial Medical Center	1086 Franklin Street		Johnstown	PA	15905–4398
Memorial Regional Hospital/South Broward Hospital.	3501 Johnson Street		Hollywood	FL	33021
Memphis Hospital (Germantown Campus).	1265 Union Avenue		Memphis	TN	38104–3499
Memphis Hospital (North Campus).	1265 Union Avenue		Memphis	TN	38104–3499
Menifee Valley Medical Center	28400 McCell Boulevard		Sun City	CA	92585
Menorah Medical Center	5721 West 119th Street		Overland Park	KS	66209
Mercy Fitzgerald Hospital	1500 Lansdowne Avenue		Darby	PA	19023
Mercy General Health Partners	1500 E. Sherman Boulevard		Muskegon	MI	49444
Mercy General Hospital—Sacramento.	3939 J Street	Suite 215	Sacramento	CA	95819
Mercy Gilbert Medical Center	3555 South Val Vista Drive	Attn.: Cardiac Cath Lab.	Gilbert	AZ	85296
Mercy Health System of Northwestern Arkansas.	2710 Rife Medical Lane		Rogers	AR	72756
Mercy Hospital	144 State Street		Portland	ME	04101
Mercy Hospital	2925 Chicago Avenue		Minneapolis	MN	55407
Mercy Hospital—Scranton	746 Jefferson Avenue		Scranton	PA	18501
Mercy Hospital & Medical Center	2525 South Michigan Avenue		Chicago	IL	60616–2477
Mercy Hospital Anderson	7500 State Road		Cincinnati	OH	45255
Mercy Hospital Attn.: Accounts Payable.	3663 South Miami Avenue		Miami	FL	33133
Mercy Hospital of Buffalo	515 Abbott Road	Marion Building Suite 306.	Buffalo	NY	14220
Mercy Hospital Attn: A/P	271 Carew Street P.O. Box 9012.		Springfield	MA	01102
Mercy Iowa City	500 East Market Street		Iowa City	IA	52245
Mercy Medical Center	2700 Steward Parkway		Roseburg	OR	97470
Mercy Medical Center	801 5th Street		Sioux City	IA	51101
Mercy Medical Center	1111 6th Avenue		Des Moines	IA	51101
Mercy Medical Center	1320 Mercy Drive	Cardiology Management and Support 3C.	Canton	OH	44708
Mercy Medical Center	301 St. Paul Place		Baltimore	MD	21202
Mercy Medical Center	2900 W. 9th Avenue	Suite 107	Oshkosh	WI	54904
Mercy Medical Center	701 10th Street SE.		Cedar Rapids	IA	52403
Mercy Medical Center	1000 North Village Ave		Rockville Centre	NY	11571
Mercy Medical Center Merced	301 E. 13th Street		Merced	CA	95340
Mercy Medical Center Redding	2175 Rosaline Avenue	P.O. Box 496009	Redding	CA	96049–6009
Mercy Medical Center—North Iowa.	1000 4th Street SW.		Mason City	IA	50401
Mercy Memorial Health Center Sisters of Mercy.	1011 14th Avenue NW.		Ardmore	OK	73401
Mercy Regional Health Center	1823 College Avenue		Manhattah	KS	67218
Mercy Regional Medical Center	1010 Three Springs Boulevard		Durango	CO	81301
Mercy San Juan Hospital	3941 J Street	c/o Mercy General Hospital Administration.	Sacramento	CA	95819
MeritCare Hospital	801 Broadway North		Fargo	ND	58122
Meriter Hospital	202 South Park Street	10 Tower—Heart Center.	Madison	WI	53715
Methodist Charlton Medical Center (Methodist Health System).	MHS Sam & Anne Kesner Heart Center.	1441 N. Beckley Avenue.	Dallas	TX	75203
Methodist Dallas Medical Center (Methodist Health System).	MHS Sam & Anne Kesner Heart Center.	1441 N. Beckley Avenue.	Dallas	TX	75203
Methodist Hospital	7700 Floyd Curl Drive		San Antonio	TX	78229

Facility name	Address 1	Address 2	City	State	Zip
Methodist Hospital	6500 Excelsior Boulevard 2nd Floor HVC.		St. Louis Park	MN	55426
Methodist Hospital of South CA	300 W. Huntington Drive		Arcadia	CA	91007–3402
Methodist Lebonheur Health Care University Hospital (University Campus).	1265 Union Avenue		Memphis	TN	38104–3499
Methodist Mansfield Medical Center.	MHS Sam & Anne Kesner Heart Center.	1441 N. Beckley Avenue.	Dallas	TX	75203
Methodist Medical Center	280 Fort Sanders Boulevard Building 4 Suite 218.		Knoxville	TN	37922
Methodist Medical Center of Illinois.	221 NE. Glen Oak Avenue		Peoria	IL	61636
Methodist Speciality and Transplant Hospital.	7700 Floyd Curl Drive		San Antonio	TX	78229
Methodist Stone Oak Hospital	1139 E. Sonterra Boulevard		San Antonio	TX	78258
Methodist Sugar Land Hospital	16655 Southwest Freeway		Sugar Land	TX	77479
Methodist Willowbrook Hospital	18220 Tomball Parkway		Houston	TX	77070
Metro Health Hospital	5900 Byron Center Road		Wyoming	MI	49519
MetroHealth Medical Center	2500 MetroHealth Drive		Cleveland	OH	44109
Metroplex Hospital	2201 S. Clear Creek Road		Killeen	TN	76549
MetroSouth Medical Center	12935 Gregory Street		Blue Island	IL	60406–2470
MetroWest Medical Center	115 Lincoln Street	Cardiac Cath Lab	Framingham	MA	01702–6327
Miami Valley Hospital	One Wyoming Street		Dayton	OH	45409
Michael Reese Hospital	2929 S. Ellis Avenue		Chicago	IL	60616
Midland Memorial Hospital	2200 W. Illinois Avenue c/o Heart Institute.		Midland	TX	79701
Midlands Community Hospital	6901 N. 72nd Street		Omaha	NE	68122
MidMichigan Medical Center-Midland.	4005 Orchard Drive		Midland	MI	48670
Midwest Regional Medical Center.	2825 Parklawn Drive		Midwest City	OK	73110
Milford Regional Medical Center	14 Prospect Street		Milford	MA	01568
Millard Fillmore Hospital	3 Gates Circle	Room 4–EB–13	Buffalo	NY	14209
Millard Filmore Suburban	100 High Street		Buffalo	Ny	14203
Mills-Peninsula Hospital	1783 Elcamino Real		Burlingame	CA	94010
Miriam Hospital	164 Summit Avenue		Providence	RI	02906
Mission Hospital Regional Medical Center.	27700 Medical Center Road		Mission Viejo	CA	92691–6426
Mission Hospitals, Inc.	509 Biltmore Avenue		Asheville	NC	28801–4690
Mission Regional Medical Center	900 S. Bryan Road		Mission	TX	78572
Mississippi Baptist Medical Center.	1225 N. State Street		Jackson	MS	39202–2097
Missouri Baptist Medical Center	3015 N. Ballas Road	3105 North Ballas Road.	Saint Louis	MO	63131–2374
Moberly Regional Medical Center	1515 Union Avenue		Moberly	MO	65270
Mobile Infirmary Medical Center	5 Mobile Infirmary Circle		Mobile	AL	36607
Monongalia Genera; Hospital	1200 JD Anderson Drive		Morgantown	WV	26505
Monroe Hospital	4011 South Medical Park Boulevard.		Bloomington	IN	47403
Montefiore Medical Center	111 East 210th Street		Bronx	NY	10467–2490
Montgomery General Hospital	18101 Prince Philip Drive		Olney	MD	20832
Morris Hospital	150 West High Street		Morris	IL	60450
Morristown Memorial Hospital	100 Madison Avenue		Morristown	NJ	07962
Morton Plant Hospital	300 Pinellas Street	MS 73	Clearwater	FL	33756
Morton Plant North Bay Hospital	6600 Madison Street		New Port Richey	FL	34652
Moses Cone Health System	1200 N. Elm Street		Greensboro	NC	27401
Mother Frances Hospital	800 E. Dawson Street		Tyler	TX	75701
Mount Auburn Hospital	330 Mount Auburn Street	South 2—Administration.	Cambridge	MA	02138
Mount Carmel East	6150 East Broad Street	Office EB 148	Columbus	OH	42313
Mount Carmel St. Ann's Hospital	6150 East Broad Street	Office EB 148	Columbus	OH	42313
Mount Carmel West	6150 East Broad Street	Office EB 148	Columbus	OH	42313
Mount Clemens Regional Medical Center.	1000 Harrington Street		Mount Clemens	MI	48043–2992
Mountain View Regional Center	4311 E. Lohman Avenue		Las Cruces	NM	88011
Mountain Vista Medical Center	1301 S. Crismon Road		Mesa	AZ	85209
Mountainview Hospital	3100 N. Tenaya Way		Las Vegas	NV	89128
Munroe Regional Medical Center	1500 SW. 1st Avenue P.O. Box 6000.		Ocala	FL	34478
Munson Medical Center	1105 Sixth Street		Traverse City	MI	49684–2386
Nacogdoches Medical Center	4920 NE. Stallings Drive		Nacogdoches	TX	75965
Naples Community Hospital	350 7th Street South		Naples	FL	34102
Nashoba Valley Medical Center	200 Groton Road		Ayer	MA	01432
National Park Medical Center	1910 Malvern Avenue		Hot Springs	AR	71901

Facility name	Address 1	Address 2	City	State	Zip
NEA Baptist Memorial Hospital	3024 Stadium Boulevard		Jonesboro	AR	72401
Nebraska Heart Hospital	7500 South 91st Street		Lincoln	NE	68526
Nebraska Methodist Hospital	8303 Dodge Street		Omaha	NE	68114
New Hanover Regional Medical Center.	2131 S. 17th Street		Wilmington	NC	28402
New Milford Hospital	21 Elm Street		New Milford	CT	06776
New York Community Hospital	2525 Kings Highway		Brooklyn	NY	11229
New York Hospital Medical Center of Queens Health Education Library.	5645 Main Street	Floor 1	Flushing	NY	11355
New York Methodist Hospital	506 6th Street Brooklyn		New York City	NY	11215
New York Presbyterian Hospital	6220West 168th Street	PH–2	New York City	NY	10032
Newark Beth Israel Medical Center.	201 Lyons Avenue at Osborne Terrace.		Newark	NJ	07112
Niagara Falls Memorial Medical Center.	621 Tenth Street		Niagara Falls	NY	14302
Nicholas H. Noyes Memorial Hospital.	111 Clara Barton Street		Dansville	NY	14437
NIX Healthcare System	414 Navarro Street		San Antonio	TX	78205
Norman Regional Health System	P.O. Box 1308		Norman	OK	73070–1308
North Austin Medical Center	5103 Hereford Way		Austin	TX	78727
North Bay Medical Center	1200 B. Gale Wilson Boulevard		Fairfield	CA	94533
North Broward Medical Center	201 E. Sample Road		Pompano Beach	FL	33064
North Carolina Baptist Hospital	Medical Center Boulevard		Winston-Salem	NC	27157
North Central Baptist Hospital	730 North Main Avenue	Suite 409	San Antonio	TX	78205
North Colorado Medical Center	1801 16th Street		Greeley	CO	80631
North Cypress Medical Center	21214 Northwest Freeway		Cypress	TX	77429
North Florida Regional Medical Center.	6500 Newberry Road		Gainesville	FL	32605
North Hills Hospital	4401 Booth Calloway Road		North Richland Hills.	TX	76180
North Kansas City Hospital	2800 Clay Edward Drive		North Kansas City	MO	64116
North Memorial Medical Center	3300 Oakdale Avenue, N.		Robbinsdale	MN	55422
North Mississippi Medical Center	830 S. Gloster Street		Tupelo	MS	38801
North Oaks Medical Center	15790 Paul Vega MD Drive		Hammond	LA	70403
North Shore Medical Center	1100 NW. 95th Street		Miami	FL	33150
North Shore Medical Center—Salem Hospital.	81 Highland Avenue	Davenport 5	Salem	MA	01970
North Shore University Hospital	300 Community Drive		Manhasset	NY	11030
North Suburban Medical Center	9191 Grant Street		Denver	CO	80229
North Vista Hospital	1409 E. Lake Mead Boulevard		North Las vegas	NV	89030
Northeast Alabama Regional Medical Center.	400 East 10th Street		Anniston	AL	36202
Northeast Baptist Hospital	730 N. Main Avenue	Suite 409	San Antonio	TX	78205
Northeast Georgia Medical Center.	743 Spring Street		Gainesville	GA	30501
NorthEast Medical Center	920 Church Street North		Concord	NC	28025
Northeast Methodist Hospital	12412 Judson Road		Live Oak	TX	78233
Northern Illinois Medical Center	4201 Medical Center Drive		McHenry	IL	60050
Northern Michigan Regional Hospital.	416 Connable Avenue		Petoskey	MI	49770
Northern Nevada Medical Center	2375 E. Prater Way		Sparks	NV	89434
Northlake Medical Center	1455 Montreal Road		Tucker	GA	30084
Northridge Hospital Medical Center.	18300 Roscoe Avenue		Northridge	CA	91325
Northshore Regional Medical Center.	100 Medical Center Drive		Slidell	LA	70461
Northside Hospital	1000 Johnson Ferry Road		Atlanta	GA	30342
Northside Hospital	6000 49th Street, N.		Pinellas Park	FL	33709
Northside Hospital—Forsyth	1200 Northside Forsyth Drive		Cumming	GA	30041
Northwest Community Hospital	800 W. Central Road		Arlington Heights	IL	60005
Northwest Hospital	1550 North 115th Street		Seattle	WA	98113
Northwest Hospital Center	5401 Old Court Road		Randallstown	MD	21133
Northwest Medical Center	2801 N. State Road 7		Margate	FL	33063
Northwest Medical Center	Northwest Medical Center	6200 N. La Cholla Boulevard.	Tucson	AZ	85741
Northwest Medical Center—Bentonville.	3000 Medical Center Parkway		Bentonville	AR	72712
Northwest Arkansas Hospitals LLC, dba NMC.	609 West Maple Street		Springdale	AR	72764
Northwest Mississippi Regional Medical Center.	1970 Hospital Drive		Clarksdale	MS	38614
Northwestern Memorial Hospital	676 N. St. Clair Street, Suite 1700.		Chicago	IL	60611

Facility name	Address 1	Address 2	City	State	Zip
Norton Audubon	P.O. Box 35070		Louisville	KY	40232
Norton Hospital	P.O. Box 35070		Louisville	KY	40232
Norwalk Hospital	24 Stevens Street		Norwalk	CT	06856
NYU Medical Center	560 First Avenue		New York	NY	10016
Oak Hill Hospital	11375 Cortez Boulevard		Brooksville	FL	34613
Obici Hospital	2800 Godwin Boulevard		Suffolk	VA	23434
Ocala Regional Mecical Center	1431 SW. First Avenue		Ocala	FL	34474
Ocean Springs Hospital	3109 Bienville Boulevard		Ocean Springs	MS	39564
Ochsner Medical Center—Baton Rouge.	17000 Medical Center Drive		Baton Rouge	LA	70816
Ochsner Medical Center—West Bank.	2500 Belle Chasse Highway		Gretna	LA	70056
Ochsner Medical Center—Kenner (Kenner Regional Medical Center).	180 West Esplanade Avenue		Kenner	LA	70065
Ochsner Medical Foundation	1514 Jefferson Highway		New Orleans	LA	70121
Oconee Regional Medical Center	812 N. Cobb Street		Milledgeville	GA	31061
O'Connor Hospital	2105 Forest Avenue		San Jose	CA	95128
Odessa Regional Hospital	520 East Sixth Street		Odessa	TX	79760
Ogden Regional Medical Center	5475 South 500 East		Ogden	UT	84403
Ohio Valley Medical Center	2000 Eoff Street		Wheeling	WV	26003
Oklahoma Heart Hospital	4050 W. Memorial Road		Oklahoma City	OK	73120
Oklahoma State University Medical Center.	744 W. 9th Street		Tulsa	OK	74127
Olathe Medical Center	20333 W. 151st Street		Olathe	KS	66061–7211
Opelousas General Health System.	539 E. Prudhomme Street		Opelousas	LA	70570
Orange Coast Memorial Medical Center.	9920 Talbert Avenue		Fountain Valley	CA	92708
Orange Regional Medical Center	60 Prospect Avenue		Middletown	NY	10940
Oregon Health & Science University.	3181 SW. Sam Jackson Road		Portland	OR	97239
Orlando Regional Medical Center	1414 Kuhl Avenue		Orlando	FL	32806
Osceola Regional Medical Center.	700 W. Oak Street		Kissimmee	FL	34745
OSF Saint Anthony Medical Center.	5666 East State Street		Rockford	IL	61108
OSF Saint Joseph Medical Center.	2200 E. Washington Street		Bloomington	IL	61701
OSF Saint Francis Medical Center.	530 NE. Glen Oak Avenue		Peoria	IL	61637
OU MEDICAL CENTER	700 NE. 13th Street		Oklahoma City	OK	73104
Our Lady of Lourdes Medical Center.	1600 Haddon Avenue		Camden	NJ	08103
Our Lady of Lourdes Regional Medical Center.	611 Saint Landry Street P.O. Box 4027.		Lafayette	LA	70506
Our Lady of The Lake Regional	5000 Hennessy Boulevard		Baton Rouge	LA	70808–4350
Our Lady of the Resurrection Medical Center.	5645 W. Addison Street		Chicago	IL	60634
Overlake Hospital Medical Center.	1035 116th Avenue NE.		Bellevue	WA	98004
Overland Park Regional Medical Center/ Health Midwest.	10500 Quivira Road		Overland Park	KS	66215
Owensboro Medical Health System.	811 E. Parrish Avenue		Owensboro	KY	42303
Ozarks Medical Center	1100 Kentucky Avenue	P.O. Box 1100	West Plains	MO	65775
P and S Surgical Hospital	312 Grammont Street		Monroe	LA	71201
Palm Beach Gardens Medical Center.	3360 Burns Road		Palm Beach Gardens.	FL	33410
Palmetto General Hospital	2001 West 68th Street		Hialeah	FL	33016
Palmetto Health Heart Hospital	6 Richland Medical Park Drive	Suite 4525	Columbia	SC	29203
Palomar Medical Center	555 East Valley Parkway		Escondido	CA	92025
Palos Community Hospital	12251 S. 80th Avenue	Cardiovascular Services.	Palos Heights	IL	60463–0930
Paoli Hospital	557 Lankenau MOB East	100 Lancaster Avenue.	Wynnewood	PA	19096
Paradise Valley Hospital	3929 E. Bell Road		Phoenix	AZ	85032
Paradise Valley Hospital	2400 E. Fourth Street		National City	CA	91950
Paris Regional Medical Center	865 DeShong Drive		Paris	TX	75462
Park Plaza Hospital	1313 Hermann Drive		Houston	TX	77004
Parkland Health and Hospital Systems.	5201Harry Hines Boulevard		Dallas	TX	75235
Parkridge Medical Center	2333 McCallie Avenue		Chattanooga	TN	37404
Parkview Hospital	2200 Randallia Drive		Fort Wayne	IN	46805

Facility name	Address 1	Address 2	City	State	Zip
Parkview Medical Center	400 W. 16th Street		Pueblo	CO	81003
Parkway Regional Medical Center.	160 NW. 170th Street		North Miami	FL	33169
Parkwest Medical Center	9352 Parkwest Boulevard		Knoxville	TN	37923
Parma Community General Hospital.	7007 Powers Boulevard		Parma	OH	44129
Parrish Medical Center	951 N. Washington Avenue		Titusville	FL	32796
Pasco Regional Medical Center	13000 100 Fort King Road		Dade City	FL	33525
PBI Regional Medical Center	350 Boulevard		Passaic	NJ	07055
Peace River Regional Medical	2500 Harbor Boulevard		Port Charlotte	FL	33952
Peninsula Regional Medical Center.	100 East Carroll Street		Salisbury	MD	21801
Penn Presbyterian Medical Center.	39th & Market Streets		Philadelphia	PA	19104
Penn State Hershey Medical Center.	P.O. Box 850 H139		Hershey	PA	17033
Pennsylvania Hospital	800 Spruce Street		Philadelphia	PA	19107–6192
Penrose—St. Francis Health Services.	2222 North Nevada, #3000		Colorado Springs	CO	80907
Phelps County Regional Medical Center.	1000 W. 10th Street		Rolla	MO	65401
Phoebe Putney Memorial Hospital.	417 Third Avenue		Albany	GA	31701
Phoenix Baptist Hospital	2000 W. Bethany Home Road		Phoenix	AZ	85015
Phoenixville Hospital	140 Nutt Road		Phoenixville	PA	19460–3906
Piedmont Hospital	95 Collier Road Suite 2075		Atlanta	GA	30309
Piedmont Medical Center	222 S. Herlong Avenue		Rock Hill	SC	29732
Pikesville Medical Center	911 Bypass Road		Pikesville	KY	41501
Pinnicle Health Invasive Cardiology.	111 South Front Street		Harrisburg	PA	17101–2099
Pioneer Valley Hospital	3590 West 9000 South, Suite 315.		West Jordan	UT	84088
Pitt County Memorial Hospital	2100 Statonsburg Road	PCMH Heart Center.	Greenville	NC	27835
Plantation General Hospital	401 NW. 42nd Avenue		Plantation	FL	33317
Plaza Medical Center of Fort Worth.	900 Eighth Avenue		Fort Worth	TX	76104
Pocono Medical Center	206 East Brown Street		East Stroudsburg	PA	18301
Pomona Valley Hospital Med Center.	1798 N. Garey Avenue		Pomona	CA	91768
Pontiac Osteopathic Hospital	50 N. Perry Street		Pontiac	MI	48342
Poplar Bluff Regional Medical Center.	2620 N. Westwood Boulevard		Poplar Bluff	MO	63901
Port Huron Hospital	1221 Pine Grove Avenue		Port Huron	MI	48060
Porter Adventist Hospital	2525 S. Downing Street		Denver	CO	80210–5817
Porter Valparaiso Hospital Campus.	814 Laporte Avenue		Valparaiso	IN	46383
Portneuf Medical Center	651 Memorial Drive		Pocatello	ID	83201
Portsmouth Regional Hospital	333 Borthwick Avenue		Portsmouth	NH	03801
Prairie Lakes Healthcare	401 9th Avenue		Watertown	SD	57201
Presbyterian Healthcare Services	P.O. Box 26666		Albuquerque	NM	87125
Presbyterian Hospital	200 Hawthorne Lane		Charlotte	NC	28233
Presbyterian Hospital—Denton	3000 I–35 N.		Denton	TX	76201
Presbyterian Hospital—Dallas	Presbyterian Hospital	8200 Walnut Hill Lane.	Dallas	TX	75231
Presbyterian Hospital—Plano	6200 West Parker Road		Plano	TX	75093–7914
Presbyterian Intercommunity Hospital.	12401 Washington Boulevard		Whittier	CA	90602
Presbyterian/ St.Luke's Medical Center.	1719 E. 19th Avenue		Denver	CO	80218–1235
Prince George's Hospital Center	3001 Hospital Drive		Cheverly	MD	20785
Princeton Baptist Medical Center	Princeton BMC, Nursing Administration 701 Princeton Avenue, SW.		Birmingham	AL	35211–1399
Proctor Hospital	5409 N. Knoxville Avenue		Peoria	IL	61614
Protestant Memorial Medical Center.	4500 Memorial Drive		Belleville	IL	62226
Provena Covenant Medical Center.	1400 West Park Street		Urbana	IL	61801–9901
Provena Mercy Medical Center	1325 North Highland Avenue		Aurora	IL	60506
Provena Saint Joseph Medical Center.	333 North Madison Street		Joliet	IL	60435–6595
Provena Saint Marys Hospital	500 West Court Street		Kankakee	IL	60901
Provena St. Joseph Hospital	77 N. Airlite Street		Elgin	IL	60123

Facility name	Address 1	Address 2	City	State	Zip
Providence Alaska Medical Center.	3200 Providence Drive		Anchorage	AK	99508–4662
Providence Everett Medical Center.	1321 Coby Avenue	P.O. Box 1147	Everett	WA	98206–1147
Providence Health Center	6901 Medical Parkway		Waco	TX	76712
Providence Holy Cross Medical Center.	501 South Buena Vista Street		Burbank	CA	91505
Providence Hospital	6801 Airport Boulevard		Mobile	AL	36608
Providence Hospital	2435 Forest Drive		Columbia	SC	29204
Providence Medford Medical	1111 Crater Lake Avenue		Medford	OR	97504
Providence Medical Center	8929 Parallel Parkway		Kansas City	KS	66112–1689
Providence Memorial Hospital	2001 North Oregon Street		El Paso	TX	79902
Providence Park Hosptial	16001 W. Nine Mile Road		Novi	MI	48374
Providence Portland Medical Center.	9205 SW. Barnes Road	9205 South West. Barnes Road.	Portland	OR	97225
Providence Saint Joseph Medical Center.	501 South Buena Vista Street		Burbank	CA	91505
Providence Saint Vincent Medical Center.	Regional Heart Data Services	9205 South West Barnes Road #33.	Portland	OR	97225
Providence St. Peter Hospital	413 N. Lilly Road		Olympia	WA	98506
Providence Tarzana Medical Center.	18321 Clark Street		Tarzana	CA	91356–3501
Putnam Hospital Center	670 Stoneleigh Avenue		Carmel	NY	10512
Queen of the Valley Medical Center.	1000 Trancas Street		Napa	CA	94558
Queens Medical Center	1301 Punchbowl Street		Honolulu	HI	96813
Rancho Spring Medical Center	25500 Medical Center Drive		Murrieta	CA	92562
Rankin Medical Center	350 Crossgates Boulevard		Brandon	MS	39042
Rapid City Regional Hospital	353 Fairmont Boulevard		Rapid City	SD	57702
Rapides Regional Medical Center.	211 4th Street Box 30101		Alexandria	LA	71301
Raulerson Hospital (HCA)	1796 Highway 441 North		Okeechobee	LA	34972
Redmond Regional Medical Center.	501 Redmond Road		Rome	GA	30165
Reedsburg Area Medical Center	2000 N. Dewey Avenue		Reedsburg	WI	53959
Regents of the University of Michigan.	300 N. Ingalls Street 7A10		Ann Arbor	MI	48109
Regional Hospital of Jackson	367 Hospital Boulevard		Jackson	TN	38305
Regional Medical Center	225 N. Jackson Avenue		San Jose	CA	95116
Regional Medical Center	3000 St. Matthews Road		Orangeburg	SC	29118
Regional Medical Center	900 Hospital Drive		Madisonville	KY	42431–1644
Regional Medical Center Bayonet Point.	14000 Fivay Road		Hudson	FL	34667
Regions Hospital	640 Jackson Street	Mail Stop 11102–M	St. Paul	MN	55101
Reid Hospital & Healthcare Services.	1401 Chester Boulevard		Richmond	IN	47374
Renown Regional Medical Center.	1155 Mill Street	R 11	Reno	NV	89502
Research Medical Center	2316 East Meyer Boulevard	Cardiology Services.	Kansas City	MO	64132
Reston Hospital Center	1850 Town Center Parkway		Reston	VA	20190
Resurrection Medical Center	7435 Talcott Avenue		Chicago	IL	60631
Rex Hospital	4420 Lake Boone Trail		Raleigh	NC	27607
Rhode Island Hospital	593 Eddy Street		Providence	RI	02903
Richardson Regional Medical Center.	401 W. Campbell Road		Richardson	TX	75080
Richmond University Medical Center.	355 Bard Avenue		Staten Island	NY	10310
Riddle Memorial Hospital	1068 W. Baltimore Pike		Media	PA	19063–5177
Rideout Memorial Hospital	726 4th Street		Maryville	CA	95901
Ridgecrest Regional Hospital	1081 N. China Lake Boulevard		Ridgecrest	CA	93555
Riley Hospital	1102 Constitution Avenue		Meridian	MS	39301
Rio Grande Regional Hospital	101 E. Ridge Road		McAllen	TX	78503
River Oaks Hospital	1030 River Oaks Drive		Flowood	MS	39232
River Region Medical Center	2100 Highway 61 North		Vicksburg	MS	39183
Riverside Community Hospital	4445 Magnolia Avenue		Riverside	CA	92501
Riverside Medical Center	350 N. Wall Street		Kankakee	IL	60901
Riverside Methodist Hospital	3535 Olentangy River Road		Columbus	OH	43214
Riverside Regional Medical Center.	500 J Clyde Morris Boulevard		Newport News	VA	23601
Riverview Hospital	395 Westfield Road		Noblesville	IN	46060
Riverview Regional Medical Center.	600 South Third Street	P.O. Box 268	Gadsden	AL	35901

Facility name	Address 1	Address 2	City	State	Zip
Robert Packer Hospital	1 Guthrie Square		Gadsden	AL	18840
Robert Wood Johnson University Hospital.	1 Robert Wood Johnson Place		New Brunswick	NJ	08901
Robinson Memorial Hospital	6847 N. Chestnut Street		Ravenna	OH	44266
Rochester General Hospital	1425 Portland Avenue		Rochester	NY	14621
Rockford Memorial Hospital	2400 North Rockton Avenue		Rockford	IL	61103
Rogue Valley Medical Cent	2825 E. Barnett Road	Performance Improvement Dept..	Medford	OR	97504
Roper Hospital	316 Calhoun Street		Charleston	SC	29401
Rose Medical Center	4567 E. 9th Avenue		Denver	CO	80220–3941
Round Rock Medical Center	2400 Round Rock Medical Center.		Round Rock	TX	78681
Rush Hospital	1314 19th Avenue		Meridian	MS	39301
Rush University Medical Center	1653 West Congress Parkway		Chicago	IL	60612
Rush-Copley Medical Center Attn: Health Science Library.	2000 Ogden Avenue		Alexander City	AL	60504
Russell Medical Center	3316 Highway 280 P.O. Box 939.		Alexander City	AL	35011
Rutland Regional Medical Center	160 Allen Street		Rutland	VT	05701
Sacred Heart Hospital of Pensacola.	5151 North 9th Avenue		Pensacola	FL	32504–8721
Sacred Heart Hospital Attn: A/P	900 W. Clairemont Avenue		Eau Claire	WI	54701
Sacred Heart Medical Center	770 E. 11th Avenue		Eugene	OR	97401
Sacred Heart Medical Center	101 W. Eighth Avenue		Spokane	WA	99204
Saddleback Memorial Medical Center.	24451 Health Center Drive		Laguna Hills	CA	92653
Saint Agnes Medical Center	1303 E. Herndon Avenue		Fresno	CA	93720
Saint Anthony Medical Center	1201 S. Main Street		Crown Point	IN	46307
Saint Bernadine Medical Center	2101 N. Waterman Avenue	2101 N. Waterman Avenue.	San Bernadino	CA	92404–4836
Saint Clare's Hospital	611 St. Joseph's Avenue		Marshfield	WI	54449
Saint Elizabeth Health Center	1044 Belmont Avenue		Youngstown	OH	44511
Saint Elizabeth Hospital	2700 W. 9th Avenue Suite 107		Oshkosh	WI	54904
Saint Elizabeth Medical Center-South.	1 Medical Village Drive		Edgewood	KY	41017–3403
Saint Elizabeth Regional Medical Center.	555 S. 70th Street		Lincoln	NE	68510–2462
Saint Elizabeth's Hospital	211 South 3rd Street		Belleville	IL	62220–1915
Saint Francis Hospital	2122 Manchester Expressway		Columbus	GA	31904
Saint Francis Hospital	5959 Park Avenue		Memphis	TN	38119
Saint Francis Hospital	6161 S. Yale Avenue		Tulsa	OK	74136
Saint Francis Hospital & Health Center.	8111 S. Emerson Avenue		Indianapolis	IN	46237
Saint Francis Hospital & Medical Center.	114 Woodland Street		Hartford	CT	06105
Saint Francis Hospital of Evanston.	355 Ridge Avenue		Evanston	IL	60202
Saint John Hospital & Medical Center.	22151 Moross Road	Professional Bldg #1, #126.	Detroit	MI	48236–2148
Saint John Macomb-Oakland Hospital.	11800 E. 12 Mile Road	Room # 2510	Warren	MI	48093
Saint Johns Mercy Medical Center.	615 S. New Ballas Road		St. Louis	MO	63141
Saint Joseph—London	310 East 9th Street		London	KY	40741
Saint Joseph Hospital	2900 N. Lake Shore Drive		Chicago	IL	60657–6274
Saint Joseph Hospital	Saint Joseph Hospital & Medical Center.	350 West Thomas Road.	Phoenix	AZ	85013
Saint Joseph Hospital	1100 W. Steward Drive		Orange	CA	92868
Saint Joseph Hospital	2700 Dolbeer Street		Eureka	CA	95501
Saint Joseph Hospital	3001 W. Martin Luther King Boulevard.		Tampa	FL	33607
Saint Joseph Regional Health Center.	2801 Franciscan Street		Bryan	TX	77802–2544
Saint Joseph's Hospital	1824 Murdoch Avenue		Parkersburg	WV	26102–0327
Saint Josephs Hospital/ Marshfield Clinic.	611 St. Joseph Avenue		Marshfield	WI	54449–1832
Saint Joseph's Hospital of Atlanta.	5665 Peachtree Dunwoody Road.		Atlanta	GA	30342
Saint Louis University Hospital	3635 Vista at Grand		Saint Louis	MO	63110
Saint Luke's East—Lee's Summit	100 NE. Saint Luke's Boulevard		Lee's Summit	MO	64086
Saint Luke's Hospital	1026 A Avenue, North East		Cedar Rapids	IA	52406–3026
Saint Luke's Hospital	4401 Wornall Road (MAHI 5th Floor).		Kansas City	MO	64111
Saint Luke's Northland	Saint Luke's Hospital	4401 Wornall Road	Kansas City	MO	64111

Facility name	Address 1	Address 2	City	State	Zip
Saint Luke's Hospital	232 S. Woods Mill Road		Chesterfield	MO	63017–3417
Saint Luke's Regional Medical Center.	190 E. Bannock Street		Boise	ID	83712–6241
Saint Margaret Mercy	5454 Hohman Avenue		Hammond	IN	46320
Saint Mary Corwin Medical Center.	1008 Minnequa Avenue		Pueblo	CO	81004–3798
Saint Mary Mercy Hospital	36475 West Five Mile Road		Livonia	MI	48154
Saint Mary's Hospital	56 Franklin Street		Waterbury	CT	06706
Saint Mary's Hospital and Regional Medical Center.	2635 N. 7th Street		Grand Junction	CO	81501–8209
Saint Mary's Medical Center	2900 First Avenue		Huntington	WV	25702
Saint Mary's Medical Center	3700 Washington Avenue		Evansville	IN	47750
Saint Mary's Regional Medical Center.	235 W. Sixth Street		Reno	NV	89503
Saint Peter's Hospital	315 South Manning Boulevard		Albany	NY	12208
Saint Rita's Medical Center	730 West Market Street		Lima	OH	45801–4602
Saint Rose Dominican—Siena Campus.	3001 St. Rose Parkway		Henderson	NV	89052
Saint Thomas Health Care Services.	2000 Church Street	STHS–Baptist Hospital Campus.	Nashville	TN	37236
Saint Vincent Health Center	252 West 25th Street		Erie	PA	16544
Saint Vincent Hospital	123 Summer Street	Suite 270	Worcester	MA	01608
Saint Vincent Hospital Manhattan	170 W. 12th Street		New York	NY	10011
Saint Vincent Medical Center/Health Center.	2 St. Vincent Circle		Little Rock	AR	72205
Saint Vincent's Medical Center	2800 Main Street		Bridgeport	CT	06606
Salem Hospital (Regional Health Services).	665 Winter Street SE		Salem	OR	97301–3919
Salina Regional Health Center	400 S. Santa Fe Avenue		Salina	KS	67401
Salinas Valley Memorial Hospital	450 E. Romie Lane		Salinas	CA	93901–4098
Salt Lake Regional Medical Center.	1050 E South Temple		Salt Lake City	UT	84102
San Antonio Community Hospital	999 San Bernardino Road		Upland	CA	91786
San Francisco Heart and Vascular Institute.	1900 Sullivan Avenue		Daly City	CA	94015
San Jacinto Methodist Hospital	4401 Garth Road		Baytown	TX	77521
San Joaquin Community Hospital	2615 Eye Street		Bakersfield	CA	93301
San Joaquin General Hospital	500 W. Hospital Road		French Camp	CA	95231
San Juan Regional Medical Center.	801 W. Maple Street		Farmington	NM	87401
San Ramon Regional Medical Center.	6001 Norris Canyon Road		San Ramon	CA	94583
Sanford USD Medical Center	900 East 54th Street		Sioux Falls	SD	57104
Santa Barbara Cottage Hospital	P.O. Box 689		Santa Barbara	CA	93102–0689
Santa Rosa Memorial Hospital	1165 Montgomery Drive P.O. Box 522.		Santa Rosa	CA	95402
Sarasota Memorial Hospital	1700 S. Tamiami Trail		Sarasota	FL	34239
Satilla Heart Center	410 Darling Avenue		Waycross	GA	31501
Savoy Medical Center	801 Poincianna Street		Mamou	LA	70554
Scott and White Hospital	2401 South 31st Street		Temple	TX	76508
Scottsdale Healthcare Osborn	7400 E. Osborn Road		Scottsdale	AZ	85260
Scottsdale Healthcare Shea	9003 E. Shea Boulevard—Administration.		Scottsdale	AZ	85260
Scottsdale Healthcare Thompson Peak.	7400 E. Osborn Road		Scottsdale	AZ	85251
Scripps Green Hospital—La Jolla	10666 North Torrey Pines Road		La Jolla	CA	92037
Scripps Memorial Hospital Encinitas.	354 Santa Fe Drive		Encinitas	CA	92024
Scripps Memorial Hospital—La Jolla.	9888 Genessee Avenue		La Jolla	CA	92037
Scripps Mercy Hospital—San Diego.	4077 5th Avenue	MER 74	San Diego	CA	92103
Scripps Mercy Hospital—Chula Vista.	435 H Street		Chula Vista	CA	91910
Sebastian River Medical Center	13695 U.S. Highway 1		Sebastian	FL	32962
Self Regional Healthcare	1325 Spring Street		Greenwood	SC	29646
Sentara Norfolk General Hospital	600 Gresham Drive		Norfolk	VA	23507
Sentara Obici Hospital	2800 Goodwin Boulevard		Suffolk	VA	23434
Sentara Virginia Beach General Hospital.	1060 First Colonial Road		Virginia Beach	VA	23454–0685
Sequoia Hospital	Whipple and Alameda Avenues	170 Alameda de Las Pulgas.	Redwood City	CA	94062
Seton Medical Center	1201 W. 38th Street		Austin	TX	78705
Seton Medical Center Williamson	201 Seton Parkway		Round Rock	TX	78665

Facility name	Address 1	Address 2	City	State	Zip
Shady Grove Adventist Hospital	9901 Medical Center Drive		Rockville	MD	20850
Shands at AGH	801 SW. 2nd Avenue		Gainesville	FL	32601
Shands Jacksonville Medical Center.	655 West 8th Street		Jacksonville	FL	32209
Sharon Regional Health System	740 E. State Street		Sharon	PA	16146
Sharp Chula Vista Medical Center.	8695 Spectrum Center Court		San Diego	CA	92123
Sharp Grossmont	5555 Grossmont Center Drive		La Mesa	CA	91942
Sharp Memorial Hospital	7901 Frost Street		San Diego	CA	92123
Shasta Regional Medical Center	1100 Butte Street		Redding	CA	96001
Shawnee Mission Medical Center	9100 West 74th Street		Shawnee Mission	KS	66204–4004
Shelby Baptist Medical Center	1000 First Street North		Alabaster	AL	35007
Sherman Hospital	934 Center Street	Decision Support	Elgin	IL	60120
Shore Health System of Maryland.	219 South Washington Street		Easton	MD	21601
Sierra Medical Center	1625 Medical Center Drive		El Paso	TX	79902
Sierra Providence East Medical Center.	1625 Medical Center Drive		El Paso	TX	79902
Sierra Vista Regional Medical Center.	1010 S. Murray Avenue		San Luis Obispo	CA	93405
Silver Cross Hospital	1200 Maple Road		Joliet	IL	60432
Simi Valley Hospital & Health Care Services.	2975 North Sycamore Drive		Simi Valley	CA	93065
Sinai—Grace Hospital	6071 W. Outer Drive		Detroit	MI	48235
Sinai Hospital of Baltimore	2401 West Belvedere Avenue		Baltimore	MD	21215–5271
Singing River Hospital	3109 Bienville Boulevard		Ocean Springs	MS	39564
Sisters of Charity Hospital	2157 Main Street		Buffalo	NY	14120
Skaggs Community Health Center.	P.O. Box 650		Branson	MO	65615–0650
Skagit Valley Hospital Cardiac Cath Lab.	1415 E. Kincaid Street		Mt. Vernon	WA	98273
Skokie Hospital	9600 Gross Point Road	Cardiac Cath Lab	Skokie	IL	60076–1214
Sky Ridge Medical Center	10101 Ridgegate Parkway		Lone Tree	CO	80124
Skyline Medical Center/HTI Memorial Hospital Corp.	3441 Dickerson Pike		Nashville	TN	37207
Somerset Hospital	225 South Center Avenue		Somerset	PA	15501–2088
South Baldwin Regional Medical Center.	1613 N. McKenzie Street		Foley	AL	36535
South Bay Hospital	4016 Sun City Center Boulevard		Sun City Center	FL	33570
South Fulton Medical Center	1170 Cleveland Avenue		East Point	GA	30344
South GA Medical Center	P.O. Box 1727		Valdosta	GA	31603–1727
South Lake Hospital	1099 Citrus Tower Boulevard		Clermont	FL	34711
South Miami Hospital	6200 SW. 73rd Street		Miami	FL	33143
South Nassau Communities Hospital.	One Healthy Way		Oceanside	NY	11572
South Shore Hospital	55 Fogg Road		South Weymouth	MA	02190–2432
Southeast Alabama Medical Center.	1108 Ross Clark Circle		Dothan	AL	36301
Southeast Baptist Hospital	730 North Main Avenue	Suite 409	San Antonio	TX	78205
Southeast Missouri Hospital	1701 Lacey Street		Cape Girardeau	MO	63701
Southern Hills Hospital	9300 West Sunset Road		Las Vegas	NV	89148
Southern New Hampshire Medical Center.	8 Prospect Street		Nashua	NH	03060
Southern Ohio Medical Center	1805 27th Street		Portsmouth	OH	45662
Southern Regional Medical Center.	11 Upper Riverdale Road SW.		Riverdale	GA	30274
Southside Hospital	301 East Main Street		Bayshore	NY	11706
SouthView Hospital	1997 Miamisburg-Centerville Road.		Dayton	OH	45459
Southwest Florida Regional Medical Center.	636 Del Prado Boulevard Suite 104.		Cape Coral	FL	33990
Southwest General Health Center.	18697 Bagley Road		Middleburg Heights	OH	44130–3417
Southwest General Hospital	7400 Barlite Boulevard		San Antonio	TX	78224
Southwest Medical Center	2810 Ambassador Caffrey Parkway.		Lafayette	LA	70506
Southwest MS Regional Medical Center.	303 Marion Avenue		McComb	MS	39648
Southwest Washington Medical Center.	600 NE. 92nd Avenue		Vancouver	WA	98664
Southwestern Medical Center	5602 SW. Lee Boulevard		Lawton	OK	73505
Spalding Regional Medical Center.	601 South 8th Street		Griffin	GA	30224
Sparks Regional Medical Center	1311 South I Street		Fort Smith	AR	72917–7006

Facility name	Address 1	Address 2	City	State	Zip
Sparrow Health System	1215 East Michigan Avenue		Lansing	MI	48909–7980
Spartanburg Regional Medical Center.	101 East Wood Street	Cardiac Cath Lab/ 3rd Floor Heart Center.	Spartanburg	SC	29303
Spectrum Health	100 Michigan Street NE.	MC 037, Rm 3825A.	Grand Rapids	MI	49503–2560
Spring Branch Medical Center	8850 Long Point Road		Houston	TX	77055
Spring Valley Hospital	5400 S. Rainbow Boulevard		Las Vegas	NV	89118
Springfield Regional Medical Center—High Street Campus.	2615 E. High Street		Springfield	OH	45505
Springhill Memorial Hospital	3719 Dauphin Street		Mobile	AL	36608
SSM St. Joseph Health Center	300 First Capitol Drive		St. Charles	MO	63301
SSM St. Joseph Hospital of Kirkwood.	525 Couch Avenue		Kirkwood	MO	63122
St. Anthony Central Hospital	4231 W. 16th Avenue		Denver	CO	80204–1335
St. Anthony North Hospital	4231 W. 16th Avenue		Denver	CO	80204
St. James Hospital and Health Centers.	3800 West 203rd Street Suite 207.		Olympia Fields	IL	60461
St. Joseph Hospital	700 Broadway		Fort Wayne	IN	46802
St. Joseph Hospital-Oakland	44405 Woodward Avenue		Pontiac	MI	48341–5023
St. Joseph Medical Center	1717 South J Street		Tacoma	WA	98405–4933
St. Josephs Hospital	69 W. Exchange Street		St Paul	MN	55102
St. Joseph Hospital Health Center.	301 Prospect Avenue		Syracuse	NY	13203
St. Luke's Cornwall Hospital	70 DuBois Street		Newburgh	NY	12550
St. Mary's Health Care Systems	1230 Baxter Street		Athens	GA	30606
St. Mary's Hospital	400 North Pleasant		Centralia	IL	62801
St. Mary's Regional Medical Center.	305 S. 5th Street		Enid	OK	73701
St. Vincent Mercy Medical Center.	2213 Cherry Street		Toledo	OH	43608
St. Agnes Hospital	900 Caton Avenue		Baltimore	MD	21229
St. Agnes Hospital	430 E. Division Street		Fond du lac	WI	54935
St. Alexius Medical Center	1555 Barrington Road		Hoffman Estates	IL	60194–1018
St. Alphonsus Regional Medical Center.	1055 N. Curtis Road		Boise	ID	83706
St. Anthony Hospital	1000 N. Lee Avenue		Oklahoma City	OK	73102
St. Anthony Memorial Health Centers.	301 N. Homer Street	Cath Lab	Michigan City	IN	46360
St. Anthony's Health Care	1200 7th Avenue North	MS 2019	St. Petersburg	FL	33705
St. Anthony's Medical Center	10010 Kennerly Road		St. Loius	MO	63128–2106
St. Barnabas Medical Center	94 Old Short Hills Road		Livingston	NJ	07039
St. Bernards Medical Center	225 E. Jackson Avenue		Jonesboro	AR	72401
St. Catherine Hospital East Chicago.	1500 South Lake Park Avenue		Hobart	IN	46342
St. Catherine of Siena	50 Route 25A		Smithtown	NY	11787
St. Charles Hospital	200 Belle Terre Road		Port Jefferson	NY	11777
St. Charles Medical Center	2500 North East Neff Road		Bend	OR	97701–6015
St. Clair Hospital	St. Clair Hospital	1000 Bower Hill Road.	Pittsburgh	PA	15243
St. Cloud Regional Medical Center.	2906 17th Street		St. Cloud	FL	34769
St. David's Medical Center	919 East 32nd Street		Austin	TX	78765
St. David's South Austin Hospital	901 W. Ben White Boulevard		Austin	TX	78704
St. Dominic-Jackson Memorial Hospital.	969 Lakeland Drive		Jackson	MS	39216
St. Edwards Mercy Medical Center.	7301 Rogers Avenue		Ft. Smith	AR	72917–7000
St. Elizabeth Hospital Medical Center.	1501 Hartford Street		Lafayette	IN	47904
St. Elizabeth Medical Center	2209 Genesee Street		Utica	NY	13501
St. Francis Health Center	1700 SW. 7th Street		Topeka	KS	66605
St. Francis Hospital	One St. Francis Drive		Greenville	SC	29601
St. Francis Hospital	7th & Clayton Streets		Wilmington	DE	19805
St. Francis Hospital	333 Laidley Street	P.O. Box 44 Culloden, WV 25510.	Charleston	WV	25322
St. Francis Hospital	100 Port Washington Boulevard		Roslyn	NY	11576
St. Francis Medical Center	211 Saint Francis Drive		Cape Girardeau	MO	63703–5049
St. Francis Medical Center	3630 Imperial Highway		Lynwood	CA	90265
St. Francis Medical Center	309 Jackson Street		Monroe	LA	71201
St. Francis Medical Center	601 Hamilton Avenue		Trenton	NJ	08629
St. Francis North Hospital	309 Jackson Street		Monroe	LA	71201
St. Helena Hospital	10 Woodland Road		St. Helena	CA	94574

Facility name	Address 1	Address 2	City	State	Zip
St. James Health Care	400 South Clark Street		Butte	MT	59701
St. John Medical Center	1923 S. Utica Avenue	Heart Institute Education/ Research.	Tulsa	OK	74104
St. John Medical Center	1615 Delaware Street		Longview	WA	98632
St. John Providence Hospital	16001 W. Nine Mile Road		Southfield	MI	48075
St. John West Shore Hospital	29000 Center Ridge Road		Westlake	OH	44145
St. John's Hospital	800 E. Carpenter Street		Springfield	IL	62769
St. John's Hospital	1235 East Cherokee Street		Springfield	MO	65804
St. Johns Regional Medical Center.	2727 McClelland Boulevard		Joplin	MO	64804
St. Johns Regional Medical Center.	1600 N. Rose Avenue		Oxnard	CA	93030–3722
St. Joseph Hospital	172 Kinsley Street		Nashua	NH	03060
St. Joseph Hospital	360 Broadway		Bangor	ME	04401
St. Joseph Hospital	1 Saint Joseph Drive		Lexington	KY	40504
St. Joseph Hospital	2901 Squalicum Parkway		Bellingham	WA	98225
St. Joseph Medical Center	2200 E. Washington Street		Bloomington	IL	61701
St. Joseph Medical Center	12th & Walnut Streets		Reading	PA	19603
St. Joseph Medical Center	1401 St. Joseph Parkway		Houston	TX	77002
St. Joseph Medical Center	7601 Olser Drive		Towson	MD	21204
St. Joseph Mercy Hospital	5325 Elliot Drive		Ann Arbor	MI	48106
St. Joseph Reg. Medical Center	801 E. Lasalle Avenue		South Bend	IN	46617
St. Joseph Regional Medical Center.	703 Main Street		Paterson	NJ	07503
St. Joseph's Hospital	11705 Mercy Boulevard		Savannah	GA	31419
St. Joseph's Hospital	350 N. Wilmot Road		Tucson	AZ	85711
St. Joseph's Medical Center	127 S. Broadway		Yonkers	NY	10701
St. Josephs Medical Center of Stockton.	1805 North California Street	Suite #303	Stockton	CA	95204
St. Josephs Mercy Health Center	300 Werner Drive		Hot Springs	AR	71913
St. Jude Medical Center	101 East Valencia Mesa		Fullerton	CA	92835
St. Luke Hospital East	85 N. Grand Avenue		Ft. Thomas	KY	41075
St. Luke Hospital West	7380 Turfway Road		Florence	KY	41042
St. Luke's Baptist Hospital	730 North Main Avenue	Suite 409	San Antonio	TX	78205
St. Luke's Community Medical Center (The Woodlands).	17200 St. Luke's Way		The Woodlands	TX	77384
St. Luke's Episcopal Hospital	3100 Main Street	MC5–313	Houston	TX	77030
St. Lukes Hospital	363 Highland Avenue		Falls River	MA	02720
St. Lukes Hospital	5901 Monclova Road		Maumee	OH	43537
St. Luke's Hospital	915 E. First Street		Duluth	MN	55805
St. Luke's Hospital & Health Network.	801 Ostrum Street	St. Luke's Hospital & Health Network.	Bethlehem	PA	18015
St. Luke's Hospital and Health Network (Allentown Campus).	1736 Hamilton Boulevard		Allentown	PA	18104
St. Luke's Medical Center	2901 West Oklahoma Avenue		Milwaukee	WI	53215–4330
St. Luke's Medical Center	1800 E. Van Buren Street		Phoenix	AZ	85006
St. Luke's Regional Medical Center.	2720 Stone Park Boulevard		Sioux City	IA	51104
St. Luke's South Hospital	Saint Luke's Hospital	4401 Wornal Road	Kansas City	MO	64111
St. Luke's Sugar Land Hospital	3100 Main Street Suite 647D		Houston	TX	77002
St. Luke's-Roosevelt Hospital Center.	1111 Amsterdam Avenue		New York City	NY	10025
St. Mark's Hospital/Northern Utah Healthcare Corporation.	1200 East 3900 South		Salt Lake City	UT	84124
St. Mary Hospital	1201 Langhorne Newton Road		Langhorne	PA	19047
St. Mary Medical Center	18300 Highway 18		Appple Valley	CA	92307
St. Mary Medical Center	1050 Linden Avenue		Long Beach	CA	90813–3321
St. Mary Medical Center	1500 South Lake Park Avenue		Hobart	ID	46342
St. Mary of Nazareth Hospital Center.	2233 W. Division Street		Chicago	IL	60622
St. Mary's Health Center	6420 Clayton Road		St. Louis	MO	63117
St. Mary's Hospital	707 S. Mills Street		Madison	WI	53715–1849
St. Mary's Hospital (Passaic)	350 Boulevard		Passaic	NJ	07055
St. Mary's Medical Center	901 45th Street		West Palm Beach	FL	33407
St. Mary's Medical Center	450 Stanyan Street		San Francisco	CA	94117
St. Mary's Medical Center	900 E. Oak Hill Avenue		Knoxville	TN	37917
St. Mary's Medical Center	407 East Third Street		Duluth	MN	55805
St. Mary's of Michigan	800 S. Washington Avenue		Saginaw	MI	48601
St. Mary's Regional Medical Center.	P.O. Box 291 Campus Avenue		Lewiston	ME	04243–0291
St. Michael's Medical Center	111 Central Avenue		Newark	NJ	07102

Facility name	Address 1	Address 2	City	State	Zip
St. Patrick Hospital and Health Sciences Center.	500 W. Broadway		Missoula	MT	59802
St. Rose Dominican—De Lima Campus.	3001 Saint Rose Parkway		Henderson	NV	89052
St. Rose Dominican—San Martin	3001 Saint Rose Parkway		Henderson	NV	89052
St. Rose Hospital	27200 Calaroga Avenue		Hayward	CA	94539
St. Tammany Parish Hospital	1202 S. Tyler Street		Covington	LA	70433
St. Vincent Charity Hospital	2351 East 22nd Street		Cleveland	OH	44115
St. Vincent Healthcare	1233 N. 30th Street		Billings	MT	59101
St. Vincent Hospital	2660 10th Avenue South #738		Birmingham	AL	35205
St. Vincent Hospital	835 S. Van Buren Street		Green Bay	WI	54301
St. Vincent Medical Center	2131 W. 3rd Street		Los Angeles	CA	90703
St. Vincent's Medical Center	1800 Barrs Street		Jacksonville	FL	32204
St.Vincent's East	50 Medical Park East Drive		Birmingham	AL	35235–3499
Stamford Hospital Health Sciences Library.	30 Shelbourne Road P.O. Box 9317.		Stamford	CT	06904–9317
Stanford Hospital and Clinics	Falk Building 2nd Floor 300 Pasteur Drive.		Stanford	CA	94305
Staten Island University Hospital	475 Seaview Avenue		Staten Island	NY	10305
Stony Brook University Medical Center.	3 Technology Drive		East Setauket	NY	11733–4073
Stormont-Vail Regional Medical Center.	929 SW. Mulvane Street		Topeka	KS	66606
Straub Clinic & Hospital: Cath Lab.	888 S. King Street		Honolulu	HI	96813
Stringfellow Memorial Hospital	301 East 18th Street		Anniston	AL	36202
Suburban Hospital	8600 Old Georgetown Road		Bethesda	MD	20814
Summerlin Hospital Medical Center.	657 Town Center Drive		Las Vegas	NV	89144
Summit Healthcare Regional Medical Center.	2200 East Show Low Lake Road.		Show Low	AZ	85901
Summit Medical Center	East Main & South 20th Street		Van Buren	AZ	72956
Summit Medical Center	5655 Frist Boulevard		Hermitage	TN	37076
Sunrise Hospital and Medical Center.	3186 S. Maryland Parkway		Las Vegas	NV	89109
Sutter Delta Medical Center	3901 Lone Tree Way		Antioch	CA	94509
Sutter Medical Center—Sacramento.	3528 Eisenhower Drive		Sacramento	CA	95826
Sutter Medical Center of Santa Rosa.	3325 Chanate Road		Santa Rosa	CA	95404
Sutter Roseville Medical Center	One Medical Plaza		Roseville	CA	95661
Swedish American Hospital	1401 E. State Street		Rockford	IL	61104
Swedish Covenant Hospital	5145 N. California Avenue		Chicago	IL	60625
Swedish Health Services	500 17th Avenue #A85C		Seattle	WA	98104
Swedish Medical Center	501 East Hampden Avenue		Englewood	CO	80113
T. J. Samson Community Hospital.	1301 North Race Street		Glasgow	KY	42141
Tacoma General Hospital	315 Martin Luther King, Jr. Way		Tacoma	WA	98415
Tahlequah City Hospital	1400 East Downing Street		Tahlequah	OK	74465–1008
Tallahassee Memorial Hospital	1300 Miccosukee Road	Attn: Performance Improvement.	Tallahassee	FL	32308
Tampa General Hospital	1 Tampa General Circle		Tampa	FL	33601–1289
Temple University Hospital	3401 North Broad Street	1 PP Cardiology	Philadelphia	PA	19140
Terre Haute Regional Hospital	3901 South 7th Street		Terre Haute	IN	47802
Terrebonne General Medical Center.	8166 Main Street		Houma	LA	70360
Texoma Medical Center	1000 Memorial Drive		Denison	TX	75020
TexSAn Heart Hospital	6700 IH–10 West		San Antonio	TX	78201–2009
The Christ Hospital	2139 Auburn Avenue		Cincinnati	OH	45219
The George Washington University Hospital.	900 23rd Street, NW.		Washington	DC	20037
The Good Samaritan Hospital	P.O. Box 1281	4th and Walnut Streets.	Lebanon	PA	17042
The Heart Hospital at Deaconess Gateway, LLC.	600 Mary Street		Evansville	IN	47747
The Heart Hospital Baylor Plano	1100 Allied Drive		Plano	TX	75093
The Heart Hospital of Northwest Texas.	1501 S. Coulter Street	P.O. Box 1110	Amarillo	TX	79175
The Hospital at Westlake Medical Center.	5656 Bee Caves Road M–302		Austin	TX	78746
The Hospital of West Central Connecticut.	100 Grand Street P.O. Box 100		New Britain	CT	06050
The Indiana Heart Hospital	8075 North Shadeland Avenue		Indianapolis	IN	46250
The Medical Center (TMC)	1000 Dutch Ridge Road		Beaver	PA	15009

Facility name	Address 1	Address 2	City	State	Zip
The Medical Center of Southeast Texas.	2555 Jimmy Johnson Boulevard		Port Arthur	TX	77640
The Methodist DeBakey Heart Center.	6565 Fannin Street		Houston	TX	77030
The Monroe Clinic	515 22nd Avenue		Monroe	WI	53566
The Mount Sinai Medical Center	The Mount Sinai Medical Center		New York	NY	10029
The Nebraska Medical Center	987551 Nebraska Medical Center.		Omaha	NE	68198–7551
The Ohio State University Medical Center.	410 W. 10th Avenue	142 Doan Hall	Columbus	OH	43210
The Reading Hospital and Medical Center.	Sixth Avenue and Spruce Street		West Reading	PA	19611
The Surgery Center on Soncy	3501 Soncy Road Suite 118		Amarillo	TX	79119
The Toledo Hospital	2142 North Cove Boulevard	Jobst Tower Suite 200.	Toledo	OH	43606
The Valley Hospital	223 North Van Dien Avenue		Ridgewood	NJ	07450
The Village Regional Hospital				AR	
The Washington Hospital	155 Wilson Avenue		Washington	PA	15301–3398
The Western Pennsylvania Hospital.	4800 Friendship Avenue	CVI	Pittsburgh	PA	15224
The Wisconsin Heart Hospital, Inc.	WFH Clinical Data Management and Analysis.	5000 West Chambers, M229.	Milwaukee	WI	53210
Thomas Hospital	750 Morphy Avenue		Fairhope	AL	36532
Thomas Jefferson University Hospital.	TJUH	111 S. 11th Street Gibbon Building.	Philadelphia	PA	19107
Tift Regional Medical Center	P.O. Box 747	901 E. 18th Street	Tifton	GA	31794
Timpanogos Regional Hospital	750 W. 800 S.		Orem	UT	84057
Tobey Hospital	363 Highland Avenue		Fall River	MA	
Tomball Regional Hospital	605 Holderrieth Boulevard		Tomball	TX	77375
Torrance Memorial Medical Center.	3330 Lomita Boulevard		Torrance	CA	90505
Tri-City Medical Center	4002 Vista Way		Oceanside	CA	92056
Trident Regional Medical Center	9330 Medical Plaza Drive		Charleston	SC	29406
Trinity Hospitals	P.O. Box 5020		Minot	ND	58702
Trinity Medical Center	Attn: CardioVascular Services	800 Montclair Road	Birmingham	AL	35213
Trinity Medical Center	2701 17th Street	3rd Floor	Rock Island	IL	61201
Trinity Medical Center	4343 Josey Lane		Carrollton	TX	75010
Trinity Medical Center West	4000 Johnson Road		Steubenville	OH	43952
Trinity Regional Medical Center	802 Kenyon Road		Fort Dodge	IA	50501
Trinity Regional Medical Center	2701 17th Street	3rd Floor	Rock Island	IL	61201
Truman Medical Centers	2301 Holmes Street		Kansas City	MO	64108
Tucson Heart Hospital	4888 North Stone Avenue		Tucson	AZ	85704
Tucson Medical Center	5301 E. Grant Road		Tucson	AZ	85712
Tufts Medical Center	750 Washington Street		Boston	MA	02111
Tulane Medical Center	1415 Tulane Avenue		New Orleans	LA	70112
Tuomey Healthcare System Tuomey Regional Medical Center.	129 N. Washington Street		Sumter	SC	29150
UC San Diego Medical Center	200 W. Arbor Drive		San Diego	CA	92103
UMASS Memorial Medical Center.	55 Lake Ave North		Worcester	MA	01655–0002
Union Hospital	1606 N. 7th Street		Terre Haute	IN	47804
Union Hospital	106 Bow Street		Elkton	MD	21921
Union Memorial Hospital	201 E. University Parkway		Baltimore	MD	21218–2891
United Health Services Hospitals/ Wilson Regional Medical Center.	33—57 Harrison Street	Decker 4 Lobby	Johnson City	NY	13790
United Hospital	333 N. Smith Avenue		St. Paul	MN	55102
United Hospital Center, Inc.	P.O. Box 1680		Clarksburg	WV	53143
United Hospital System	6308 8th Avenue		Kenosha	WI	53143
United Regional Healthcare System.	1600 11th Street		Wichita Falls	TX	76301
Unity Health Center	1102 West MacArthur		Shawnee	OK	74804
Unity Hospital	550 Osbourne Road NE.		Minneapolis	MN	55432
Unity Hospital	1555 Long Pond Road		Rochester	NY	14626
University Community Hospital	3100 East Fletcher Avenue		Tampa	FL	33613
University Community Hospital Carrollwood Campur.	3100 East Fletcher Avenue		Tampa	FL	33613
University of Alabama Hospital	620 19th Street South		Birmingham	AL	35249
University Hospital	234 Goodman Street		Cincinnati	OH	45219
University Hospital	1350 Walton Way		Augusta	GA	30901
University Hospitals Bedford Medical Center.	44 Blaine Avenue		Bedford	OH	44146

Facility name	Address 1	Address 2	City	State	Zip
University Hospitals Case Medical Center.	11100 Euclid Avenue		Cleveland	OH	44106
University Hospitals Geauga Medical Center.	13207 Ravenna Road		Chardon	OH	44024
University Hospitals Richmond Medical Center.	27100 Chardon Road		Richmond Heights	OH	44143
University Hospital UMDNJ	150 Bergen Street		Newark	NJ	07101
University Medical Center	1501 N. Campbell Avenue		Tucson	AZ	85724
University Medical Center	1411 Baddour Parkway		Lebanon	TN	37087
University Medical Center	602 Indiana Avenue		Lubbock	TX	79410
University Medical Center LSU	2390 W. Congress Street		Lafayette	IA	70506
University Medical Center of El Paso.	4815 Alameda Avenue		El Paso	TX	79905
University Medical Center Southern Nevada.	1800 W. Charleston Boulevard		Las Vegas	NV	89102
University of Arkansas Medical Sciences.	4301 West Markham Street Suite 532.		Little Rock	AR	72205
University of Califorina, Irvine Division of Cardiology.	101 The City Drive		Orange	CA	92868
University of California (UCLA)	757 Westwood Boulevard Rm. 2412.		Los Angeles	CA	90095
University of California Davis Medical Center.	2315 Stockton Boulevard Main Hospital, Rm 6312.		Sacramento	CA	95817
University of California San Francisco Medical Center.	505 Parnassus Avenue L–523 Box 0210.		San Francisco	CA	94143–0210
University of Chicago Hospitals	5841 S. Maryland Avenue		Chicago	IL	60637
University of Colorado Hospital Authority.	16205 E. 16th Avenue	Box 132	Aurora	CO	80045
University of CT Health Center/ John Dempsey Hospital.	263 Farmington Avenue		Farmington	CT	06030
University of Florida (Shands) College of Medicine.	1600 SW. Archer Road		Gainesville	FL	32610
University of Illinois Medical Center at Chicago.	1740 W. Taylor Street	Bldg 949 Rm 2181	Chicago	IL	60610
University of Iowa Hospitals and Clinics.	200 Hawkins Drive		Iowa City	IA	52242
University of Kentucky	800 Rose Street		Lexington	KY	40536
University of Louisville Hospital	530 S. Jackson Street		Loiusville	KY	40202
University of Maryland Medical Center Cardiology.	22 S. Greene Street		Baltimore	MD	21201–1544
University of Miami	1400 NW. 12th Street		Miami	FL	33136
University of Minnesota Medical Center Fairview.	420 Delaware Street SE. MMC 815.		Minneapolis	MN	55455
University of Mississippi Medical Center.	2500 N. State Street		Jackson	MS	39216
University of Missouri Hospital and Clinics.	1 Hospital Drive		Columbia	MO	65212
University of New Mexico Hospital.	2211 Lomas Boulevard		Albuquerque	NM	87106
University of North Carolina Hospitals.	UNC Hospitals	101 Manning Drive CB#7075.	Chapel Hill	NC	27514
University of Rochester Medical Center.	601 Elmwood Avenue		Rochester	NY	14642
University of South Alabama Cardiology Department.	2451 Fillingim Street		Mobile	AL	36617
University of Tennessee Medical Center.	1924 Alcoa Highway		Knoxville	TN	37920–6999
University of Texas Health Science Center at Tyler.	11937 U.S. Highway 271		Tyler	TX	75728
University of Texas Medical Branch at Galveston.	301 University Boulevard		Galveston	TX	77555–0294
University of Texas Southwestern-University Hospital.	5323 Harry Hines Boulevard		Dallas	TX	75390–9013
University of Toledo Medical Center.	3065 Arlington Avenue	DH2261	Toledo	OH	43614
University of Utah Hospitals and Clinics.	50 North Medical Drive		Salt Lake City	UT	84132
University of Virginia Medical Center.	2441 Barringer West Complex	P.O. Box 800679	Charlottesville	VA	22908–0679
University of Washington Medical Center.	1959 NE. Pacific Street		Seattle	WA	98195–6422
University of Wisconsin Hospital & Clinics.	600 Highland Avenue MC 3204		Madison	WI	53792
UPMC Mercy	1400 Locust Street		Pittsburgh	PA	15219

Facility name	Address 1	Address 2	City	State	Zip
UPMC Passavant Hospital	9100 Babcock Boulevard		Pittsburgh	PA	15237
UPMC Presbyterian Hospital	461 Baum Road	2nd Floor	Pittsburgh	PA	15213
UPMC Shadyside Hospital	461 Baum Road	2nd Floor	Pittsburgh	PA	15213
Upper Chesapeake Medical Center, Inc.	500 Upper Chesapeake Drive		Bel Air	MD	21014
Upstate Medical University (SUNY).	750 East Adams Street		Syracuse	NY	13120
USC University Hospital	1500 San Pablo Street		Los Angeles	CA	90033
Utah Valley Regional Medical Center.	1034 S. 500 W		Provo	UT	84605
Val Verde Regional Medical Center.	801 Bedell Avenue		Del Rio	TX	78840
Valley Baptist Medical Center	2101 Pease Street		Harlingen	TX	78550
Valley Care Medical Center	1111 East Stanley Boulevard		Livermore	CA	94550
Valley Hospital Medical Center	620 Shadow Lane		Las Vegas	NV	89106
Valley Medical Center	400 South 43rd Street		Renton	WA	98058
Valley Presbyterian Hospital	15107 Vanowen Street		Van Nuys	CA	91405
Valley Regional Medical Center	Valley Regional Medical Center	100A East Alton Gloor Building.	Brownsville	TX	78526
Vanderbilt Heart Institute	1215 21st Avenue	MCE 5th floor	Nashville	TN	37232
Vassar Brothers Medical Center	45 Reade Place		Poughkeepsie	NY	12601
Vaughan Regional Medical Center.	1015 Medical Center Parkway		Selma	AL	36701
VCU—Medical College of Virginia.	P.O. Box 980036		Richmond	VA	23298
Venice Regional Medical Center	540 The Rialto		Venice	FL	34285
Verde Valley Medical Center	269 South Candy Lane		Cotttonwood	AZ	86326
Verdugo Hills Hospital	1812 Verdugo Boulevard		Glendale	CA	91208
Via Christi Wichita Health Network.	929 N. St. Francis Street		Wichita	KS	67214
Ville Platte Medical Center	800 East Main Street		Ville Platte	LA	70586
Virginia Hospital Center	1701 N. George Mason Drive		Arlington	VA	22205–3698
Virginia Mason Medical Center	1100 Ninth Avenue	X3–CVL	Seattle	WA	98111
WakeMed Cary Hospital	3000 New Bern Avenue		Raleigh	NC	27610
WakeMed Raleigh Campus	3000 New Bern Avenue		Raleigh	NC	27610
Walker Regional Medical Center	3400 Highway 78 E.		Jasper	AL	35501
Washington Adventist Hospital	7600 Carroll Avenue		Takoma Park	MD	20912
Washington County Hospital	251 East Antietam Street		Hagerstown	MD	21740
Washington Hospital	2000 Mowry Avenue		Fremont	CA	94538
Washington Hospital Center	110 Irving Street NW. Rm 5A14		Washington	DC	20010
Washington Regional Medical Center.	1125 N. College Avenue		Fayetteville	AR	72703–1994
Waterbury Hospital	P.O. Box 2153		Waterbury	CT	06722–2153
Waukesha Memorial Hospital	N–17 W24100 Riverwood Drive		Waukesha	WI	53188–1187
Wayne Memorial Hospital	P.O. Box 8001		Goldsboro	NC	27533
Weatherford Regional Medical Center.	713 East Anderson Street		Weatherford	TX	76086
Weiss Memorial Hospital	4646 N. Marine Drive		Chicago	IL	60640
Wellmont Holston Valley Medical Center.	130 W. Ravine Road		Kingsport	TN	37660
Wellstar Cobb Hospital	677 Church Street		Marietta	GA	30066
Wellstar Kennestone Hospital	677 Church Street		Marietta	GA	30066
Wesley Medical Center	550 N. Hillside Street		Wichita	KS	67214
West Anaheim Medical Center	3033 West Orange Avenue		Anaheim	CA	92084
West Florida Hospital	8383 North Davis Highway		Pensacola	FL	32514
West Georgia Medical Center	1514 Vernon Road		LaGrange	GA	30240
West Hills Hospital	7300 Medical Center Drive		West Hills	CA	91307
West Houston Medical Center	12141 Richmond Avenue		Houston	TX	77082
West Jefferson Medical Center	1101 Medical Center Boulevard		Marrero	LA	70072
West Penn Hospital Forbes Regional Campus.	2570 Haymaker Road		Monroeville	PA	15146
West Suburban Medical Center	3 Erie Court		Oak Park	Il	60302
West Valley Hospital	13677 W. McDowell Road		Goodyear	AZ	85338
West Virginia University Hospitals, Inc.	P.O. Box 8003	Medical Center Drive.	Morgantown	WV	26506–8003
Westchester County Medical Center.	95 Grasslands Road Suite 114		Valhalla	NY	10595
Western Baptist Hospital	2501 Kentucky Avenue		Paducah	KY	42003
Western Cardiology	9191 Grant Street		Denver	CO	80229
Western Medical Center Santa Ana.	1001 North Tustin Avenue		Santa Ana	CA	92705
Western Plains Medical Center	3001 Avenue A		Dodge City	KS	67801
Westside Regional Medical Center.	8201 West Broward Boulevard		Plantation	FL	33324

Facility name	Address 1	Address 2	City	State	Zip
Wheaton Franciscan Healthcare-All Saints, Inc.	WFHC Clinical Data Management and Analysis.	5000 West Chambers, M229.	Milwaukee	WI	53210
Wheaton Franciscan Healthcare-St. Francis, Inc.	WFHC Clinical Data Management and Analysis.	5000 West Chambers, M229.	Milwaukee	WI	53210
Wheaton Franciscan Healthcare-St. Joseph, Inc.	WFH Clinical Data Management and Analysis.	5000 West Chambers, M229.	Milwaukee	WI	53210
Wheeling Hospital	1 Medical Park		Wheeling	WV	26003
White County Medical Center	3214 E. Race Avenue		Searcy	AR	72143–4810
White Memorial Medical Center	1720 Cesar E. Chavez Avenue		Los Angeles	CA	90033
White River Medical Center	1710 Harrison Street		Batesville	AR	72501
William Beaumont Hospital	54373 Samara Drive		Macomb	MI	48073–2213
William Beaumont Hospita—Troy	44201 Dequindre Road		Troy	MI	48085
William W. Backus Hospital	326 Washington Street		Norwich	CT	06360
Willis-Knighton Pierremont	2600 Greenwood Road		Shreveport	LA	71103
Willis-Knighton Medical Center	2600 Greenwood Road		Shreveport	LA	71103
Wilson Memorial Hospital	915 West Michigan Street		Sidney	OH	45365
Wilson N. Jones Medical Center	500 N. Highland Avenue		Sherman	TX	75092
Winchester Medical Center Inc	220 Campus Boulevard	Suite 313	Winchester	VA	22601
Winter Haven Hospital	20005 Avenue F Northeast		Winter Haven	FL	33881
Winthrop University Hospital	19600 E. 39th Street		Independence	MO	64057
Wise Regional Health System	609 Medical Center Drive		Decatur	TX	76234
Woman's Christian Association Hospital.	207 Foote Avenue		Jamestown	NY	14701
Woodland Heights Medical Center.	505 S. John Redditt Drive		Lufkin	TX	75904
Wooster Community Hospital	1761 Beall Avenue		Wooster	OH	44691
Wuesthoff Health System	110 Longwood Avenue		Rockledge	FL	32956–5002
Wyckoff Heights Medical Center	374 Stockholm Street	Division of Cardiology-3rd Floor.	Brooklyn	NY	11237
Wyoming Medical Center	1233 East 2nd Street		Casper	WY	82601–2988
Wyoming Valley Health Care System.	575 North River Street		Wilkes-Barre	PA	18764
Yakima Regional Medical Center/Cardiac Center.	110 S. 9th Avenue		Yakima	WA	98902
Yakima Valley Memorial Hospital	2811 Tieton Drive		Yakima	WA	98902
Yale New Haven Hospital	20 York Street		New Haven	CT	06510
Yavapai Regional Medical Center	1003 Willow Creek Road		Prescott	AZ	86301
York Hospital	15 Hospital Drive		York	ME	03909
York Hospital	1001 South George Street		York	PA	17405
Yuma Regional Medical Center	2400 S. Avenue A		Yuma	AZ	85364

Addendum X—Active CMS Coverage-Related Guidance Documents [April through June 2009]

On September 24, 2004, we published a notice in the **Federal Register** (69 FR 57325), in which we explained how we would develop coverage-related guidance documents. These guidance documents are required under section 731 of the MMA. In our notice, we committed to the public that, ''At regular intervals, we will update a list of all guidance documents in the **Federal Register**.''

Addendum X includes a list of active CMS guidance documents as of the ending date of the period covered by this notice. To obtain full-text copies of these documents, visit the CMS Coverage Web site at *http://www.cms.hhs.gov/mcd/index_list.asp?list_type=mcd_1.*

Document Name: Factors CMS Considers in Commissioning External Technology Assessments.

Date of Issuance: April 11, 2006.

Document Name: Factors CMS Considers in Opening a National Coverage Determination.

Date of Issuance: April 11, 2006.

Document Name: (Draft) Factors CMS Considers in Referring Topics to the Medicare Coverage Advisory Committee.

Date of Issuance: March 9, 2005.

Document Name: National Coverage Determinations with Data Collection as a Condition of Coverage: Coverage With Evidence Development.

Date of Issuance: July 12, 2006.

Addendum XI—List of Special One-Time Notices Regarding National Coverage Provisions [April through June 2009]

As medical technologies, the contexts under which they are delivered, and the health needs of Medicare beneficiaries grow increasingly complex, our national coverage determination (NCD) process must adapt to accommodate these complexities. As part of this adaptation, our national coverage decisions often include multi-faceted coverage determinations, which may place conditions on the patient populations eligible for coverage of a particular item or service, the providers who deliver a particular service, or the methods in which data are collected to supplement the delivery of the item or service (such as participation in a clinical trial).

We outline these conditions as we release new or revised NCDs. However, details surrounding these conditions may need to be shared with the public as ''one-time notices'' in the **Federal Register**. For example, we may require that a particular medical service may be delivered only in the context of a CMS-recognized clinical research study, which was not named in the NCD itself. We would then use Addendum XI of this notice, along with our coverage Web site at *http://www.cms.hhs.gov/coverage,* to provide the public with information about the clinical research study that it ultimately recognizes.

Addendum XI includes any additional information we may need to share about the conditions under which

an NCD was issued as of the ending date of the period covered by this notice.

There were no Special One-Time Notices Regarding National Coverage Provisions published this quarter.

Addendum XII—National Oncologic PET Registry (NORP)

In January 2005, we issued our decision memorandum on positron emission tomography (PET) scans, which stated that CMS would cover PET scans for particular oncologic indications, as long as they were performed in the context of a clinical study. We have since recognized the National Oncologic PET Registry as one of these clinical studies. Therefore, in order for a beneficiary to receive a Medicare-covered PET scan, the beneficiary must receive the scan in a facility that participates in the Registry. The following facilities have met the CMS's requirements for performing PET scans under National Coverage Determination CAG–00181N.

Facility name	Provider No.	Date approved	State	Other information
Barnes-Jewish Hospital, Barnes-Jewish Plaza, Mailstop #90–72–374, St. Louis, MO 63110.	E40080o	03/07/2006	MO.	
Duke University Medical Center PET Facility, Room 0402 Duke So., Durham, NC 27710.	34003	03/07/2006	NC	Yellow Zone Box 3949.
VCU Health System-Molecular Imaging Center, Dept of Nuclear Medicine, North Hospital 7th Floor, Richmond, VA 23298.	490032	03/07/2006	VA	1300 East Marshall—P.O. Box 980001.
Acadiana Oncologic Imaging, 2311 Kaliste Saloom, Lafayette, LA 70508.	5CA64	03/06/2006	LA.	
Adler Institute for Advanced Imaging, 261 Old York Road Suite 106, Jenkintown, PA 19046.		03/07/2006	PA.	
Advanced Medical Imaging San Saba, 215 N. San Saba, Suite 107, San Antonio, TX 78207.	00BC90	03/07/2006	TX.	
Advanced Medical Imaging Stone Oak, 540 Oak Centre, Suite 100, San Antonio, TX 78258.	00BC90	03/07/2006	TX.	
Advanced Radiological PET Imaging, PC, 2334 30th Avenue, Astoria, NY 11102.	05677	03/07/2006	NY	Lower Level.
Akron Regional PET Scan, LLC, 3009 Smith Road, Suite 350, Akron, OH 44333.	AKID01691	03/07/2006	OH.	
American Radiology Services—Owings Mills, 21 Crossroads Drive, Suite 100, Owings Mills, MD 21117.	434L	03/07/2006	MD.	
American Radiology Services—Bethesda, 6430 Rockledge Drive, Suite 100, Bethesda, MD 20817.	G00000	03/07/2006	MD.	
American Radiology Services—Waldorf, 3510 Old Washington Road, Suite 101, Waldorf, MD 20602.	435L	03/07/2006	MD.	
American Radiology Services—Columbia, 8820 Columbia Parkway 100, Columbia, MD 21045.	434L	03/07/2006	MD.	
American Radiology Services—Frederick, 141 Thomas Johnson Drive, Suite 170, Frederick, MD 21702.	435L	03/07/2006	MD.	
American Radiology Services—Timonium, 2080 York Road, Suite 160, Timonium, MD 21093.	434L	03/07/2006	MD.	
Angel Williamson Imaging Center—Ft. Walton Beach, 1013–D Mar-Walt Drive, Ft. Walton Beach, FL 32547.	39953A	03/07/2006	FL.	
Angel Williamson Imaging Center—Pensacola, 5120 Bayou Boulevard Suite 9, Pensacola, FL 32503.	39953	03/07/2006	FL.	
Edison Imaging Center, 3900 Park Avenue, Suite 107, Edison, NJ 08820.	AS008835	03/07/2006	NJ.	
Avon Medical Diagnostic Center, 1480 Center Road, Suite C, Avon, OH 44011.	MC4039571	03/07/2006	OH.	
Baltimore Imaging Centers, 3708 Mountain Road, Pasadena, MD 21122.	H476	03/07/2006	MD.	
Baptist Hospital PET/CT, 1000 West Moreno Street, Pensacola, FL 32501.	100093	03/07/2006	FL.	
Bethesda Health City, 2623 S. Seacrest Boulevard, Boynton Beach, FL 33435.	40237	03/07/2006	FL.	
PET/CT Imaging at White Marsh, 9900 Franklin Square Drive, Suite D, Nottingham, MD 21236.	FMNX01	03/07/2006	MD.	
Biomedical Research Foundation PET Imaging Center, 1505 Kings Highway, Shreveport, LA 71103.	5D914	03/07/2006	LA.	
BodyScan of Louisville LLC, 807 Shelbyville Road, Suite 201, Louisville, KY 40222.	9372701	03/07/2006	KY.	
Bradley Regional PET Imaging, Cleveland, TN 37311	3373976	03/07/2006	TN	2305 Chambliss Ave NW.
PET Imaging Institute of NJ, 1608 Rte 88 West, Suite 302, Brick, NJ 08724.	070684	03/07/2006	NJ.	
Broward PET Imaging Center, LLC, 4850 W. Oakland Park Boulevard, Suite A, Fort Lauderdale, FL 33313.	E5709	03/07/2006	FL.	
Camelback Imaging, 15215 S. 48th Street, #110, Phoenix, AZ 85044.	100488	03/07/2006	AZ.	
California Imaging and Treatment Center, 3000 Oak Road, #111, Walnut Creek, CA 95497.	ZZZ27175Z	03/07/2006	CA.	
Cancer Care Centers of Brevard, 1430 S. Pine Street, Melbourne, FL 32901.	39835	03/07/2006	FL.	

Facility name	Provider No.	Date approved	State	Other information
Center for Medical Imaging—Florida Hospital, 1922 Salk Avenue, Tavares, FL 32778.	100057	03/07/2006	FL.	
Cancer Center of Colorado Springs, 320 E. Fontanero, Suite 200, Colorado Springs, CO 80907.	79804	03/07/2006	CO.	
Centro Sononuclear de Rio Piedras, 1028 Los Angeles Street, San Juan, PR 00926.	83910	03/07/2006	PR.	
Chattanooga Imaging East, 1710 Gunbarrel Road, Chattanooga, TN 37421.	3716643	03/07/2006	TN.	
Chester County PET Associates, 701 East Chester Marshall Street, West Chester, PA 19380.	085698	03/07/2006	PA.	
Cincinnati PET Scan, LLC—Kenwood, 7730 Montgomery Road, Suite 120, Cincinnati, OH 45236.	311754291	03/07/2006	OH.	
Cincinnati PET Scan, LLC Monfort Heights, 5575 Cheviot Road, Cincinnati, OH 45247.	311754291	03/07/2006	OH.	
Clinical PET of Hernando, 4003 Mariner Boulevard, Spring Hill, FL 34609.	L13228	03/07/2006	FL.	
Clinical PET of Citrus, 6140 W. Corporate Oaks Drive, Crystal River, FL 34429.	U0121	03/07/2006	FL.	
Clinical PET of Lake City, 484 SW. Commerce Drive, Suite 145, Lake City, FL 32025.	V2683	03/07/2006	FL.	
Clinical PET of Ocala, 3143 SW. 32nd Avenue, Suite 100, Ocala, FL 34474.	E7179	03/07/2006	FL.	
Columbus Regional Hospital, 2400 East 17th Street, Columbus, IN 47201.	150112	03/07/2006	IN.	
Concord Imaging, 18802 Meisner Drive, San Antonio, TX 78258.	00126Z	03/07/2006	TX.	
Dartmouth Hitchcock Medical Center, One Medical Center Drive, Lebanon, NH 03756.		03/07/2006	NH.	
Dedicated PET Imaging, 2315 Sunset Boulevard, Suite E, Steubenville, OH 43952.	01181	03/07/2006	OH.	
Diablo Valley Oncology & Hematology Medical Group, 3000 Oak Road, #111, Walnut Creek, CA 94597.	ZZZ26796Z	03/07/2006	CA.	
Diagnostic Imaging at Baywalk, 129 1st Avenue N., St. Petersburg, FL 33701.	00022	03/07/2006	FL.	
DMS Imaging, 2101 N. University Drive, Fargo, ND 58109		03/07/2006	ND	P.O. Box 8070.
Doylestown PET Associates, 599 W. State Street, Doylestown, PA 18901.	059536	03/07/2006	PA	Suite 202.
East Bay Medical Oncology-Hematology Assoc., Inc., 3000 Oak Road, #111, Walnut Creek, CA 94597.	ZZZ267792	03/07/2006	CA.	
East River Medical Imaging, 519 East 72 Street, Suite 103, New York, NY 10021.	W11781	03/07/2006	NY.	
El Camino Imaging Center, 8020 Constitution Place NE., Albequerque, NM 87110.	237150	03/07/2006	NM.	
Elite Imaging, LLC, 2845 Aventura Boulevard, Suite 145, Aventura, FL 33180.	K3535	03/07/2006	FL.	
EPIC Imaging Center, 233 NE. 102nd Avenue, Portland, OR 97220.	0000WCGNQ	03/07/2006	OR.	
Evergreen Radia, 11521 NE. 128th Street, Kirkland, WA 98034.	GAB39931	03/07/2006	WA.	
Excel Diagnostics Imaging Clinics, 9701 Richmond Avenue, Suite 122, Houston, TX 77042.	FTA109	03/07/2006	TX.	
First Imaging of the Carolinas, 30 Memorial Drive, Pinehurst, NC 29374.	2346997	03/07/2006	NC.	
Florida Hospital Advanced Nuclear Imaging PET, 328 Spruce Street, Orlando, FL 32804.	100007	03/07/2006	FL.	
Fort Jesse Imaging Center, LLC, 2200 Fort Jesse Road, Suite 120, Normal, IL 61761.	209824	03/07/2006	IL.	
Fox Chase Cancer Center, 333 Cotman Avenue, Philadelphia, PA 19111.	390196	03/07/2006	PA.	
Frederick Imaging Centers, 46B Thomas Johnson Drive, Frederick, MD 21702.	H476	03/07/2006	MD.	
Fusion Diagnostic Group, LLC, 1700 California Street, Suite 260, San Francisco, CA 94109.	00G366470	03/07/2006	CA.	
Fusion Imaging Institute, 2419 E. Commercial Boulevard, Suite 101, Ft. Lauderdale, FL 33308.	18281	03/07/2006	FL.	
Future Diagnostics Group, 254 N. Republic Avenue, Joliet, IL 60435.	200825	03/07/2006	IL.	
Greater Niagra PET, LLC, 1 Columbia Drive, Suite 3, Niagra Falls, NY 14305.	BA0213	03/07/2006	NY	Witmer Park Medical Center.
Hematology Oncology Associates of Baton Rouge, 4950 Essen Lane, Baton Rouge, LA 70809.	5C696	03/07/2006	LA.	
Gulf Coast Cancer & Diagnostic of Southeast, 12811 Beamer Road, Houston, TX 77089.	149949301	03/07/2006	TX.	

Facility name	Provider No.	Date approved	State	Other information
Henry Ford, Department of Radiology, 2799 W. Grand Boulevard, Detroit, MI 48202.	230053	03/07/2006	MI.	
High Point Regional Health System, 601 N. Elm Street, High Point, NC 27262.	3400040	03/07/2006	NC.	
Highlands Oncology Group, 3232 N. North Hills Boulevard, Fayetteville, AR 27203.	5B823	03/07/2006	AR.	
Holy Name Hospital, 718 Teaneck Road, Teaneck, NJ 07666.	310008	03/07/2006	NJ	PET/CT Center.
Holy Family Memorial Medical Center, P.O. Box 1450, Manitowoc, WI 54221.	520107	03/07/2006	WI	2300 Western Ave.
Hospital of Saint Raphael, 1450 Chapel Street, New Haven, CT 05611.	070001	03/07/2006	CT.	
San Patricio MRI & CT Center, 1508 Roosevelt Avenue, Suite 103, San Juan, PR 00920.	84997	03/07/2006	PR.	
Imaging Center of Hartford Hospital, 80 Seymour Street, P.O. Box 5037, Hartford, CT 06102.	070025	03/07/2006	CT.	
Indian Wells PET/CT Center, 74785 Highway 111, #101, Indian Wells, CA 92210.	1264523891	03/07/2006	CA.	
Imaging Technology Associates, 3800 Reservoir Road NW., Washington, DC 20007.	FDNCX1	03/07/2006	DC	Gorman 2043, PET Scan.
San Francisco Magnetic Resonance Center, 1180 Post Street, San Francisco, CA 94109.	ZZZ27498Z	03/07/2006	CA.	
Intermountain Medical Imaging, 2929 E. Magic View Drive, Meridian, ID 83642.	82–05144–22	03/07/2006	ID.	
Jefferson Center City Imaging, 850 Walnut Street, Philadelphia, PA 19107.	66277	03/07/2006	PA.	
Kansas City Cancer Center—Kansas, 12200 W. 110th Street, Overland Park, KS 66210.	5650000D	03/07/2006	KS.	
Kansas City Cancer Center—Missouri, 4881 Goodview Circle, Lee's Summit, MO 66064.	5650000E	03/07/2006	MO.	
Kreitchman PET Center, 180 Ft. Washington Avenue, HP3–315, New York, NY 10032.	WEM661	03/07/2006	NY.	
LakePointe PET, 10914 Hefner Pointe Drive, Suite 100, Oklahoma City, OK 73120.	700522143	03/07/2006	OK.	
Lakeshore PET Imaging, LLC, 4932 W. 95th Street, Oak Lawn, IL 60453.	200108	03/07/2006	IL.	
Larchmont Imaging Associates, LLC, 210 Ark Road, Mt. Laurel, NJ 08054.	517216	03/07/2006	NJ.	
Las Cruces PET/CT Imaging, 1121 Mall Drive, Suite D, Las Cruces, NM 88011.	300521065	03/07/2006	NM.	
Lehigh Valley Diagnostic Imaging PET/CT, 1230 S. Cedar Crest Boulevard, Suite 104, Allentown, PA 18103.	563802	03/07/2006	PA.	
LifeScan Louisville, LLC, 4046 Dutchmans Lane, Louisville, KY 40207.	9365601	03/07/2006	KY.	
Limerick PET Associates, 420 W. Linfield-Trappe Road, Limerick, PA 19468.	075015	03/07/2006	PA	Suite 3400, Third Floor, Rear.
LifeScan Minnesota, 6525 France Avenue S, Suite 225, Edina, MN 55435.	470000014	03/07/2006	MN.	
Louisiana PET Imaging of Alexandra, LLC, 5419 A Jackson Street Exit, Alexandria, LA 71303.	5C743	03/07/2006	LA.	
LMR PET, 12600 Creekside Lane, Ft. Meyers, FL 33919	E5725	03/07/2006	FL.	
Louisiana PET Imaging of Lake Charles, LLC, 1750 Ryan Street, Lake Charles, LA 70601.	5C905	03/07/2006	LA.	
Insight Diagnostic Center—Forest Lane, 11617 N. Central Expressway #132, Dallas, TX 75243.	FTA016	03/07/2006	TX.	
MDI of Thousand Oaks, 300 Lombard Street, Thousand Oaks, CA 91360.	W14186	03/07/2006	CA.	
Meadowbrook PET Associates, 1695 Huntington Pike, Meadowbrook, PA 19046.	064866	03/08/2006	PA.	
Medical Imaging of Baltimore, 6715 N. Charles Street, Baltimore, MD 21204.	258L	03/08/2006	MD.	
Metabolic Imaging of Laredo, 2344 Laguna Del Mar, Suites 5 & 6, Laredo, TX 78045.	FTN029	03/08/2006	TX.	
Methodist Hospital PET Imaging Center, 301 W. Huntington Drive, Suite 120, Arcadia, CA 91007.	9511643336	03/08/2006	CA.	
Metro Region PET Center at Chevy Chase, 5454 Wisconsin Avenue, Suite 810, Chevy Chase, MD 20815.	724811	03/08/2006	MD.	
Clinical PET of St. Charles County, 1475 Kisker Road, St. Charles, MO 63304.	000047047	03/08/2006	MO.	
Metro Region PET Center at Woodburn Nuclear Medicine, 3289 Woodburn Road, Annandale, VA 22003.	724811	03/08/2006	VA.	
Michiana Hematology-Oncology, PC, 100 Navarre Place, Suite 5550, South Bend, IN 46601.	216950	03/08/2006	IN.	

Facility name	Provider No.	Date approved	State	Other information
Michigan State University—Radiology, 184 Radiology Building, East Lansing, MI 48824.	OC36350	03/08/2006	MI.	
Clinical PET of West County, 450 N. New Ballas Road, Creve Coeur, MO 63141.	000093043	03/08/2006	MO.	
Modality Integration Services, Inc., 1854 SW. Greenway Circle, West Linn, OR 97068.		03/08/2006	OR.	
Molecular Imaging Center, 1733 Curie Drive, Suite 305, El Paso, TX 79912.	00315U	03/08/2006	TX.	
Molecular Imaging of Suburban Chicago, LLC, 908 N. Elm Street, Suite 110, Hinsdale, IL 60521.	212300	03/08/2006	IL.	
Montclair Road Imaging LLC, 924 Montclair Road Suite 108, Birmingham, AL 35213.	000056277	03/08/2006	AL.	
Montefiore Medical Center, 1695A Eastchester Road, Bronx, NY 10461.	W06552	03/08/2006	NY.	
Neurodiagnostics, PSC, 1725 Harrodsburg Road, Suite 100, Lexington, KY 40504.	0406	03/08/2006	KY.	
New Century Imaging, 555 Kinderkamack Road, Oradel, NJ 07649.	085146	03/08/2006	NJ.	
Newport Diagnostic Center, 1605 Avocado Avenue, Newport Beach, CA 92660.	W13396	03/08/2006	CA.	
Next Generation Radiology PET/CT, 560 Northern Boulevard, Suite 111, Great Neck, NY 11021.	WR6091	03/08/2006	NY.	
North Valley MRI and CT, 1638 Esplanade, Chico, CA 95926.	ZZZ247802	03/08/2006	CA.	
Northwest Alabama Cancer Center Radiology Services, 302 W. Dr. Hicks Boulevard, Florence, AL 35630.	051552219	03/08/2006	AL.	
Northern Kentucky PET Scan, LLC, 651 Centre View Boulevard, Crestview Hills, KY 41017.	311754291	03/08/2006	KY.	
Northwest Cancer Center, 17323 Red Oak Drive, Houston, TX 77090.	00D29C	03/08/2006	TX.	
Northwestern Memorial Hospital, 251 East Huron Street, Chicago, IL 60611.	140281	03/08/2006	IL	Galter 8–113.
Northern Shared Medical Services—Atlantic, IA, 1501 East Tenth Street, Atlantic, IA 50022.	I16068	03/08/2006	IA	Cass County Memorial Hospital.
Northern Shared Medical Services—Audubon, IA, 515 Pacific Street, Audubon, Iowa 50025.	I16068	03/08/2006	IA	Audobon County Memorial Hospital.
Northern Shared Medical Services—Beloit, KS, 400 West Eighth, Beloit, KS 67420.	130618	03/10/2006	KS	Mitchell County Hospital.
Northern Shared Medical Services—Bloomfield, IA, 507 North Madison Street, Bloomfield, IA 52537.	I16068	03/10/2006	KS	Davis County Hospital.
Northern Shared Medical Services—Carrollton, MO, 1502 North Jefferson, Carrollton, MO 64633.	000047013	03/10/2006	MO	Carroll County Memorial Hospital.
Northern Shared Medical Services—Centerville, IA, 1st St. Joseph Drive, Centerville, IA 52544.	I16068	03/10/2006	IA	Mercy Medical Center.
Northern Shared Medical Services—Carthage, IL, 160 S. Adams Street, Carthage, IL 62321.	208196	03/10/2006	IL	Memorial Hospital.
Northern Shared Medical Services—Clarinda, IA, 823 S. 17th Street, Clarinda, IA 51632.	I16068	03/10/2006	IA	Clarinda Regional Health Center.
Northern Shared Medical Services—Chanute, KS, 629 South Plummer Avenue, Chanute, KS 66720.	130618	03/10/2006	KS	Neosho Memorial Regional Medical Center.
Northern Shared Medical Services—Edwardsville, IL, 1121 University Drive, Edwardsville, IL 62025.	208196	03/10/2006	IL	Edwardsville Health Center.
Northern Shared Medical Services—El Dorado, AR, 700 West Grove Street, El Dorado, AR 71730.	5F168	03/10/2006	AR	Medical Center of South Arkansas.
Northern Shared Medical Services—Farmington, MO, 1212 Weber Road, Farmington, MO 63640.	000047013	03/10/2006	MO	Mineral Area Regional Medical Center.
Northern Shared Medical Services—Janesville, WI, 1321 Creston Park Drive, Janesville, WI 53545.	000092420	03/10/2006	WI	Janesville Occupational Health & Medical Center.
Northern Shared Medical Services—Hiawatha, KS, 300 Utah Street, Hiawatha, KS 66434.	130618	03/10/2006	KS	Hiawatha Community Hospital.
Northern Shared Medical Services—Keokuk, IA, 1600 Morgan Street, Keokuk, IA 52632.	I16068	03/10/2006	IA	Keokuk Area Hospital.
Northern Shared Medical Services—Macomb, IL, 525 East Grant Street, Macomb, IL 61455.	208196	03/10/2006	IL	McDonough District Hospital.
Northern Shared Medical Services—Mexico, MO, 620 East Monroe Street, Mexico, MO 65265.	000047013	03/10/2006	MO	Audrain Medical Center.
Northern Shared Medical Services—Moberly, MO, 1515 Union Avenue, Moberly, MO 65270.	000047013	03/10/2006	MO	Moberly Regional Medical Center.
Northern Shared Medical Services—Mountain Home, AR, 899 Burnett Drive, Mountain Home, AR 72653.	5F168	03/10/2006	AR	Cogburn Cancer Clinic.
Northern Shared Medical Services—Poplar Bluff, MO, 221 Physicians Park Drive, Poplar Bluff, MO 63901.	000047013	03/10/2006	MO	Poplar Bluff Medical Partners.
Northern Shared Medical Services—Perryville, MO, 434 North West Street, Perryville, MO 63775.	000047013	03/10/2006	MO	Perry County Memorial Hospital.

Facility name	Provider No.	Date approved	State	Other information
Northern Shared Medical Services—Rolla, MO, 1000 West Tenth Street, Rolla, MO 65401.	000047013	03/10/2006	MO	Phelps Co Regional Medical Center.
Northern Shared Medical Services—Virginia, MN, 901 Ninth Street North, Virginia, MN 55792.	470000057	03/10/2006	MN	Virginia Regional Medical Center.
Northern Shared Medical Services—Russellville, AR, 2504 West Main Street, Russellville, AR 72801.	5F168	03/10/2006	AR	Russellville Land Co.
Northern Shared Medical Services—West Plains, MO, 1100 Kentucky Avenue, West Plains, MO 65775.	000047013	03/10/2006	MO	Ozarks Medical Center.
Oakwood Hospital Medical Center, 18101 Oakwood Boulevard, Dearborn, MI 48124.	230020	03/10/2006	MI.	
Oakwood Southshore Medical Center, 5450 Fort Street, Trenton, MI 48183.	230176	03/10/2006	MI.	
Ocean Medical Imaging Center, 21 Stockton Drive, Toms River, NJ 08755.	158432	03/10/2006	NJ.	
Orange County Regional PET Center, LLC, 16300 Sand Canyon Avenue, Suite 103, Irvine, CA 92618.	TP018	03/10/2006	CA.	
Orange Advanced Imaging Center, 230 Main Street, #101, Orange, CA 92868.	TP016A	03/10/2006	CA.	
Pacific Coast Imaging—Irvine, 250 E Yale Loop, Suite A, Irvine, CA 92604.	WG87478B	03/10/2006	CA.	
Pacific Coast Imaging—Newport, 3300 West Coast Highway, Newport Beach, CA 92663.	WG87478	03/10/2006	CA.	
Pacific Imaging and Treatment Center, 5395 Ruffin Road, Suite 202, San Diego, CA 92123.	TP126	03/10/2006	CA.	
Palm Beach Cancer Institute, 1395 State Road 7, Suite 310, Wellington, FL 33414.	34754	03/10/2006	FL.	
Pennsylvania PET Associates, 800 Spruce Street, Philadelphia, PA 19107.	066282	03/10/2006	PA	Second Floor, Widener Building.
PET Center of Western NY, 127 North Street, Batavia, NY 14020.	187140	03/10/2006	NY.	
Pet Imaging at CDR, 7600 N. 15th Street, Suite 102, Phoenix, AZ 85020.	WCFDG	03/10/2006	AZ.	
PET Imaging at the Lake, 5000 Hennessy Boulevard, Baton Rouge, LA 70809.	5C868	03/10/2006	LA.	
PET Imaging Center at Harford County, 602 S. Atwood Road, Suite 201, Bel Air, MD 21014.	FMN006	03/10/2006	MD.	
PET Imaging Institute of South Florida, East 150 N. 35th Avenue, #665, Hollywood, FL 33021.	E3783	03/10/2006	FL.	
PET Imaging Institute of South Florida—West, 603 N. Flamingo Road, S–155, Pembroke Pines, FL 33028.	E3783	03/10/2006	FL.	
PET Scan Arizona—Peoria, 13460 N. 94th Drive, Suite J1, Peoria, AZ 85381.	75400	03/10/2006	AZ.	
PET Scan Arizona—Phoenix, 6036 N. 19th Avenue, Suite 305, Phoenix, AZ 85015.	66860	03/10/2006	AZ.	
PET/CT Diagnostic Medical Imaging, PC, 1200 Waters Place, Suite M108, Bronx, NY 10461.	W31091	03/10/2006	NY.	
Precision Imaging, 4416 East West Highway, Suite 410, Bethesda, MD 20814.	FMN005	03/10/2006	MD.	
Preferred PET Imaging of Kansas, LLC, 928 N. St. Francis Street, Wichita, KS 67214.	110693	03/10/2006	KS.	
Premium Diagnostics Center, 5319 Hoag Drive, Suite 130, Elyria, OH 44035.	ID01851	03/10/2006	OH.	
PET Center Ft. Worth, 800 W. Magnolia Avenue, Fort Worth, TX 76104.	0J062	03/10/2006	TX	Suite 100.
Radiology Associates, LLP, 6001 S. Staples Street, Corpus Christi, TX 78413.	00E816	03/10/2006	TX.	
S. Arlington Imaging Center, 4601 Matlock Road, Arlington, TX 76018.	0J062	03/10/2006	TX.	
Radiology Group Imaging Center, LLC, 1970 E. 53rd Street, Davenport, IA 52807.	16031	03/10/2006	IA.	
PET/CT Scan Center Pembroke, 11325 Pembroke Square, Suite 116, Waldorf, MD 20603.	521454775	03/10/2006	MD.	
New York MedScan, 751 Second Avenue, New York, NY 10017.	978701	03/10/2006	NY.	
Rex Healthcare, 4420 Lake Boone Trail, Raleigh, NC 27607	340114	03/10/2006	NC.	
San Fernando Regional PET Center, 6855 Noble Avenue, Van Nuys, CA 91405.	TP078	03/10/2006	CA.	
PET/CT Imaging Center of Northwest Florida, 5149 North 9th Avenue, Suite 124, Pensacola, FL 32504.	U4696	03/10/2006	FL.	
Saint Joseph's Hospital—Nuclear Medicine, 611 St. Joseph Avenue, Marshfield, WI 54449.	520037	03/10/2006	WI.	
Shared PET Imaging, LLC—Brooklyn, NY, 6300 Eight Avenue, Brooklyn, NY 11220.	97Z661	03/10/2006	NY.	

Facility name	Provider No.	Date approved	State	Other information
SC Cancer Specialists, 25 Hospital Center Boulevard #301, Hilton Head Island, SC 29926.	1285633289	03/10/2006	SC.	
Shared PET Imaging, LLC—Granger, IN, 6901 N. Main Street, Granger, IN 46530.	232800	03/10/2006	IN.	
University Hospital—Cincinnati, Eden Avenue & Albert Sabin Way, Cincinnati, OH 45219.		03/10/2006	OH.	
Shared PET Imaging, LLC—Marion, OH, 1050 Delaware Avenue, Marion, OH 43302.	ID01511	03/10/2006	OH.	
Shared PET Imaging, LLC—Terre Haute IN, 3702 South Fourth Street, Terre Haute, IN 47802.	201320	03/10/2006	IN.	
South Jersey Radiology Associates, PA, 100 Carnie Boulevard, Suite B5, Voorhees, NJ 08043.	S0429966	03/10/2006	NJ.	
Southwest PET/CT Institute—Tucson, 3503 N. Campbell Avenue, Suite 155, Tucson, AZ 85719.	1396736922	03/10/2006	AZ.	
Southwest PET/CT Institute—Yuma, 1951 W. 25th Street, Suite G, Yuma, AZ 85364.	106077	03/10/2006	AZ.	
St. Francis Health Center, 1700 SW. 7th Street, Topeka, KS 66606.	17–0016	03/10/2006	KS.	
Southwoods PET Scan, LLC, 250 Debartolo Place, Building B, Youngstown, OH 44512.	PCN05210036	03/10/2006	OH.	
St. Louis PET Centers, LLC, 12637 Olive Boulevard, Creve Coeur, MO 63376.	1861470734	03/10/2006	MO.	
St. Vincent's PET Center, LLC, 2660 10th Avenue S, POBI Suite 104, Birmingham, AL 35205.	051555054	03/10/2006	AL.	
Sun Molecular Imaging—Peoria, 13090 N. 94th Drive, #103, Peoria, AZ 85381.	71585	03/10/2006	AZ.	
Sun Molecular Imaging—Sun City West, 13909 W Camino Del Sol, #101, Sun City West, AZ 85375.	71585	03/10/2006	AZ.	
Tarzana Advanced Imaging, 5536 Reseda Boulevard, Tarzana, CA 91356.	TP051A	03/10/2006	CA.	
The Methodist Hospital PET Center, 6565 Fannin Street, MBI–066, Houston, TX 77030.	450358	03/10/2006	TX.	
Texarkana PET Imaging Institute, LP, 1929 Moores Lane, Texarkana, TX 75503.	FTN008	03/10/2006	TX.	
The PET/CT Center of North Florida, 5742 Booth Road, Jacksonville, FL 32207.	K7038P	03/10/2006	FL.	
The Washington Hospital, 155 Wilson Avenue, Washington, PA 15301.	390042	03/10/2006	PA.	
The PET/CT Scanning Center, 235 18th Street, SE., Hickory, NC 28602.	2881788	03/10/2006	NC.	
Thompson Cancer Survival Center PET Imaging Center, 9711 Sherrill Boulevard, Knoxville, TN 37923.	3791106	03/10/2006	TN.	
Thunderbird MRI and PET Center, 6591 W. Thunderbird Road, Suite A–1, Glendale, AZ 85306.	79467	03/10/2006	AZ.	
Tower Imaging Roxsan, 465 N. Roxbury Drive, Suite 101, Beverly Hills, CA 90210.	TP114	03/10/2006	CA.	
Tower Hematology Oncology Medical Group, 9090 Wilshire Boulevard, Suite 200, Beverly Hills, CA 90211.	W11793	03/10/2006	CA.	
TRA Medical Imaging, 2202 S. Cedar Street, Suite 200, Tacoma, WA 98405.	001055600	03/10/2006	WA.	
Trident PET of Fayette, 1275 Highway 54 West, Suite 102, Fayetteville, GA 30214.	47BBBJJ	03/10/2006	GA.	
Trident PET of Gwinnett, 545 Old Norcross Road, Lawrenceville, GA 30045.	47BBBGX	03/10/2006	GA	Suite 200.
Trident PET of Savannah, 7135 Hodgson Memorial Drive, Savannah, GA 31406.	47BBBKP	03/10/2006	GA	Suite 10A.
Tristan Associates, 4520 Union Deposit Road, Harrisburg, PA 17111.	112344	03/10/2006	PA.	
Union Square Diagnostic Imaging, 144 Fourth Avenue, New York, NY 10003.	WR7502	03/10/2006	NY.	
UCLA—Dept. of Molecular & Medical Pharmacology, 10833 Le Conte Avenue, Los Angeles, CA 90095.	HW13029	03/10/2006	CA	AR–115–CHS.
UCLA—Dept. of Molecular & Medical Pharmacology, 10833 Le Conte Avenue, Los Angeles, CA 90095.	HW13029	03/10/2006	CA	AR–115–CHS.
University Nuclear Medicine, Inc., 105 Parker Hall, Buffalo, NY 14214.	14414A	03/10/2006	NY	3435 Main St.
University Radiology Group, 75 Veronica Avenue, Suite 102, Somerset, NJ 08873.	425699	03/10/2006	NJ.	
Anne Arundel Medical Center, 2001 Medical Parkway, Annapolis, MD 21401.	210023	03/10/2006	MD.	
US Imaging Center Corp., LLC, 842 Sunset Lake Boulevard, Suite 301, Venice, FL 34292.	U0331	03/10/2006	FL.	
USC PET Imaging Science Center, 1510 San Pablo Street, Suite 350, Los Angeles, CA 90033.	W11874	03/10/2006	CA.	

Facility name	Provider No.	Date approved	State	Other information
Rolling Oaks Radiology, 415 Rolling Oak Drive, Suite 160, Thousand Oaks, CA 91361.	W10746	03/10/2006	CA.	
Vero Radiology Associates, Inc., 777 37th Street, Suite A–103, Vero Beach, FL 32960.	97445	03/10/2006	FL.	
Ventura Coast Imaging Center, 4601 Telephone Road, Suite 101, Ventura, CA 93003.	W11335	03/10/2006	CA.	
Washington Imaging Services, LLC, 1135–116th Avenue, NE., Bellevue, WA 98004.	GAB23386	03/10/2006	WA.	
Washington Hospital Center, 110 Irving Street, NW., Washington, DC 20010.	090011	03/10/2006	DC.	
Washoe Med Imaging Services at 75 Kirman, 75 Kirman Avenue, Reno, NV 89502.	WCHBB	03/10/2006	NV.	
Wesley Long Hospital-Moses Cone Health System, 501 North Elam Avenue, Greensboro, NC 27403.	34–0091	03/10/2006	NC.	
Westcoast Radiology, 36463 U.S. Highway, 19 N., Palm Harbor, FL 34684.	E4187	03/10/2006	FL.	
Western Washington Oncology, 4525 3rd Avenue SE., Lacey, WA 98503.	1497749642	03/10/2006	WA.	
Windber Medical Center, 600 Somerset Avenue, Windber, PA 15963.	390112	03/10/2006	PA.	
Wyoming Valley PET Associates, 190 Welles Street, Forty Fort, PA 18704.	045012	03/10/2006	PA.	
Youngstown Regional PET Scan, 850 McKay Court, Youngstown, OH 44512.	Y0ID0174	03/10/2006	OH.	
X-RAY Associates at Santa Fe, 490 A West Zia Road, Suite 130, Santa Fe, NM 87505.	2258263	03/10/2006	NM.	
Sibley Memorial Hospital, 5255 Loughboro Road, NW., Washington, DC 20016.	090005	03/10/2006	DC.	
Lerman Diagnostic Imaging, 6511 Fort Hamilton Parkway, Brooklyn, NY 11215.	16H771	03/10/2006	NY.	
XRC Medical Imaging, 53940 Carmichael Drive, South Bend, IN 46635.	187390	03/10/2006	IN.	
St. Luke's Hospital, 1026 A. Avenue N.E., Cedar Rapids, IA, 52406–3026.	160045	03/10/2006	IA	P.O. Box 3026.
University Imaging at Science Park, 110 Science Parkway, Suite 100, Rochester, NY 14620.	16624A	03/10/2006	NY.	
Kadlec Medical Center/Nuclear Medicine Dept., 945 Goethals Street, Richland, WA 99352.	1972507580	03/10/2006	WA.	
Central Georgia PET, LLC, 1650 Hardmon, Macon, GA 31201.	47BBBKC	03/10/2006	GA.	
PET/CT Imaging at Swedish Cancer Institute, 1221 Madison Street, First Floor, Seattle, WA 98104.	8857387	03/10/2006	WA.	
National PET Scan Duval, LLC, 425 North Lee Street, Jacksonville, FL 32204.	E7348	03/10/2006	FL.	
National PET Scan Pinellas, LLC, 805 Executive Center Drive W., St. Petersburg, FL 33702.	E7503	03/10/2006	FL.	
National PET Scan Dade, LLC, 7867 North Kendall Drive, Suite 121, Miami, FL 33156.	E5427	03/10/2006	FL.	
National PET Scan Broward, LLC, 6290 North Federal Highway, Fort Lauderdale, FL 33308.	E5432	03/10/2006	FL.	
Scottsdale Medical Imaging, Ltd., 7624 E. Indian School Road, Suite 109–1, Scottsdale, AZ 85251.	WCFKX	03/10/2006	AZ.	
Lakes Regional General Hospital, 80 Highland Street, Laconia, NH 03246.	300005	03/10/2006	NH.	
Northern California PET Imaging Center, 3195 Folsom Boulevard, Sacramento, CA 95816.	ZZZ15725Z	03/10/2006	CA.	
Northern California PET Imaging Center—Mobile, 3195 Folsom Boulevard, Sacramento, CA 95816.	ZZZ25157Z	03/10/2006	CA.	
Northern California PET Imaging Center—VAPA, 3801 Miranda Avenue, Palo Alto, CA 94304.	ZZZ21308Z	03/10/2006	CA.	
Advanced Medical Imaging, 3548 Route 9 South, Old Bridge, NJ 08857.	595865	03/10/2006	NJ.	
St. Vincent Infirmary Medical Center, PET/CT Center, 2 St. Vincent Circle, Little Rock, AR 72205–5499.	04–0007	03/10/2006	AR.	
Lincoln Trail Diagnostics, 1111 Woodland Drive, Elizabethtown, KY 42701.	470001408	03/10/2006	KY.	
LifeScan Imaging, 607 Clifty Street, Somerset, KY 42503	7614	03/10/2006	KY.	
St. John's Hospital Springfield Nuclear Medicine, 1235 E. Cherokee Street, Springfield, MO 65804.	26–0065	03/10/2006	MO.	
City of Hope, 1500 E. Duarte Road, Duarte, CA 91010	050146	03/10/2006	CA	Dept. of Nuclear Medicine.
Hackettstown Regional Medical Center, 651 Willow Grove Street, Hackettstown, NJ 07840.	310115	03/10/2006	NJ.	
Imaging Alliance—Nashville PET, LLC, 52 White Bridge Road, Nashville, TN 37205.	3791068	03/10/2006	TN.	

Facility name	Provider No.	Date approved	State	Other information
Molecular Imaging of Bradenton, 2301 60th Street, Court West, Suite A, Bradenton, FL 34209.	U1334	03/10/2006	FL.	
Molecular Imaging of Charlotte County, 4130 Tamiami Trail, Port Charlotte, FL 33952.	U1934	03/10/2006	FL.	
Imaging For Life, 3830 Bee Ridge Road, Suite A, Sarasota, FL 34233.	E6704	03/10/2006	FL.	
Seattle Nuclear Medicine/Ultrasound Associates, 1229 Madison Street, Suite 1050, Seattle, WA 98104.	G000158400	03/10/2006	WA.	
Columbus Circle Imaging, 1790 Broadway, 9th Floor, Yonkers, NY 10704.	W00691	03/10/2006	NY.	
Bryn Mawr Imaging Center-PET, 100 Lancaster Avenue, Wynnewood, PA 19096.	473120	03/10/2006	PA.	
Beth Israel Deaconess Medical Center, 330 Brookline Avenue, Boston, MA 02215.	220086	03/10/2006	MA.	
Boca Raton Community Hospital, 800 Meadows Road, Boca Raton, FL 33486.	100168	03/10/2006	FL.	
Centro Tomograficio de PR, Inc., 1409 Ashford Avenue, San Juan, PR 00907.	0087834	03/10/2006	PR.	
Comprehensive Cancer Centers of Nevada, 3730 S. Eastern Avenue, Las Vegas, NV 89109.	WCHCX	03/10/2006	NV.	
Grossman Imaging Center of CMH, 2151 E. Gonzales Road, Suite 101, Oxnard, CA 93036.	W17252	03/10/2006	CA.	
Cookeville Regional Medical Center, 142 W. 5th Street, Cookeville, TN 38501.	440059	03/10/2006	TN.	
Instituto Central de Diagnostico, Inc., 1er. Floor Oncologic Hospital, San Juan, PR 00928.	007835	03/10/2006	PR	PR Medical Center.
Mercy Medical Center—Cedar Rapids, 701 Tenth Street SE., Cedar Rapids, IA 52403.	16–0079	03/10/2006	IA.	
Midwest Radiologic Imaging—1144217241, 4087 Gateway Boulevard, Newburgh, IN 47630.	1144217241	03/10/2006	IN.	
Miami Valley Hospital, 1 Wyoming Street, Dayton, OH 45409.	360051	03/10/2006	OH.	
Midwest Radiologic Imaging—214790, 4087 Gateway Boulevard, Newburgh, IN 47630.	214790	03/10/2006	IN.	
Midwest Regional PET/CT Center, 6001 S. Sharon Avenue, Suite #2, Sioux Falls, SD 57108.	41406	03/10/2006	SD.	
Mission Hospital, PET Center, 222 Asheland Avenue, Asheville, NC 28801.	3400002	03/10/2006	NC.	
Mobile Molecular Imaging, LLC, 100 Memorial Hospital Drive, Suite 1E, Mobile, AL 36608.	1003804345	03/10/2006	AL.	
Nebraska Health Imaging, 7819 Dodge Street, Omaha, NE 68114.	098975	03/13/2006	NE.	
Montgomery Metabolic & Memory Imaging Center, 7100 University Court, Montgomery, AL 36117.	057554625	03/13/2006	AL.	
Orange County Diagnostic Radiology, Inc., 17150 Euclid Street, Suite 101, Fountain Valley, CA 92708.	TD057	03/13/2006	CA.	
Northwest PET Imaging, 265 N. Broadway, Portland, OR 97227.	105512	03/13/2006	OR.	
Nevada Cancer Institute Medical Group, One Breakthrough Way, 10441 W. Twain Avenue, Las Vegas, NV 89135.	100505	03/13/2006	NV.	
Positron Emission Tomography Institute at Hampton, 5357 Henneman Drive, Norfolk, VA 23513.	FVN001	03/13/2006	VA.	
Positron Imaging Facility, 1311 Record Crossing Road, Mail Code 9140, Dallas, TX 75235.	UT000F626	03/13/2006	TX.	
Premier Diagnostic Imaging, 10019 Forest Green Boulevard, Louisville, KY 40299.	9375201	03/13/2006	KY.	
Positron PET/CT of the Southern Tier, 169 Riverside Drive, Binghamton, NY 13905.	AA1047	03/13/2006	NY.	
Radiology Regional Center, PA, Inc.—Naples, 700 Goodlette Road, Naples, FL 34102.	77185	03/13/2006	FL.	
Somascan Plaza, Inc., Suite 405 Torre de Plaza Plaza Las Americas, San Juan, PR 00917.	0089178	03/13/2006	PR.	
Somascan, Inc., Jose Marti #56, San Juan, PR 00917	0082435	03/13/2006	PR.	
Southern Indiana Radiological Associates, 500 Landmark Avenue, Bloomington, IN 47403.	214160	03/13/2006	IN.	
Southern Illinois Cancer Center, 10286 Fleming Road, Carterville, IL 62918.	643740	03/13/2006	IL.	
South Nassau PET, One Healthy Way, Oceanside, NY 11572.	97z851	03/13/2003	NY.	
Southwest Diagnostic Center for Molecular Imaging, 8440 Walnut Hill Lane, Suite 100, Dallas, TX 75231.	FTN–015	03/13/2006	TX.	
St. Mary's Health Systems, 900 E. Oakhill Avenue, Knoxville, TN 37917.	440120	03/13/2006	TN.	

Facility name	Provider No.	Date approved	State	Other information
Tower Diagnostic Center, 4719 N. Habana Avenue, Tampa, FL 33614.	00169	03/13/2003	FL.	
Torrance Morial Medical Center, 3330 Lomita Boulevard, Torrance, CA 90505.	050351	03/13/2006	CA.	
University of Colorado Hospital (AOP), 1635 N. Ursula Street, Aurora, CO 80045.	06–0024	03/13/2006	CO.	
William Beaumont Hospital—Royal Oak, 3601 West 13 Mile Road, Royal Oak, MI 48073–6769.	23030	03/13/2006	MI.	
Esther Quijoy Catalya, M.D., 3000 Oak Road #111, Walnut Creek, CA 94597.	00A449120	03/13/2006	CA.	
Valley PET Institute, 311 S. Ham Lane, Lodi, CA 95242	00C283720	03/13/2006	CA.	
Dan Ben-Zeev, M.D., 3000 Oak Road #111, Walnut Creek, CA 94597.	00G129831	03/13/2006	CA.	
Midwest Center for Advanced Imaging, 1307 Macom Drive, Naperville, IL 60564.	L72461	03/13/2006	IL.	
Crittenton Hospital Medical Center, 1101 W. University Drive, Rochester, MI 48307.	230054	03/13/2006	MI.	
Medical Specialists of Palm Beaches, Inc., 5700 Lake Worth Road, Suite 204, Lake Worth, FL 33463.	33941A	03/13/2006	FL.	
PET Medical Imaging Center, 3264 North Evergreen Drive, Grand Rapids, MI 49525.	0P02650	03/13/2006	MI.	
Radiology Regional Center, PA, Inc.—RPET, 6100 Winkler Road, Suite A, Fort Myers, FL 33919.	77185	03/13/2006	FL.	
Good Samaritan Hospital, 520 S. 7th Street, Vincennes, IN 47591.	150042	03/13/2006	IN.	
Central Indiana Cancer Center, 6845 Rama Drive, Indianapolis, IN 46219.	065910	03/13/2006	IN.	
Decatur PET Imaging, 2774 W. Decatur Road, Decatur, GA 30033.	47BBBLP	03/13/2006	GA.	
Community Memorial Hospital, Medical Imaging, 855 S. Main Street, Oconto Falls, WI 54154.	00439MPN	03/13/2006	WI.	
Olympic Radiology, 2700 Clare Avenue, Bremerton, WA 98310.	000242100	03/13/2006	WA.	
Capitol Imaging, 3161 L Street, Sacramento, CA 95816	1285615294	03/13/2006	CA.	
National Medical Imaging—Bryn Mawr, 574 W. Lancaster Avenue, Bryn Mawr, PA 19010.	024513	03/13/2006	PA.	
National Medical Imaging—Langhorne, 2 Doublewoods Road, Suite B, Langhorne, PA 19047.	024513	03/13/2006	PA.	
National Medical Imaging—Philadelphia, 1903–05 South Broad Street, Philadelphia, PA 19148.	024513	03/13/2006	PA.	
University of VA Health System, Radiology, 1215 Lee Street, Charlottesville, VA 22908.	490009	03/13/2006	VA.	
Florida Institute for Advanced Diagnostic Imaging, 9238 U.S. 19, Port Richey, FL 34668.	59–3475930	03/13/2006	FL.	
Roseville PET & Nuclear Medicine Imaging, 2241 Douglas Boulevard #110, Roseville, CA 95661.	1194706689	03/13/2006	CA.	
Memorial Sloan Kettering Cancer Center, 1275 York Avenue, New York, NY 10021.	330154	03/13/2006	NY.	
Northeast PET Imaging Center, 8400 Roosevelt Boulevard, Suite 208, Philadelphia, PA 19152.	083723	03/13/2006	PA	Medical Arts Center at Parte Ridge.
UAMS PET Center, 4301 West Markham Street, Little Rock, AR 72205.	50528	03/13/2006	AR.	
Joliet Oncology-Hematology Assoc., Ltd., 1600 W. Route 6, Morris, IL 60450.	205474	03/13/2006	IL.	
Saint Luke's Hospital, 4323 Wornall Road, Kansas City, MO 64111.	26–0138	03/13/2006	MO	AH Peet Center.
Mercy Medical Center, 1320 Mercy Drive, Canton, OH 44708.	360070	03/13/2006	OH.	
Dayton Medical Imaging Center, 7901 Schatz Pointe Drive, Dayton, OH 45459.	US1D00231	03/13/2006	OH.	
Community Radiology of Virginia, 2000 Leatherwood Lane, Bluefield, VA 24605.	FVA002	03/13/2006	VA.	
Bab Radiology—Huntington, 75 East Main Street, Huntington, NY 11743.	W1L612	03/13/2006	NY.	
Bab Radiology—Hauppauge, 521 Route 111, Suite 312, Hauppauge, NY 11788.	W1L601	03/13/2006	NY.	
Center for Diagnostic Imaging—37, 5775 Wayzata Boulevard #190, St. Louis Park, MN 55416.	470000037	03/13/2006	MN.	
Center for Diagnostic Imaging, 5775 Wayzata Boulevard, Suite 190, St. Louis Park, MN 55416.	C01307	03/13/2006	MN.	
Center for Diagnostic Imaging—Mendota Heights, 910 Sibley Memorial Highway, Mendota Heights, MN 55118.	470000038	03/13/2006	MN.	
Huntsville Hospital Imaging Center, 1963 Memorial Parkway, Huntsville, AL 35801.	010039	03/13/2006	AL.	

Facility name	Provider No.	Date approved	State	Other information
Long Beach PET Imaging Center, 2888 Long Beach, Boulevard, Suite 110, Long Beach, CA 90806.	TG167	03/13/2006	CA.	
Highway Imaging Associates, LLP, 2095 Flatbush Avenue, Brooklyn, NY 11234.	W10671	03/13/2006	NY.	
St. Vincent Hospital, P.O. Box 13508, Green Bay, WI 54307	520075	03/13/2006	WI.	
Park South Imaging Center, 6215 21st Avenue, West #A, Bradenton, FL 34209.	E1858	03/13/2006	FL.	
Mary Bird Perkins Cancer Center, 4950 Essen Lane, Baton Rouge, LA 70809.	57290	03/13/2006	LA.	
Boston Diagnostic Imaging, 398 Altamonte Drive, Altamonte Springs, FL 32701.	E3510	03/13/2006	FL.	
Sioux Valley Hospital Medical Center, 1305 W. 18th Street, Sioux Falls, SD 57117.	430027	03/13/2000	SD.	
Indianapolis Regional PET Scan, LLC, 3830 Shore Drive, Indianapolis, IN 46254.	207260	03/13/2006	IN.	
St. Joseph's PET Center, 1 Mercy Lane, Suite 105, Hot Springs, AR 71913.	5C739	03/13/2006	AR.	
Hinsdale PET Scan, LLC, 812 Ogden Avenue, Westmont, IL 60559.	206271	03/13/2006	IL.	
Del Amo PET Imaging Center, 3531 Fashion Way, Torrance, CA 90501.	TP120	03/13/2006	CA.	
North Shore PET Imaging Center, 85 Herrick Street, Beverly, MA 1915.	327110	03/13/2006	MA	Beverly Hospital.
Robert D. Russo & Associates Radiology, PC, P.O. Box 6128, Bridgeport, CT 06606.	C02013	03/13/2006	CT.	
Advanced Medical Specialties, 9035 Sunset Drive, Suite 102, Miami, FL 33173.	K7806	05/03/2006	FL.	
Baptist M & S Imaging Center—Downtown, 215 E. Quincy Street #100, San Antonio, TX 78215.	FTA078	05/03/2006	TX.	
Community Cancer Center, 545 W. Umpqua Street, Roseburg, OR 97470.	R116571	05/03/2006	OR.	
Baptist M & S Imaging Center, 7888 Fredericksburg Road, San Antonio, TX 78228.	FTA078	05/03/2006	TX.	
Evanston Northwestern Healthcare—Highland Park, 757 Park Avenue West, Highland Park, IL 60035.	14–0010	05/03/2006	IL.	
Grenada Diagnostic Radiology, 1300 Sunset Drive, Suite U, Grenada, MS 38901.	470000034	05/03/2006	MS.	
Huntsman Cancer Hospital, 2000 Circle of Hope, Suite 2121, Salt Lake City, UT 84112–5550.	460009	05/03/2006	UT.	
High Tech Medical Park, 11800 Southwest Highway, Palos Heights, IL 60463.	0703070	05/03/2006	IL.	
Cyrus Diagnostic Imaging, Inc., 165 Waymont Court, Lake Mary, FL 32746.	40586	05/03/2006	FL.	
Indiana Regional PET Imaging, 7891 Broadway, Suite A, Merrillville, IN 46410.	229400	05/03/2006	IN.	
Lancaster PET Imaging, 2100 Harrisburg Pike, Lancaster, PA 17601.	054504	05/03/2006	PA.	
James PET/CT Imaging Center, 236 Doan Hall, Columbus, OH 43210.	360242	05/03/2006	OH	410 W. 10th Ave.
Mary Lanning Memorial Hospital, 715 N. St. Joseph Avenue, Hastings, NE 68901.	280032	05/03/2006	NE.	
Maplewood Cancer Center—MOHPA, 1580 Beam Avenue, Maplewood, MN 55109.	C01828	05/03/2006	MN.	
Titusville Area Hospital, 406 W. Oak Street, Titusville, PA 16354.	390122	05/03/2006	PA.	
Memorial Hospital, 325 S. Belmont Street, York, PA 17403	390101	05/03/2006	PA.	
Mercy Regional Health Center, 1823 College Avenue, Manhattan, KS 66502.	17–0142	05/03/2006	KS.	
Northshore Regional PET Scan, LLC, 1464 Waukegan Road, Glenview, IL 60025.	206272	05/03/2006	IL.	
Northwest Indiana PET/CT Center, 1505 S. Calument Road, Suites 7 & 8, Chesterton, IN 46304.	229810	05/03/2006	AL.	
Parkway Ventures, Inc., 9000 Franklin Square Drive, Baltimore, MD 21237.	FMN002	05/03/2006	MD	Franklin Square Hospital.
PET Fusion Imaging, 3707 New Vision Drive, Fort Wayne, IN 46845.	190320	05/03/2006	IN.	
River Oaks Imaging & Diagnostics, P.O. Box 4346, Houston, TX 77210.	FTA059	05/03/2006	TX	Dept 848.
Regional PET Scan, LLC—Beachwood, 2000 Auburn Road, Beachwood, OH 44122.	REID02211	05/03/2006	OH.	
Regional PET Scan, LLC—Fairview, 20455 Lorain Road, Fairview Park, OH 44126.	REID02211	05/03/2006	OH.	
Regional PET Scan, LLC—Ridgepark, 7575 Northcliff Avenue, Brooklyn, OH 44144.	REID02211	05/03/2006	OH.	

Facility name	Provider No.	Date approved	State	Other information
Saint Francis Hospital, 114 Woodland Street, Hartford, CT 06105.	07–0002	05/03/2006	CT.	
St. Nicholas Hospital, 3100 Superior Avenue, Sheboygan, WI 53081.	520044	05/03/2006	WI.	
Swedish Medical Center, 501 E. Hampton Avenue, Englewood, CO 80113.	060034	05/03/2006	CO.	
St. Bernards PET Center, 225 E. Jackson Avenue, Jonesboro, AR 72401.	5C658	05/03/2006	AR.	
Toledo Regional PET Scan, LLC, 3442 Granite Circle, Toledo, OH 43617.	T0ID01881	05/03/2006	OH.	
University MRI, 3848 F.A.U. Boulevard, Suite 200, Boca Raton, FL 33431.	E1765	05/03/2006	FL.	
Tucson PET Imaging, 5355 E. Erickson Drive, Tucson, AZ 85712.	WCBBM	05/03/2006	AZ.	
Via Christi Oklahoma Regional Medical Center, 1900 N. 14th Street, Ponca City, OK 74601.	370006	05/03/2006	OK.	
Christian Hospital, 11133 Dunn Road, St Louis, MO 63136	260180	05/03/2006	MO.	
DRA Imaging PC, 1 Columbia Street, Poughkeepsie, NY 12601.	W18691	05/03/2006	NY.	
Cleveland Clinic Star Imaging, 921 Jasonway Avenue, Columbus, OH 43214.	34–1932969	05/03/2006	OH.	
Norman PET Associates, LLC, 3750 W. Robinson Street, Suite 130, Norman, OK 73072.	900522224	05/03/2006	OK.	
Rhode Island PET Services—St. Josephs, 200 High Service Avenue, N Providence, RI 02904.	479003556	05/03/2006	RI.	
Rhode Island PET Services—South County Hospital, 100 Kenyon Avenue, Wakefield, RI 02879.	479003556	05/03/2006	RI.	
Rhode Island PET Services—Roger Williams, 825 Chalkstone Avenue, Providence, RI 02908.	479003556	05/03/2006	RI.	
Rhode Island PET Services—Landmark, 115 Cass Avenue, Woonsocket, RI 02895.	479003556	05/03/2006	RI.	
Forest City Diagnostic Imaging, 735 Perryville Road, Rockford, IL 61107.	546450	05/03/2006	IL	Lower Level 2.
New England Molecular Imaging—York, 15 Hospital Drive, York, ME 03909.	479003556	05/03/2006	ME.	
Pavilion Imaging, 750 Wellington Avenue, Grand Junction, CO 81502.	060023	05/03/2006	CO.	
Lifescan Chicago, 2242 W. Harrison Street, Chicago, IL 600612.	470000014	05/03/2006	IL.	
Southeast Medical Imaging, 300 Evergreen Drive, Suite 210, Glen Mills, PA 19342.	092801	05/03/2006	PA.	
The Western Pennsylvania Hospital, 4800 Friendship Avenue, Pittsburgh, PA 15224.	390090	05/03/2006	PA.	
Southtowns PET/CT, 550 Orchard Park Road, West Seneca, NY 14224.	14422A	05/03/2006	NY.	
Main Street Radiology—Bayside, 44–01 Francis Lewis Boulevard, Bayside, NY 11361.	04217	05/03/2006	NY.	
Main Street Radiology—Bayside, 44–01 Francis Lewis Boulevard, Bayside, NY 11361.	04217A	05/03/2006	NY.	
West VA University Center for Advanced Imaging, 1 Medical Center Drive, Morgantown, WV 26506.	9121131	05/03/2006	WV	P.O. Box 9236, Health Center South.
Twin Lakes Medical Specialist, PA, 228 Bucher Drive, Mountain Home, AR 72653.	5B019	05/03/2006	AR.	
Valley Metabolic Imaging, LLC, 6121 N Thesta Street, Fresno, CA 93710.	ZZZ23924Z	05/03/2006	CA	Suite 207.
Johnson City Medical Center, 400 North State of Franklin, Johnson City, TN 37642.	440063	05/03/2006	TN.	
St. Louis University Hospital, 3665 Vista Avenue, St Louis, MO 63110.	000050109	05/03/2006	MO.	
Margaret R. Pardee Memorial Hospital, 800 North Justice Street, Hendersonville, NC 28791.	340017A	05/03/2006	NC.	
Valley Imaging Partnership, 1401 W. Merced Avenue #103, West Covina, CA 91790.	TP035	05/03/2006	CA.	
Sierra Imaging, 155 Calle Portal, Sierra Vista, AZ 85635	Z68496	05/03/2006	AZ.	
Aspirus Wausau Hospital, 333 Pine Ridge Boulevard, Wausau, WI 54401.	520030A	05/03/2006	WI.	
Cancer Care Northwest PET Center, 910 W. 5th Avenue, Spokane, WA 99204.	1922072081	05/03/2006	WA	Suite 130.
PET/CT Imaging of North Texas, 2900 North I–35, Denton, TX 76201.	00088Y	05/03/2006	TX	Suite 119.
Loyola University Health System, 2160 S. First Avenue, Maywood, IL 60153.	140276	05/03/2006	IL.	
St. Elizabeth Medical Center, One Medical Village Drive, Edgewood, KY 41017.	180035	05/03/2006	KY.	

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Cleveland Clinic, 9500 Euclid Avenue, Cleveland, OH 44195	9925511	05/03/2006	OH.	
Ingalls Family Care Center, 6701 159th Street, Tinley Park, IL 60477.	14–0191	05/03/2006	IL.	
PET Fusion Center, 4204 Houma Boulevard, Metairie, LA 70006.	5CB31	05/03/2006	LA.	
United Regional Medical Center, 1001 McArthur Drive, Manchester, TN 37355.	440007	05/03/2006	TN.	
Joel Bernstein, MD, 5395 Ruffin Road, Suite 202, San Diego, CA 92123.	W18972	05/03/2006	CA.	
Hasnat Ahmed, MD, 5395 Ruffin Road, Suite 202, San Diego, CA 92123.	W18370	05/03/2006	CA.	
Meridian North Imaging Center, 12188 N. Meridian Street, Carmel, IN 46280.	026010	05/03/2006	IN	Suite 100.
Cancer Center Oncology Medical Group, 5395 Ruffin Road, Suite 202, San Diego, CA 92123.	W12245A	05/06/2006	CA.	
Firelands Regional Medical Center, 1101 Decatur Street, Sandusky, OH 44870.	360025	05/03/2006	OH.	
United Radiology—Greenbelt, P.O. Box 34979, West Bethesda, MD 20827.	FMN007	05/03/2006	MD.	
Richard Just, MD, 5395 Ruffin Road, Suite 202, San Diego, CA 92123.	W16197	05/03/2006	CA.	
Michael Kipper, MD, 5395 Ruffin Road, Suite 202, San Diego, CA 92123.	A24091	05/03/2006	CA.	
McLaren Regional Medical Center, 401 S. Ballenger Highway, Flint, MI 48532.	230141	05/03/2006	MI.	
United Radiology—Silver Spring, P.O. Box 34979, West Bethesda, MD 20827.	FMN007	05/03/2006	MD.	
United Radiology—Rockville, P.O. Box 34979, West Bethesda, MD 20827.	FMN007	05/03/2006	MD.	
St Mary's Health Center, 6420 Clayton Road, St Louis, MO 63117.	260091	05/03/2006	MO.	
Bay Regional Medical Center, 1900 Columbus Avenue, Bay City, MI 48708.	230041	05/03/2006	MI.	
Lapeer Regional Medical Center, 1375 N. Main Street, Lapeer, MI 48446.	230193	05/03/2006	MI.	
Scottsdale Medical Imaging, Ltd.-SW. Diagnostics, 9003 E. Shea Boulevard, Scottsdale, AZ 85260.	1902896236	05/03/2006	AZ.	
Valley Medical Oncology Consultants, Inc., 3000 Oak Road #111, Walnut Creek, CA 94597.	ZZZ29659Z	05/03/2006	CA.	
Northwest Community Hospital, 800 W Central Road, Arlington Heights, IL 60005.	36–2340313	05/03/2006	IL.	
PET Imaging of Dallas, 8333 Douglas Avenue, C–20, Dallas, TX 75225.	FTN017	05/03/2006	TX.	
PET Imaging of Dallas—Northeast, 1250 R Northwest Highway, Garland, TX 75041.	FTN028	05/03/2006	TX.	
St Joseph's Regional Medical Center, 703 Main Street, Paterson, NJ 07503.	310019	05/03/2006	NJ.	
PET Imaging of Houston, 2493–A South Braeswood Blvd., Houston, TX 77030.	FTN010	05/03/2006	TX.	
Goshen General Hospital, 200 High Park Avenue, Goshen, IN 46526.	150026	05/03/2006	IN.	
PET Imaging of ELMC, 8550 West 38th Avenue, Suite 102, Wheat Ridge, CO 80033.	800665	05/03/2006	CO.	
PET Imaging of Houston—Southeast, 6021 Fairmont Parkway, Suite 120, Pasadena, TX 77505.	FTN030	05/03/2006	TX.	
Peninsula Imaging, LLC, 560 Riverside Drive, Suite A104, Salisbury, MD 21801.	481L	05/03/2006	AL.	
Zwanger-Pesiri, 126 Hicksville Road, Massapequa, NY 11758.	W13931	05/03/2006	NY.	
Las Calinas PET Imaging, LLP, 1110 Cottonwood Lane, Irving, TX 75038.	FTN019	05/03/2006	TX	Suite 220.
Mt Carmel Regional Medical Center, 1102 East Centennial Drive, Pittsburg, KS 66762.	014041	05/03/2006	KS.	
Iowa Blood & Cancer Care, PLC, 855 A. Avenue NE., Cedar Rapids, IA 52402.	I6672	05/03/2006	IA	Medical Office Plaza, LL4.
Hackensack University Medical Center, 30 Prospect Avenue, Hackensack, NJ 07601.	310001	05/03/2006	NJ.	
McLeod PET Imaging Center, 800 East Cheves Street, Florence, SC 29501.	570370242001	05/03/2006	SC	Suite 170.
St Alexius Medical Center, 900 E. Broadway Avenue, Bismarck, ND 58506.	35–0002	05/03/2006	ND	P.O. Box 5510.
Center for Diagnostic Imaging, 1295 Orange Avenue, Winter Park, FL 32789.	K0097	05/03/2006	FL.	

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Charleston Radiologists, PA, 9313 Medical Plaza Drive, Charleston, SC 29406.	1709	05/03/2006	SC	Suite 302.
PET Imaging of Houston—West, 9525 Katy Freeway, Suite 102, Houston, TX 77024.	FTN023	05/03/2006	TX.	
University Hospitals of Cleveland, 11100 Euclid Avenue, Cleveland, OH 44106.	36–0137	05/03/2006	OH	Mailstop BSHB5056.
PET Imaging of Sugar Land, 17320 W Grand Parkway S., Suite A, Sugar Land, TX 77479.	FTN027	05/03/2006	TX.	
PET Imaging of Oklahoma City, 1000 N. Lincoln Boulevard, Suite 250, Oklahoma City, OK 73104.	800522283	05/03/2006	OK.	
PET Imaging of Tulsa, 6711 S. Yale Avenue, #104, Tulsa, OK 74136.	400522320	05/03/2006	OK.	
PET Imaging of The Woodlands, 3091 College Park Drive, Suite 340, The Woodlands, TX 77384.	FTN021	05/03/2006	TX.	
Tarrant Diagnostic Imaging, 1121 8th Avenue, Fort Worth, TX 76104.	FTN012	05/03/2006	TX.	
Wyandot Memorial Hospital, 85 North Sandusky Avenue, Upper Sandusky, OH 43351.	361329	05/03/2006	OH.	
Oregon Health & Science University, 3181 SW. Sam Jackson Park Road, Portland, OR 97229.	380009	05/03/2006	OR.	
Saint John's Health System, 2015 Jackson Street, Anderson, IN 46016.	150088	05/03/2006	IN.	
Hudson Valley PET Imaging, LLC, 160 North Midland Avenue, Nyack, NY 10960.	W1L903	05/03/2006	NY.	
Kingston Diagnostic Center, 167 Schwenk Drive, Kingston, NY 12401.	W1L921	05/03/2006	NY.	
Appleton Medical Center, 1818 N. Meade Street, Appleton, WI 54911.	520160	05/03/2006	WI.	
St. Elizabeth Health Center, 1044 Belmont Avenue, Youngstown, OH 44501.	360064	05/03/2006	OH.	
Sinai Hospital of Baltimore, 2401 West Belvedere Avenue, Baltimore, MD 21215.	210012	05/03/2006	MD.	
Associates in Radiology of Plattsburgh, NY, 762 Route 3, Suite 14, Plattsburgh, NY 12901.	33572A	05/03/2006	NY.	
Affiliated PET Systems—Rockville, 9711 Medical Center Drive, Rockville, MD 20850.	FDNX01	05/03/2006	MD.	
Lake Medical Imaging & Breast Center, 1400 U.S. Highway 441 North, Suite 510, The Villages, FL 32159.	59–3522082	05/03/2006	FL.	
Affiliated PET Systems—Silver Spring, 1400 Forest Glen Road, Silver Spring, MD 20910.	FDNX01	05/03/2006	MD	Suite 430.
North Texas Clinical PET Institute, 3535 Worth Street, Suite 150, Dallas, TX 75246.	99R339	05/03/2006	TX.	
Lake Imaging Center, 801 E. Dixie Avenue, Suite 104, Leesburg, FL 34748.	59–3635297	05/06/2006	FL.	
Edwards Comprehensive Cancer Center, 1400 Hal Greer Boulevard, Huntington, WV 25701.	510055	05/03/2006	WV.	
Allison Cancer Center, 301 North N Street, Midland, TX 79701.	140414744	05/03/2006	TX.	
Clinical PET of Leesburg, 8525 U.S. Highway 441, Leesburg, FL 34748.	E7179A	05/03/2006	FL.	
Greene Medical Imaging, PC, 159 Jefferson Heights, D–106, Catskill, NY 12414.	W25021	05/03/2006	NY.	
Caritas PET Imaging, LLC—Norwood Hospital, 70 Walnut Street, Foxboro, MA 02035.	32–7092	05/03/2006	MA	Caritas Norwood Hospital—Foxboro Campus.
Caritas PET Imaging, LLC—New England Medical Center, 750 Washington Street, Boston, MA 02111.	32–7092	05/03/2006	MA	Tufts—New England Medical Center.
Austin, Radiological Assn.—San Marcos, 1348 B Highway 123 South, San Marcos, TX 78666.	74–1597116	05/03/2006	TX.	
ARA Imaging—Rock Creek, 2120 N. Mays Street, #220, Round Rock, TX 78664.	20–1651590	05/03/2006	TX.	
ARA Imaging—Southwood, 1701 W. Ben White Boulevard #170, Austin, TX 78704.	20–1651590	05/03/2006	TX.	
Elkhart General Hospital, 600 East Boulevard, Elkhart, IN 46514.	15–0018	05/03/2006	IN.	
Austin, Radiological Assn.—Midtown, 1301 W. 38th Street, Suite 100, Austin, TX 78705.	74–1597116	05/03/2006	TX.	
Caritas PET Imaging, LLC—St. Elizabeth's, 736 Cambridge Street, Boston, MA 02135.	32–7092	05/03/2006	MA	St. Elizabeth's Medical Center.
Global PET Imaging, LLC, 1800 Hollister Drive, Suite G–10, Libertyville, IL 60048.	309590	05/03/2006	IL	Grand Oaks Health Center.
Caritas PET Imaging, LLC—Carney Hospital, 2100 Dorchester Avenue, Dorchester, MA 02124.	32–7092	05/03/2006	MA	Caritas Carney Hospital.
Caritas PET Imaging, LLC—Milton Hospital, 92 Highland Street, Milton, MA 02186.	32–7092	05/03/2006	MA.	

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Caritas PET Imaging, LLC—St. Anne's Hospital, 795 Middle Street, Fall River, MA 02721.	32–7087	05/03/2006	MA	St. Anne's Hospital.
Caritas PET Imaging, LLC—Good Samaritan, 235 North Pearl Street, Brockton, MA 02301.	32–7087	05/03/2006	MA	Caritas Good Samaritan Medical Center.
Panhandle PET Imaging, 6700 W. 9th Avenue, Amarillo, TX 79106.	TFN0007	05/03/2006	TX.	
PET Imaging of San Francisco, 1700 California Street, Suite 480, San Francisco, CA 94109.	ZZZ–223–782	05/03/2006	CA.	
PET/CT Imaging of Berkeley, 2855 Telegraph Avenue, Suite 100, Berkeley, CA 94705.	ZZZ–288–837	05/03/2006	CA.	
Western Maryland Health System—Sacred Heart Campus, 902 Seton Drive, Cumberland, MD 21502.	210027	05/03/2006	MD	Western Maryland Health System—Sacred Heart Campus.
Desert PET Imaging, LLC, 1180 N. Indian Cyn Drive, Palm Springs, CA 92262.	ZZZ28648Z	05/03/2006	CA.	
First PET of Stockton, 4744 Quail Lake Drive, Stockton, CA 95207.	00A484230	05/03/2006	CA.	
Utah Cancer Specialist, 3838 South 700 East, Salt Lake City, UT 84106.	57172	05/03/2006	UT	Suite 100.
Washington Radiology Associates, PC, 2121 K Street, NW., Washington, DC 20006.	WA409885	05/03/2006	DC	Suite T–120.
New Rochelle Radiology Associates, PC, 175 Memorial Highway, New Rochelle, NY 10801.	W05571	05/03/2006	NY.	
North Little Rock PET Associates, LLC, 3500 Springhill Drive, North Little Rock, AR 72117.	5F437	05/03/2006	AR	Suite 100.
Advanced Imaging Concepts, PL, 13063 Cortez Boulevard, Brooksville, FL 34613.	94774	05/03/2006	FL.	
Mansfield Imaging Center, 536 S. Trimble Road, Mansfield, OH 44906.	MAD10921	05/03/2006	OH.	
West Tennessee Imaging Center, 300 Coatsland Drive, Jackson, TN 38305.	44–0002	05/03/2006	TN.	
Imaging Center of North Central Indiana, Inc., 2201 W. Boulevard, Kokomo, IN 46902.	224110	05/03/2006	IN.	
University of Kansas Hospital, 3901 Rainbow Boulevard, Kansas City, KS 66160.	17–00040	05/03/2006	KS	Division of Nuclear Medicine.
PET Imaging of SWLA, LLC, 600 Bayou Pines East, Lake Charles, LA 70601.	5CK63	05/03/2006	LA	Suite A.
Community Imaging Partners of Frederick, 67 Thomas Johnson Drive, Frederick, MD 21702.	980M	05/03/2006	MD.	
Community Imaging Partners of Olney, 18111 Prince Phillip Drive, #T–20, Olney, MD 20832.	409410	05/03/2006	MD	Community Imaging Partners.
The West Clinic, PC, 100 N. Humphreys Boulevard, Memphis, TN 38120.	3704066	05/03/2006	TN.	
Imaging Central LLC, 7111 W. Central Avenue, Toledo, OH 43617.	IMID01641	05/03/2006	OH.	
Advanced Radiology—Dixon, 291 Stoner Avenue, Westminster, MD 21157.	527L	05/03/2006	MD.	
Advanced Radiology—Harford Imaging, 104 Plumtree Road, Bel Air, MD 21015.	527L	05/03/2006	MD	Suite 106.
Advanced Radiology—Cross Roads, 4801 Dorsey Hall Road, Ellicott City, MD 21042.	527L	05/03/2006	MD	Suite 101.
Advanced Radiology—PET Imaging of MD, 1700 Reisterstown Road, Baltimore, MD 21208.	527L	05/03/2006	MD	Suite 119.
Cancer & Blood Disease Center, 521 N. Lecanto Highway, Lecanto, FL 34461.	72840	05/03/2006	FL.	
Huntington Outpatient Imaging Center, Inc., 800 S. Fairmount Avenue, Pasadena, CA 91105.	W1575B	05/03/2006	CA	Suite 120.
Universal Imaging, Inc., 4600 Investment Drive, Troy, MI 48083.	ON69130	05/03/2006	MI.	
Berger Health System, 1170 North Court Street, Circleville, OH 43113.	360710	05/03/2006	OH.	
Contemporary Imaging—Trenton, 1676 Fort Street, Trenton, MI 48183.	0P23200	05/03/2006	MI.	
South Tulsa PET, LLC, 7712 S. Yale Avenue, Tulsa, OK 74136.	800522360	05/03/2006	OK	Ste 100.
Cancer Center of the Carolinas, 200 Andrews Street, Greenville, SC 29601.	6526	05/03/2006	SC	Suite 100.
OSF Saint Francis Medical Center, 530 NE. Glen Oak Avenue, Peoria, IL 61637.	14–0067	05/03/2006	IL.	
Sacred Heart—St. Mary's Hospitals, Inc., 2251 Northshore Drive, Rhinelander, WI 54501.	1100700	05/03/2006	WI.	
Capital Region Radiation Therapy & Imaging, 3400 W. Truman Boulevard, Jefferson City, MO 65109.	260047	05/03/2006	MO	P.O. 150832.

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University PET/CT Imaging, 19 Bradhurst Avenue, Hawthorne, NY 10532.	W2Y371	05/03/2006	NY	Suite 1200.
Aztech Radiology—Apache Trail, 1840 W. Apache Trail, Apache Junction, AZ 85222.	Z72398	05/03/2006	AZ.	
Aztech Radiology—Casa Grande, 1669 E. McMurray Boulevard, Casa Grande, AZ 85222.	Z25341	05/03/2006	AZ.	
Missouri Cancer Associates, 105 N. Keene Street, Columbia, MO 65201.	000012700	05/03/2006	MO	Suite 100.
White River Medical Center, 1710 Harrison Street, Batesville, AR 72501.	040119	05/03/2006	AR.	
Englewood Hospital & Medical Center, 350 Engle Street, Englewood, NJ 07631.	310045	05/03/2006	NJ.	
Regional Imaging & Therapeutic Radiology Services, 360 Bard Avenue, Staten Island, NY 10310.	1023095445	05/03/2006	NY.	
Rocky Mountain Cancer Centers—South, 7951 E. Maplewood Avenue, Suite 300, Greenwood Village, CO 80111.	204508	05/03/2006	CO.	
Rocky Mountain Cancer Centers—North, 7951 E. Maplewood Avenue, Suite 300, Greenwood Village, CO 80111.	204508	05/03/2006	CO.	
Molecular Imaging of Hamilton County—Bethesda, 4197 Fulton Road NW., Suite C, Canton, OH 44718.	MOID01221	05/03/2006	OH.	
Molecular Imaging of Hamilton County—Good Sam, 4197 Fulton Road NW., Suite C, Canton, OH 44718.	MOID01221	05/03/2006	OH.	
Kettering Medical Center, 3535 Southern Boulevard, Kettering, OH 45429.	360079	05/03/2006	OH.	
St. Mary's Hospital, 5801 Bremo Road, Richmond, VA 23226.	540793767	05/03/2006	VA.	
Columbus Medical Institute of NY, 97–85 Queens Boulevard, Rego Park, NY 11374.	05679	05/03/2006	NY.	
Meadville Medical Center, 1034 Grove Street, Meadville, PA 16335.	39–0113	05/03/2006	PA.	
Chambersburg Hospital-Radiology, 112 North Seventh Street, Chambersburg, PA 17201.	390151	05/03/2006	PA.	
Oregon Advanced Imaging, 881 O'Hare Parkway, Medford, OR 97504.	R114546	05/03/2006	OR.	
Singing River Hospital, 2809 Denny Avenue, Pascagoula, MS 39581.	250040	05/03/2006	MS.	
East Texas Medical Center—Tyler, 1000 S. Beckham Avenue, Tyler, TX 75701.	4500833	05/03/2006	TX.	
Columbia, St. Mary's Hospital, 2025 E. Newport Avenue Columbia Campus, Milwaukee, WI 53211.	520051	05/03/2006	WI.	
Sharon Regional Health System, 740 East State Street, Sharon, PA 16146.	390211	05/03/2006	PA.	
Northern Ohio Imaging Center, 1900 West River Road, Elyria, OH 44035.	36–0172	05/03/2006	OH.	
Oxford Valley Diagnostic Center, 940 Town Center Drive, Langhorne, PA 19047.	232745550	05/03/2006	PA	Suite F50.
The Emory Clinic, 1365 Clifton Road, Building C, Room Court 048, Atlanta, GA 30322.	582030692	05/03/2006	GA.	
Alegent Health Bergan Mercy Medical Center, 7500 Mercy Road, Omaha, NE 68124.	280060	05/03/2006	NE.	
University Center Imaging, 1065 Delaware Avenue, Marion, OH 43302.	20–3873307	05/03/2006	OH.	
Elk Regional Health Center, 763 Johnsonburg Road, St Mary's, PA 15857.	39–0154	05/03/2006	PA.	
Health Park Hospital, 1636 Higdon Ferry Road, Hot Springs, AR 71913.	04–0142	05/03/2006	AR.	
Johnsonburg Health Center, 81 Clarion Road, Johnsonburg, PA 15845.	39–0104	05/03/2006	PA.	
Jane Phillips Medical Center, 3500 E. Frank Phillips Boulevard, Bartlesville, OK 74006.	370015	05/03/2006	OK.	
North Main Imaging Center, 7650 First Place, Suite B, Oakwood Village, OH 44146.	NEID01521	05/03/2006	OH.	
PET Imaging Center of Delaware County—DCMH, 501 North Lansdowne Avenue, Drexel Hill, PA 19026.	390081	05/03/2006	PA.	
NEO-PET CRC Imaging, 7650 First Place, Suite B, Oakwood Village, OH 44146.	NEID01521	05/03/2006	OH.	
PET Imaging Center of Delaware County—Springfield, 190 West Sproul Road, Springfield, PA 19064.	381080	05/03/2006	PA.	
Harper University Hospital, 3990 John R Street, Detroit, MI 48201.	230104	05/03/2006	MI.	
Sinai-Grace Hospital, 6071 W. Outer Drive, Detroit, MI 48235.	23–0024	05/03/2006	MI.	
Seattle Radiologists APC, 1229 Madison Street, Seattle, WA 98104.	G0001589600	05/03/2006	WA	#900.

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Huron Valley-Sinai Hospital, 1 William Carl Drive, Commerce, MI 48382.	23–0277	05/03/2006	MI.	
East Memphis PET Imaging, 6005 Park Avenue, Memphis, TN 38119.	3374526	05/03/2006	TN	Suite 101B.
UPMC-PET Imaging Facility, 200 Lothrop Street, Pittsburgh, PA 15213.	390164	05/03/2006	PA	9th Floor, B-Wing PUH.
UPMC-PET Imaging Facility, 300 Halket Street, Pittsburgh, PA 15213.	390114	05/03/2006	PA.	
Rhode Island Hospital, 593 Eddy Street, Providence, RI 02903.	05–025–8954	05/03/2006	RI.	
David C. Pratt Cancer Center, 607 South New Bulbs Road, St Louis, MO 63141.	260020	05/03/2006	MO.	
Lewistown Hospital, 400 Highland Avenue, Lewistown, PA 17044.	390048	05/03/2006	PA.	
Lawrence Memorial Hospital, 325 Maine Street, Lawrence, KS 66044.	170137	05/03/2006	KS.	
Jameson Hospital, 1211 Wilmington Avenue, New Castle, PA 16105.	39–0016	05/03/2006	PA.	
Diagnostic Clinic of Houston, 1200 Binz Street, Houston, TX 77004.	76–0203506	05/03/2006	TX.	
Arlington Heights Radiology Center, LLC, 121 South Wilke Road, Arlington Heights, IL 60005.	212301	05/03/2006	IL.	
Oregon Imaging Center, 1200 Hilyard Street, Eugene, OR 97401.	R0000WCPGH	05/03/2006	OR	#330.
Arlington Heights Radiology Center, LLC, 121 South Wilke Road, Arlington Heights, IL 60005.	212301	05/03/2006	IL.	
Indiana Univ Radiology Assoc PET Imaging Center, 950 W. Walnut Street, Room E124, Indianapolis, IN 46202.	959090	05/03/2006	IN.	
Morristown Memorial Hospital, 100 Madison Avenue, Morristown, NJ 07962.	310015	05/03/2006	NJ.	
Baton Rouge Radiology Group, 5422 Dijon Drive, Baton Rouge, LA 70808.	5B039	05/03/2006	LA.	
North Texas PET Imaging, 3720 South I–35E, Denton, TX 76210.	752131429	05/03/2006	TX.	
Children's Hospital of Michigan PET Center, 3901 Beaubien Street, Detroit, MI 48201.	23–3300	05/03/2006	MI.	
Winchester Medical Center, 1840 Amherst Street, Winchester, VA 22601.	490005	05/03/2006	VA.	
Decatur Health Imaging, LLC, 1123 16th Avenue SE., Decatur, AL 35601.	051555161	05/03/2006	AL.	
Health Imaging Services, LLC, 1760 Warnke Circle NE., Cullman, AL 35058.	051553273HEA	05/03/2006	AL.	
PET/CT Imaging of the Mainline, 21 Industrial Boulevard, Suite 103, Paoli, PA 19301.	097715	05/03/2006	PA.	
PET Imaging of Brevard, 1430 Pine Street, Melbourne, FL 32901.	39254	05/03/2006	FL.	
North Carolina Baptist Hospital, Medical Center Boulevard, Winston Salem, NC 27157.	34–0047	05/03/2006	NC.	
St Francis Hospital, 34515 9th Avenue S, Federal Way, WA 98003.	500108	05/03/2006	WA.	
Saint Barnabas Outpatient Center, 200 S. Orange Avenue, Livingston, NJ 07039.	440149	05/03/2006	NJ.	
PET/CT Imaging of Ramapa Radiology, 972 Route 45, Suite 106, Pomona, NY 10970.	W21711	05/03/2006	NY.	
Medical University of South Carolina PET/CT, 169 Ashley Avenue, Charleston, SC 29425.	420004	05/03/2006	SC.	
Akron General Medical Center, 300 Wabash Avenue, Akron, OH 44307.	36–0027	05/03/2006	OH.	
New England Molecular Imaging—Mercy Hospital, 144 State Road, Portland, ME 04103.	NE327075	05/03/2006	ME.	
New England Molecular Imaging—Penobscot Bay, 6 Glenn Cove Drive, Rockport, ME 04856.	NE327076	05/03/2006	ME.	
Center for Outpatient Services—St. Joseph, 3900 Hollywood Road, St. Joseph, MI 49085.	23–0021	05/03/2006	MI.	
New England Molecular Imaging—Central Maine, 12 High Street, Lewiston, ME 04240.	NE327076	05/03/2006	ME.	
Imaging Consultants, Inc.—Berkshire, 8 Conte Drive, Pittsfield, MA 01210.	327085	05/03/2006	MA.	
Imaging Consultants, Inc.—Boston Medical, 840 Harrison Avenue, Boston, MA 02118.	327083	05/03/2006	MA.	
Imaging Consultants, Inc.—Boston PET, One Brookline, Place, Brookline, MA 02445.	327083	05/03/2006	MA.	
Baptist Memorial Hospital PET Center, 6027 Walnut Grove Road, Memphis, TN 38120.	44–0048	05/03/2006	TN.	

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Southern Oklahoma PET/CT Imaging, 701 E. Robinson Street, Norman, OK 73071.	90015477	05/03/2006	OK.	
Ann G. Fetters Diagnostic Imaging Center, 2151 N. Harbor Boulevard, Fullerton, CA 92835.	050168	05/03/2006	CA.	
Pitt County Memorial Hospital, 2100 Stantonsburg Road, Greenville, NC 27835.	56–0585243	05/03/2006	NC.	
Inland Imaging, LLC, 105 W. 8th Avenue, Spokane, WA 99202.	AB01749	05/03/2006	WA	Suite 100C.
University of Chicago Hospitals, 5758 S. Maryland Avenue, Chicago, IL 60637.	140088	05/03/2006	IL	Room #0150.
Birch Medical Imaging Center, 20162 SW. Birch Street, Newport Beach, CA 92660.	W19353	05/03/2006	CA.	
Tennessee Oncology PET Services, 2018 Murphy Avenue, Nashville, TN 37203.	3709319	05/03/2006	TN	Suite 200.
Tennessee PET Scan, 1020 N. Highland Avenue, Murfreesboro, TN 37130.	3791187	05/03/2006	TN	Suite A.
Texas Oncology-Harris Center HEB, 1615 Hospital Parkway, Bedford, TX 76022.	00R66C	05/03/2006	TX	Suite 300.
Greater Dayton Cancer Center, 3120 Governor's Place Boulevard, Kettering, OH 45409.	9295791	05/03/2006	OH.	
Martha Jefferson Hospital, 459 Locust Avenue, Charlottesville, VA 22902.	490077	05/03/2006	VA.	
Modern Diagnostic Imaging, 600 S. Dobson Road, Chandler, AZ 85224.	107628	05/03/2006	AZ	Suite B–16.
Christiana Care Nuclear Medicine/PET, 4755 Ogletown-Stanton Road, Newark, DE 19718.	080001	05/03/2006	DE.	
Advanced Imaging of Port Charlotte, LLC, 2625 Tamiami Trail, Port Charlotte, FL 33952.	K6802	05/03/2006	FL	Suite 1.
St. Joseph's Diagnostic Center—MLK, 3003 Martin Luther King, Jr. Boulevard, Tampa, FL 33067.	97779	05/03/2006	FL.	
South Carolina Oncology Associates, 166 Stoneridge Drive, Columbia, SC 29210.	6275	05/03/2006	SC.	
South Carolina Oncology Associates, 166 Stoneridge Drive, Columbia, SC 29210.	6276	05/03/2006	SC.	
Access Health Imaging, 5257 Highway 82, East, Lake Village, AR 71653.	5M809	05/03/2006	AR.	
PET/CT Services of Florida—Beverly Hills, 3404 N. Lecanto Highway, Beverly Hills, FL 34465.	V0103	05/03/2006	FL	Beverly Hills Medical Park.
PET/CT Services of Florida—Ocala, 1541 SW. 1st Avenue, Ocala, FL 34474.	V0103	05/03/2006	FL	Suite 101B.
Blanchard Valley Regional Health Center, 145 W. Wallace Street, Findlay, OH 45840.	360095	05/03/2006	OH.	
Papastavros Associates Medical Imaging, 1701 Augustine Cut-Off, Wilmington, DE 19803.	1083615561	05/03/2006	DE.	
PET Imaging of Willowbrook, 13300 Hargrave Road, Houston, TX 77070.	FTN032	05/03/2006	TX	Suite 130.
PET Imaging of Northern Colorado, 1915 Wilmington Drive, Ft Collins, CO 80528.	804621	05/03/2006	CO	Suite 101.
Temecula Valley Advanced Imaging, 25395 Hancock Avenue, Murrieta, CA 92592.	ZZZ–150752	05/03/2006	CA	Suite 110.
Saint Anthony Memorial Health Center, 301 West Homer Street, Michigan City, IN 46360.	A150015	05/03/2006	IN.	
Salina Regional Health Center, 400 S. Santa Fe Avenue, Salina, KS 67401.	170012	05/03/2006	KS	P.O. Box 5080.
Cancer Center of Kansas, 818 N. Emporia Street, Wichita, KS 67214.	110217	05/03/2006	KS	Suite 100.
Clinton Crossings Imaging, 995 Senator Keating Boulevard, Rochester, NY 14618.	14439A	05/03/2006	NY.	
NSMS—Shelby County, 4253 Argosy Court, Madison, WI 53714.	I16068	05/03/2006	WI.	
Verrazano Radiology, PC, 256A Mason Avenue, Staten Island, NY 10305.	200011201	05/03/2006	NY.	
Imaging Consultants, Inc.—Brockton Hospital, 680 Centre Street, Brockton, MA 02301.	327085	05/03/2006	MA.	
Imaging Consultants, Inc.—Cape Cod, 252 Long Pond Drive, Harwich, MA 02645.	327085	05/03/2006	MA	Fontain Medical Center.
Imaging Consultants Inc—Falmouth, 100 Ter Hewn Drive, Falmouth, MA 02540.	327085	05/03/2006	MA.	
Imaging Consultants, Inc.—Jordan, 275 Sandwich Street, Plymouth, MA 02360.	327085	05/03/2006	MA.	
Imaging Consultants, Inc.—Holyoke, 575 Beech Street, Holyoke, MA 01040.	327085	05/03/2006	MA.	
Imaging Consultants, Inc.—Mercy Medical, 271 Carew Street, Springfield, MA 01089.	327085	05/03/2006	MA.	

Facility name	Provider No.	Date approved	State	Other information
Imaging Consultants, Inc.—Lawrence Memorial, 170 Governors Avenue, Medford, MA 02155.	327083	05/03/2006	MA.	
Imaging Consultants, Inc.—Metro West, 115 Lincoln Street, Framingham, MA 01701.	327083	05/03/2006	MA.	
Imaging Consultants, Inc.—Milford, 14 Prospect Street, Milford, MA 01757.	327085	05/03/2006	MA.	
Imaging Consultants, Inc.—Quincy, 114 Whitwell Street, Quincy, MA 02196.	327083	05/03/2006	MA.	
Imaging Consultants, Inc.—Saints Memorial, 2 Hospital Drive, Lowell, MA 01852.	327083	05/03/2006	MA.	
Imaging Consultants, Inc.—Truesdale, 1030 Presidents Avenue, Fall River, MA 02720.	327085	05/03/2006	MA.	
Imaging Consultants, Inc.—Twin City, 76 Summer Street, Fitenburg, MA 01420.	N/A	05/03/2006	MA.	
Imaging Consultants, Inc.—Worcester, 20 Worcester Center Boulevard, Worcester, MA 01608.	327085	05/03/2006	MA.	
Sentara Mobile PET/CT—Careplex, 5900 Lake Wright Drive Suite B, Norfolk, VA 23502.	250605	05/04/2006	VA.	
Sentara Mobile PET/CT—Lake Wright, 5900 Lake Wright Drive Suite B, Norfolk, VA 23502.	250605	05/04/2006	VA.	
Sentara Mobile PET/CT—Princess Anne, 5900 Lake Wright Drive Suite B, Norfolk, VA 23502.	250605	05/04/2006	VA.	
Sentara Mobile PET/CT—Williamsburg, 5900 Lake Wright Drive Suite B, Norfolk, VA 23502.	250605	05/04/2006	VA.	
Memorial Hospital of South Bend, 615 N. Michigan Street, South Bend, IN 46601.	150058	05/04/2006	IN.	
NSMS—Belleville, IL, 4253 Argosy Court, Madison, WI 53714.	208196	05/04/2006	WI.	
NSMS—Flora, IL, 4253 Argosy Court, Madison, WI 53714	208196	05/04/2006	WI.	
NSMS—Breese, IL, 4253 Argosy Court, Madison, WI 53714	208196	05/04/2006	WI.	
SSM DePaul Health Center, 12303 DePaul Drive, St Louis, MO 63044.	260104	05/04/2006	MO.	
Lutheran Hospital, 7950 W. Jefferson Boulevard, Fort Wayne, IN 46804.	150017	05/11/2006	IN.	
Memorial MRI and Diagnostic, 1346 Campbell Road, Houston, TX 77055.	00941U	05/11/2006	TX.	
Shields Imaging of Eastern Mass, 55 Fogg Road, Weymouth, MA 2190.	327088	05/11/2006	MA.	
Baystate MRI and Imaging Center, 3300 Main Street, Springfield, MA 1107.	327039	05/11/2006	MA.	
Advanced Imaging Center, 16110 Jog Road, 200, Delray Beach, FL 33446.	U2049	05/11/2006	FL.	
UMASS Memorial MRI and Imaging Center, 214 Shrewsburg Street, Worcester, MA 1604.	327040	05/11/2006	MA.	
RCOA Imaging Services, 1108 Minnequa Avenue, Pueblo, CO 81004.	475748	05/11/2006	CO.	
Adventist Health PET/CT—Hanford, 450 N. Greenfield Avenue, Hanford, CA 93230.	ZZZ318852	05/11/2006	CA.	
Adventist Health PET/CT—Feather River, 5974 Pertz Road, Paradise, CA 95969.	ZZZ318852	05/11/2006	CA.	
Adventist Health PET/CT—Sonora, 1000 Greenley Road, Sonora, CA 95370.	ZZZ318852	05/11/2006	CA.	
Sarasota Memorial PET, 5350 University Parkway, Sarasota, FL 34238.	U1775	05/11/2006	FL.	
Adventist Health PET/CT—Redbud, 18th Ave. at Highway 53, P.O. Box 6710, Clear Lake, CA 95422.	ZZZ318852	05/11/2006	CA.	
Adventist Health PET/CT—St. Helena, 10 Woodland Road, St. Helena, CA 94574.	ZZZ318852	05/11/2006	CA.	
Adventist Health PET/CT—Ukiah, 275 Hospital Drive, Ukiah, CA 95482.	ZZZ318852	05/11/2006	CA.	
Mease Outpatient Imaging, 1840 Mease Drive, Safety Harbor, FL 34685.	100265	05/11/2006	FL.	
Bardmoor Outpatient Center, 8787 Bryan Dairy Road, Largo, FL 33777.	00594C	05/11/2006	FL.	
Trinity Outpatient Center, 2102 Trinity Oaks Boulevard, New Port Richey, FL 34655.	00594D	05/11/2006	FL.	
Walnut Creek Imaging Center, 114 La Casa Via, #200, Walnut Creek, CA 94598.	ZZZ13902Z	05/11/2006	CA.	
Carlisle Imaging Center, 1240 S. Ft. Harrison, Clearwater, FL 33756.	594	05/11/2006	FL.	
Valley Radiology Imaging at Samaritan, 2581 Samaritan Drive, #100, San Jose, CA 95124.	ZZZ139851Z	05/11/2006	CA.	
Forest Hills PET Imaging, 102–02 Queens Boulevard, Forest Hills, NY 11375.	06998G	05/11/2006	NY.	

Facility name	Provider No.	Date approved	State	Other information
Roper LowCountry PET Imaging Center, 316 Calhoun Street, Charleston, SC 29401.	Q326280001	05/11/2006	SC.	
Premier PET Imaging of NJ, 119 Cherry Hill Road, Parsippany, NJ 07054.	68433	05/11/2006	NJ	Suite 100.
Methodist Medical Center of Illinois, 221 NE. Glen Oak Avenue, Peoria, IL 61636.	370661223	05/11/2006	IL.	
Medical Imaging of Baltimore, 6715 N. Charles Street, Baltimore, MD 21204.	258L	05/12/2006	MD.	
Yagnesh Oza, MD, 4117 Velerous Memorial Drive, Mt Vernon, IL 62864.	212702	05/12/2006	IL.	
Moffitt Cancer Center, 12902 Magnolia Drive, Tampa, FL 33612.	100271	05/12/2006	FL.	
PrimeMed Imaging, 5 Morgan Highway, Suite 7, Scranton, PA18505.	260	05/12/2006	PA	Morgan Medical Complex.
Rockville PET Imaging, PC, 119 North Park Avenue, Rockville Centre, NY 11570.	WTC601	05/12/2006	NY	Suite 101.
Porter Adventist Hospital, 2525 South Downing Street, Denver, CO 80210.	60064	05/12/2006	CO.	
Rapid City Regional Hospital Medical Imaging Services, 353 Fairmont Boulevard, Rapid City, SD 57701.	43007	05/12/2006	SD.	
Advanced Radiolgy Consultants, 56 Quarry Road, Trumbull, CT 06611.	C02747	05/12/2006	CT.	
Northeastern PA Imaging Center, 2601 Stafford Avenue, Scranton, PA 18505–0305.	475385	05/12/2006	PA	P.O. Box 3305.
Billings MRI Center, 1041 North 29th Street, Billings, MT, 59101–1075.	81030	05/12/2006	MT.	
Aurora St. Luke's Medical Center, 2900 W. Oklahoma Avenue, Milwaukee, WI 53215.	520138	05/12/2006	WI	Nuclear Medicine Department.
Memorial & St. Elizabeth's Healthcare Services, LLC, 4000 N. Illinois Lane, Swansea, IL 62226.	201339	05/12/2006	IL	PET/CT Imaging Center.
Palm Beach Cancer Institute—West Palm Beach, 1309 North Flagler Drive, West Palm Beach, FL 33401–2710.	34754	05/12/2006	FL.	
Overlook Hospital, 99 Beauvoir Avenue, Summit, NJ 07902	8772966189	05/12/2006	NJ.	
Ashland Bellefonte Cancer Center, 122 Saint Christopher Drive, Ashland, KY 41101.	2150	05/12/2006	KY.	
Bryn Mawr Imaging Center, 101 S. Bryn Mawr Avenue, Bryn Mawr, PA 19010.	473120	05/12/2006	PA.	
Oncology Alliance, 1055 N. Mayfair Road, Suite 100, Wauwatosa, WI 53220.	32836000	05/12/2006	WI.	
Shared PET Maimonides, 6300 Eighth Avenue, Brooklyn, NY 11220.	97Z661	05/12/2006	NY.	
Hoboken Radiology, LLC, 79 Hudson Street, Suite 100, Hoboken, NJ 07030.	80395	05/12/2006	NJ.	
Akron City Hospital, 525 E. Main Street, Akron, OH 44309	360020	05/12/2006	OH.	
Park Avenue Radiologists, PC, 525 E. Main Street, Rome, GA 30165.	W21771	05/12/2006	NY.	
Comprehensive Blood & Cancer Center, 6501 Truxtun Avenue, Bakersfield, CA 93309.	zzz238732	05/12/2006	CA.	
Rome Imaging Center, 309 West 10th Street, Rome, GA 30165.	GRP1221	05/12/2006	GA.	
Hawaii PET Imaging, 2230 Liliha Street, Honolulu, HI 96817	54537	05/12/2006	HI.	
Imaging Consultants, Inc. at Henry Heywood Hospital, 242 Green Street, Gardner, MA 01440.	327085	05/12/2006	MA.	
Imaging Consultants, Inc. at Nashoba Valley Medical Center, 200 Groton School Road, Ayer, MA 01432.	327085	05/12/2006	MA.	
Rhode Island PET Services at Memorial Hospital, 111 Brewster Street, Pawtucket, RI 2860.	479003556	05/12/2006	RI.	
Osceola Cancer Center, 737 W. Oak Street, Kissimmee, FL 34741.	1629034202	05/12/2006	FL.	
Valley Radiologists, Ltd.—Paseo II Office, 5605 W. Eugie Avenue, Suite 110, Glendale, AZ 85304.	1902896236	06/13/2006	AZ.	
Southeast GYN, Oncology PET, 5210 Belfort Road, Suite 130, Jacksonville, FL 32256.	45542	06/13/2006	FL.	
The Johns Hopkins PET Center, 600 N. Wolfe Street, Baltimore, MD 21287.	210009	06/13/2006	MD	Nelson Basement.
Maklansky, Grunter, Kurzban, Cohen, Zimmer, Hyman, 165 East 84th Street, New York, NY 10028.	W20393	06/13/2006	NY.	
Methodist Medical Center of Illinois, 112 Crescent Avenue, Peoria, IL 61636.	370661223	06/13/2006	IL.	
Phoebe Putney Memorial Hospital, 417 Third Avenue, P.O. Box 1828, Albany, GA 31702–1828.	110007	06/13/2006	GA.	
Eiber Radiology/PET Premier Imaging, 21 West 49th Street, Hialeah, FL 33012.	k3166	06/13/2006	FL.	

Facility name	Provider No.	Date approved	State	Other information
Botsford Hospital, 28050 Grand River Avenue, Farmington Hills, MI 48336.	230151	06/13/2006	MI.	
Middletown Regional Hospital, 105 McKnight Drive, Middletown, OH 45044.	360076	06/13/2006	OH.	
Waukesha Memorial Hospital, 725 American Avenue, Waukesha, WI 53188.	390910727	06/13/2006	WI.	
Battle Creek Health System, 300 North Avenue, Battle Creek, MI 49016.	230075	06/13/2006	MI.	
Orlando Regional Medical Center, 1414 Kuhl Avenue, Orlando, FL 32806.	100006	06/13/2006	FL.	
NorthEast Medical Center, 1065 NorthEast Gateway Court NE., Concord, NC 28025.	340001	06/13/2006	NC.	
Premier Medical Imaging, 7651 Stagers Loop, Delaware, OH 43015.	9912921	06/13/2006	OH.	
Advanced Radiolgy Consultants, 15 Corporate Drive, Trumbull, CT 6611.	C02747	06/13/2006	CT.	
Advance PET Imaging, 23 Technology Drive, East Setauket, NY 11733.	46a401	06/13/2006	NY.	
Premier PET Imaging of Wichita, 500 S. Main Street, Suite B, Wichita, KS 67202.	110682	06/13/2006	KS.	
Health Center Northwest, 320 Sunnyview Lane, Kalispell, MT 59901.	270087	06/13/2006	MT.	
Olympic Medical Center, 844 N. 5th Avenue, Sequim, WA 98382.	500072	06/13/2006	WA.	
Premier PET Imaging of Jacksonville, 5210 Belfort Road, Suite 130, Jacksonville, FL 32256.	K3166	06/13/2006	FL.	
PET/CT Imaging of San Jose, 2211 Moorpark Avenue, Suite 220, San Jose, CA 95128.	ZZZ19866Z	06/13/2006	CA.	
The Reading Hospital and Medical Center, 6th and Spruce Streets, West Reading, PA 19611.	390044	06/13/2006	PA.	
Julia Rackley Perry Memorial Hospital, 530 Park Avenue East, Princeton, IL 61356.	141337	06/13/2006	IL.	
Ashland Bellefonte Cancer Center, 122 Saint Christopher Drive, Ashland, KY 41101.	2150	06/13/2006	KY.	
Tower Imaging BBD, 14231 Bruce B Down Boulevard, Tampa, FL 33613.	169	06/13/2006	FL.	
VyMed Diagnostic Imaging Tampa, LLC, 10010 N. Dale Mabry, Suite 160, Tampa, FL 33618.	U4068	06/13/2006	FL.	
Texas Oncology Cancer Center Sugar Land, 1350 First Colony Boulevard, Sugar Land, TX 77479.	00073F	06/13/2006	TX.	
Samaritan North Health Center, 9000 N. Main Street, Dayton, OH 45415.	360052	06/13/2006	OH.	
The PET Center of Oxford, 1612 U.S. Highway 78 East, Suite 102, Oxford, AL 36203.	51554888	06/13/2006	AL.	
Shared PET Mem Lighthouse, 6901 N. Main Street, Granger, IN 46530.	232800	06/13/2006	IN.	
Shared PET Hope Cancer Center, 3702 South Fourth Street, Terre Haute, IN 47802.	201320	06/13/2006	IN.	
Athens Regional Medical Center, 1199 Prince Avenue, Athens, GA 30606.	110074	06/13/2006	GA.	
Muskogee PET & Nuclear Imaging, 3300 Chandler Road, Suite #106, Muskogee, OK 74403.	400522529	06/13/2006	OK.	
Lubbock Imaging Center, 4011 19th Street, Lubbock, TX 79410.	00027K	06/13/2006	TX.	
Memorial Medical Center, 701 N. First Street, Springfield, IL 62781.	140148	06/13/2006	IL.	
Hamamatsu/Queen's PET Imaging Center, 1301 Punchbowl Street, Honolulu, HI 96813.		06/13/2006	HI.	
Aurora BayCare Medical Center, 2845 Greenbrier Road, Green Bay, WI 54308.	520193	06/13/2006	WI.	
Medical Center of Plano, 3901 W. 15th Street, Plano, TX 75002.	450651	06/13/2006	TX.	
Carolinas Medical Center, 1000 Blythe Boulevard, Charlotte, NC 28203.	340113	06/13/2006	NC.	
Redwood Regional Medical Group d.b.a. Santa Rosa Radiology, 121 Sotoyome Street, Santa Rosa, CA 95405.	680344865	06/13/2006	CA.	
Boone Hospital Center, 1600 East Broadway, Columbia, MO 65201.	260068	06/13/2006	MO.	
River Radiology, 45 Pine Grove Avenue, Kingston, NY 12401.	W30681	06/13/2006	NY.	
University of Washington Medical Center, 1959 NE. Pacific Street, Seattle, WA 98195.	142700	06/13/2006	WA.	
Mid American Imaging—Salem, 1987 E. 4th Street, Salem, OH 44460.	ID00804	06/13/2006	OH.	

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Piedmont Medical Center, 222 S. Herlong Avenue, Rock Hill, SC 29732.	420002	06/13/2006	SC.	
Alliance Imaging—Sparks, 1311 South I Street, Fort Smith, AR 72817.	5F463	06/13/2006	AR.	
Radiology Imaging Associates, 1825 SE. Tiffany Avenue, Suite 104, Port St. Lucie, FL 34952.	52	06/13/2006	FL.	
Mount Sinai Medical Center, One Gustave L. Levy Place, New York, NY 10029.	H23620	06/13/2006	NY.	
NSMS—Ottawa, IL, 4253 Argosy Court, Madison, WI 53714	208196	06/13/2006	WI.	
Center for Diagnostic Imaging, 1550 E. Chestnut Avenue, Vineland, NJ 08360.	53290	06/13/2006	NJ	Bldg 4 Suite A.
St. Mary Mercy Hospital—Livonia, 36475 Five Mile Road, Livonia, MI 48154.	230002	06/13/2006	MI.	
Harold Leever Regional Cancer, 1075 Chase Parkway, Waterbury, CT 06708.	470000025	06/13/2006	CT.	
Kentucky Metabolic Imaging, 2425 Regency Road, Suite B, Lexington, KY 40503.	9366001	06/13/2006	KY.	
Western Baptist Hospital, 2501 Kentucky Avenue, Paducah, KY 42001.	180104	06/13/2006	KY.	
St. Anthony Regional Hospital, 311 South Clark Street Box 628, Carroll, IA 51401.	1720067127	06/13/2006	IA.	
Alliance Imaging—Sequoia Hospital, 170 Alameda De Las Pulgas, Redwood City, CA 94062.	ZZZ28890Z	06/13/2006	CA.	
Craven Regional Medical Center, 2000 Neuse Boulevard, New Bern, NC 28560.	340131	06/13/2006	NC.	
Alliance Imaging—Tri City Medical Center, 4002 Vista Way, Oceanside, CA 92056.	TG281C	06/13/2006	CA.	
Alliance Imaging—Yavapai, Del Webb Outpatient Center, Prescott Valley, AZ 86314.	76103	06/13/2006	AZ	3262 Windsong Drive.
Saint Vincent's Comprehensive Cancer Center, 325 West 15th Street, New York, NY 10011.	330290	06/13/2006	NY.	
Alliance Imaging—Southwest Medical Imaging, 3104 Stockton Hill Road, Kingman, AR 86401.	76103	06/13/2006	AZ.	
Alliance Imaging—North Idaho Imaging, 700 Ironwood Drive, Coeur d'Alene, ID 93814.	1790291	06/13/2006	ID.	
Froedtert Hospital, 9200 W. Wisconsin Avenue, Milwaukee, WI 53226.	520177	06/13/2006	WI.	
Alliance Imaging—Flagstaff Medical Center, 1200 N. Beaver Street, Flagstaff, AZ 86001.	71855	06/13/2006	AZ.	
South Florida Oncology and Hematology Consultants, 4850 W. Oakland Park Boulevard, Lauderdale Lakes, FL 33313.	33873	06/13/2006	FL	Suite A.
Alliance Imaging—Sierra Vista, 300 El Camino Real, Sierra Vista, AZ 85635.	71855	06/13/2006	AZ.	
Alliance Imaging—St. Joseph Eureka, 2700 Dolbeer Street, Eureka, CA 95501.	zzz23046z	06/13/2006	CA.	
Alliance Imaging—Corvallis Clinic, 3680 NW. Samaritan Drive, Corvallis, OR 97330.	132104	06/13/2006	OR.	
Bridgeport Hospital, 267 Grant Street, Bridgeport, CT 06610	70010	06/13/2006	CT.	
Valley Radiologists, Ltd.—Paseo II Office, 5605 W. Eugie Avenue, Glendale, AZ 85304.	1902896236	06/13/2006	AZ	Suite 110.
Central Texas Medical Center, 1301 Wonder World Drive, San Marcos, TX 78666.	450272	06/13/2006	TX.	
Alliance Imaging—Verde Valley Medical Center, 269 S. Candy Lane, Cottonwood, AZ 86326.	76103	06/13/2006	AZ.	
Alliance Imaging—Union Hospital Cecil, 106 Bow Street, Elkton, MD 21821.	FMN008	06/13/2006	MD.	
St. Joseph Mercy Hospital—Ann Arbor, 5301 E. Huron River Road, Ann Arbor, MI 48106.	230156	06/13/2006	MI.	
Alliance Imaging—Navapache, 2200 E. Show Low Lake, Show Low, AZ 85901.	76103	06/13/2006	AZ.	
St. Clare Medical Center, 1710 Lafayette Road, Crawfordsville, IN 17933.	150022	06/13/2006	IN.	
Boynton Beach EFL Imaging Center, LLC, 2300 S. Congress Avenue, Boynton Beach, FL 33426.	272376000	06/13/2006	FL	#105.
Aurora Medical Center Oshkosh, 855 N. Westhaven Drive, Oshkosh, WI 54904.	590198	06/13/2006	WI.	
Southeast GYN, Oncology PET, 5210 Belfort Road, Jacksonville, FL 32256.	45542	06/13/2006	FL	Suite 130.
Stockton MRI & Molecular Imaging Medical Center, 2320 N. California Street, #2, Stockton, CA 95219.	ZZZ290872	06/13/2006	CA.	
South Texas Cancer Center, 2150 N. Expressway 83, Brownsville, TX 78521.	14041756	06/13/2006	TX.	
Southwest Cancer Care Medical Group, 5395 Ruffin Road, San Diego, CA 92123.	W4957B	06/13/2006	CA	#202.

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Radiology Associates of Venice and Englewood, PA, 512–516 S. Nokomis Avenue, Venice, FL 34285.	99390	06/13/2006	FL.	
Langlade Memorial Hospital Oncology, 112 E. 5th Avenue, Antigo, WI 54409.	521350	06/13/2006	WI.	
RCOA Imaging Services, 305 South 5th Street, Enid, OK 73701.	400522301	06/13/2006	OK.	
North Shore Hematology Oncology Associates, PC, 235 N. Belle Mead Road, East Setauket, NY 11733.	W04051	06/13/2006	NY.	
Providence Holy Cross Imaging Center, 26357 McBean Parkway, Suite 155, Santa Clarita, CA 91355.	TP129	06/13/2006	CA.	
Alaska Open Imaging Center, LLC, 6911 DeBarr Road, Anchorage, AK 99504.	K153149	06/13/2006	AK.	
Temecula Valley Nuclear Medicine, 25485 Medical Center Drive, Murrieta, CA 92562.	00A417170	06/13/2006	CA	Suite 102.
Hematology Oncology Assoc. of the Treasure Coast, 1801 SE. Hillmoor Drive, Port Saint Lucie, FL 34952.	40806	06/13/2006	FL	Suite B–107 (Mobile).
The Center for Cancer and Blood Disorders, 800 W. Magnolia Avenue, Fort Worth, TX 76104.	00L79L	06/13/2006	TX.	
Alliance Imaging—South Coast Medical Center, 31872 Pacific Coast Highway, Laguna Beach, CA 92651.	TG281B	06/13/2006	CA.	
The Medical Center at Bowling Green, 250 Park Street, Bowling Green, KY 42101.	180013	06/13/2006	KY	PET/CT Center.
Johns Hopkins Bayview Medical Center, 4940 Eastern Avenue, Baltimore, MD 21224.	210029	06/13/2006	MD	Imaging Department-Nuclear Medicine.
University of Michigan, Department of Radiology, 1500 E. Medical Center Drive, Ann Arbor, MI 48109.	230046	06/13/2006	MI	Box 0028, B1H418 University Hospital.
Carmichael Imaging, LLC, 4147 Carmichael Road, Montgomery, AL 36106.	51551742	06/13/2006	AL.	
Clearfield Hospital, 809 Turnpike Avenue, Clearfield, PA 16830.	390052	06/13/2006	PA.	
Clinical Pet of Hernando, 4003 Mariner Boulevard, Spring Hill, FL 34609.	V2683	06/13/2006	FL.	
Booth Radiology, 105 Kings Way, W. Hurffville—Crosskeys Road, Sewell, NJ 08080.	39460	06/13/2006	NJ.	
Clinical PET of Zepherhills, 38044 Daughtery Road, Zephyrhills, FL 33542.	E7179B	06/13/2006	FL.	
Radiology & Diagnostic Imaging, 2200 East Parrish Avenue, Owensboro, KY 42303.	3641	06/13/2006	KY	Building D.
Santa Monica Bay Physicians, 12524 W. Washington Boulevard, Los Angeles, CA 90066.	W14560	06/13/2006	CA.	
Missouri Baptist Medical Center, 3023 N. Ballas Road, St. Louis, MO 63141.	260108	06/13/2006	MO	Suite 150, Building D.
Radiology Associates of Tallahassee, PA, 1600 Phillips Road, Tallahassee, FL 32308.	60	06/13/2006	FL.	
Pacific Imaging—Oakland, 3200 Telegraph Avenue, Oakland, CA 94609.	1265480099	06/13/2006	CA.	
Medical Group of North County, 5395 Ruffin Road, #202, San Diego, CA 92123.	W11609	06/13/2006	CA	#202.
Somerset Community Hospital, 225 South Center Avenue, Somerset, PA 15501.	390039	06/13/2006	PA.	
Elmbrook Memorial Hospital, 19333 W. North Avenue, Brookfield, WI 53045.	520170	06/13/2006	WI.	
San Luis Diagnostic Medical Associates, 1100 Monterey Street, San Luis Obispo, CA 93401.	W14221	06/13/2006	CA	Suite 210.
Cancer Care Centers of S.Texas, PA (New Braunfels), 1448 Common Street, New Braunfels, TX 78130.	00U40Q	06/13/2006	TX.	
Cancer Care Centers of S.Texas, PA (San Antonio), 8109 Fredericksburg Road, San Antonio, TX 78229.	00U40Q	06/13/2006	TX.	
Cancer Care Centers of S.Texas, PA (Kerrville), 694 Hill Country Drive, Kerrville, TX 78028.	00U40Q	06/13/2006	TX.	
San Antonio Molecular Imaging SAMI, 9102 Floyd Curl Drive, San Antonio, TX 78240.	FTN025	06/13/2006	TX	Suite 193.
Pacific Medical Imaging and Oncology Center, Inc., 707 South Garfield Avenue, Alhambra, CA 91801.	W19267	06/13/2006	CA	Suite B–001.
Northern IL Cancer Treatment Center, 327 IL Route 2, Dixon, IL 61021.	210699	06/13/2006	IL.	
Cancer Care Center, 2210 Green Valley Road, New Albany, IN 47150.	243690	06/13/2006	IN	Suite 1.
Northeast Radiology, 3839 Danbury Road, Brewster, NY 10509.	1134118607	06/13/2006	NY.	
New England PET Imaging System, 70 East Street, Methuen, MA1844.	M20762	06/13/2006	MA.	
Southeast Texas PET Imaging, 690 North 14th Street, Beaumont, TX 77702.	0004CC	06/13/2006	TX.	

Facility name	Provider No.	Date approved	State	Other information
Sun City West PET Scan, 14418 W. Meeker Boulevard, Sun City West, AZ 85374.	102496	06/13/2006	AZ	Suite 105.
Butler Memorial Hospital, 911 East Brady Street, Butler, PA 16001.	390168	06/13/2006	PA.	
Diagnos, Inc., d.b.a. Diagnos PET/CT Imaging, 2000 North Loop West, Houston, TX 77018.	ftnx11	06/13/2006	TX	Suite 100.
Alliance Imaging—Washington Hospital, 38950 Civic Center Drive, Fremont, CA 94538.	ZZZ28890Z	06/13/2006	CA.	
Providence Saint Joseph Hospital, 201 S. Buena Vista Street, Burbank, CA 91505.	50235	06/13/2006	CA	#125.
Alliance Imaging—Centinela Freeman, 333 Prairie Avenue, Inglewood, CA 90301.	TG281	06/13/2006	CA.	
Alliance Imaging—Corona Regional Hospital, 800 S. Main Street, Corona, CA 91720.	ZZZ23042Z	06/14/2006	CA.	
Alliance Imaging—St. Mary's Regional Medical Center, 235 W. 6th Street, Reno, NV 89503.	37860	06/14/2006	NV	235 W. 6th Street.
Alliance Imaging—Downey Regional Medical Center, 11500 Brookshire Avenue, Downey, CA 90241.	TG490	06/14/2006	CA.	
Alliance Imaging—Visalia Medical Clinic, 5400 W. Hillsdale Drive, Visalia, CA 93291.	ZZZ23046Z	06/14/2006	CA.	
Alliance Imaging—Anaheim Memorial Medical Center, 1111 W. La Palma Avenue, Anaheim, CA 92801.	TD017C	06/14/2006	CA	Anaheim Memorial Medical Center.
Glendale Diagnostic Imaging Network Medical Office, 403 South Glendale Avenue, Glendale, CA 91205.	W19100	06/14/2006	CA.	
Advanced Imaging at Baybrook, 11 Murray Street, Glens Falls, NY 12801.	33554a	06/14/2006	NY.	
Elizabethtown Hematology-Oncology PLC, 1107 Woodland Drive, Elizabethtown, KY 42701.	3638	06/14/2006	KY	Suite 105.
Northern Arizona Radiology, 77 W. Forest Avenue, Suite 101, Flagstaff, AZ 86001.	WCGJX	06/14/2006	AZ.	
Suburban Imaging—Coon Rapids, 8990 Springbrook Drive, Suite 140, Coon Rapids, MN 55433.	3087	06/14/2006	MN.	
Covenant Medical Center, 200 East Ridgeway Avenue, Waterloo, IA 50702.	421264647	06/14/2006	IA.	
Mayo Clinic Rochester, 10 3rd Avenue NW., Rochester, MN 55905.	1922074434	06/14/2006	MN	Charlton Building.
Thousand Oaks Diagnostic Imaging Center, 2180 Lynn Road, Thousand Oaks, CA 91360.	TP118	06/14/2006	CA.	
InnerVision Advanced Medical Imaging, 3801 Amelia Avenue, Lafayette, IN 47905.	167840	06/14/2006	IN.	
UT-M.D. Anderson Cancer Center-PET Facility, 1220 Holcombe Boulevard, Houston, TX 77030.	450076	06/14/2006	TX	ACB 6th Floor.
Emory University Hospital, 1364 Clifton Road, NE., Atlanta, GA 30322.	110010	06/14/2006	GA	Rm. E121 Nuclear Medicine/PET.
Glendale MRI Institute, 624 S. Central Avenue, Glendale, CA 91204.	HW9951	06/14/2006	CA.	
Princeton Radiology, 9 Centre Drive, Jamesburg, NJ 08831	526492	06/14/2006	NJ.	
Caromont Imaging Services, 620 Summit Crossing Place, Gastonia, NC 28054.	340032	06/14/2006	NC	Suite 106.
North Central Imaging, 155 Sonterra Boulevard, Suite 100, San Antonio, TX 78258.	00867N	06/14/2006	TX.	
Robert L. B. Tobin Diagnostic Imaging Center, 7979 Wurzbach Drive, Suite U113, San Antonio, TX 78229.	00867N	06/14/2006	TX.	
Edwards Comprehensive Cancer Center, 1400 Hal Greer Boulevard, Huntington, WV 25701.	510055	06/14/2006	WV.	
Home Hospital GLHS, 2400 South Street, Lafayette, IN 47904.	150109	06/14/2006	IN.	
St. Luke's North PET, 153 Brodhead Road, Bethlehem, PA 18017.	390049	06/14/2006	PA.	
Alamance Regional Medical Center, 1240 Huffman Mill Road, Burlington, NC 27216–0202.	340070	06/14/2006	NC	P.O. Box 202.
Verrazano Radiology, 256 Mason Avenue, Staten Island, NY 10305.	1698	06/14/2006	NY.	
Total Imaging Sun City, 3862 Sun City Center, Sun City Center, FL 33571.	U4840	06/14/2006	FL.	
Ortonville Area Health Services, 450 Eastvold Avenue, Ortonville, MN 56278.	241342	06/14/2006	MN.	
Merle West Medical Center, 2865 Daggett Avenue, Klamath Falls, OR 97601.	380050	06/14/2006	OR.	
Elite Imaging, LLC, 2845 Aventura Boulevard, Aventura, FL 33180.	K3535	06/14/2006	FL	Suite 145.
St. Mary Centralia, 400 N. Pleasant Avenue, Centralia, IL 62801.	140034	06/14/2006	IL.	

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North Texas Regional Cancer Center, 3705 W. 15th Street, Plano, TX 75075.	00543K	06/14/2006	TX.	
Centegra Health System, 4201 Medical Center Drive, McHenry, IL 60050.	140116	06/14/2006	IL.	
Boston Diagnostic Imaging, 398 East Altamonte Drive, Altamonte Springs, FL 32701.	77022	06/14/2006	FL.	
William W. Backus Hospital, 326 Washington Street, Norwich, CT 06360.	70024	06/14/2006	CT.	
NSMS—Sparta, IL, 4253 Argosy Court, Madison, WI 53714	208196	06/14/2006	WI.	
LaPorte Hospital & Healthcare Services, 1007 Lincolnway, LaPorte, IN 46350.	150006	06/14/2006	IN.	
Skagit Valley Hospital, 1415 E. Kincaid Street, Mt.Vernon, WA 98273.	500003	06/14/2006	WA.	
Alliance Imaging—Fairfield Hospital, 303 NW. 11th Street, Fairfield, IL 62837.	213393	06/14/2006	IL.	
Anderson Hospital, 6800 State Route 162, Maryville, IL 62062.	212761	06/14/2006	IL.	
Alliance Imaging—Dean, 1313 Fish Hatchery Road, Madison, WI 53715.	92170	06/14/2006	WI.	
Alliance Imaging—Research, 2316 E. Meyer Boulevard, Kansas City, MO 64112.	9004263A	06/14/2006	MO.	
Alliance Imaging—St. Joseph, 1000 Carondelet Drive, Kansas City, MO 64114.	9004263A	06/14/2006	MO.	
Beebe Health Campus, d.b.a. Beebe Medical Center, 18941 John J. Williams Highway, Rehoboth, DE 19971.	80007	06/14/2006	DE.	
Medical Outsourcing Services, LLC, 1200 Maple Road, Joliet, IL 60432.	211223	06/14/2006	IL.	
Silver Spring Radiology, 10801 Lockwood Drive, Silver Spring, MD 20901.	FDX009	06/14/2006	MD	STE 170.
New England PET of Greater Lowell, 295 Varnum Avenue, Lowell, MA 01854.	327080	06/14/2006	MA.	
Stanford University, 900A Blake Wilbur Drive, Stanford, CA 94305.	50441	06/14/2006	CA.	
Medical Outsourcing, Services, LLC, 3333 W. DeYoung Street, Marion, IL 62959.	211224	06/14/2006	IL.	
Medical Outsourcing Services, LLC, 1700 Clinton Street, Muskegon, MI 49443.	230066	06/14/2006	MI.	
Medical Outsourcing Services, LLC, 1001 Bellefontaine Avenue, Lima, OH 45807.	MEID02391	06/14/2006	OH.	
Golf Diagnostic Imaging Center, 9680 Golf Road, Des Plaines, IL 60016.	378810	06/14/2006	IL.	
Medical Outsourcing Services, LLC, 2816 South Ellis Avenue, Chicago, IL 60616.	211222	06/14/2006	IL.	
Medical Outsourcing Services, LLC, 1100 E. Norris Drive, Ottawa, IL 61350.	211224	06/14/2006	IL.	
Medical Outsourcing Services, LLC, 111 E. Spring Street, Streator, IL 61364.	211224	06/14/2006	IL.	
Mansfield Imaging Center, 536 S. Trimble Road, Mansfield, OH 44906.	MAD10921	06/14/2006	OH	Suite A.
Manhattan Diagnostic Radiology, 400 East 66th Street, New York, NY 10021.	W23211	06/14/2006	NY.	
Riverside Walter Reed Hospital, 7519 Hospital Drive, Gloucester, VA 23061.	490130	06/14/2006	VA.	
Good Shepherd Hospital, 450 West Highway 22, Barrington, IL 60010.	140291	06/14/2006	IL.	
Alliance Imaging—Presbyterian Intercomm Hospital, 12401 Washington Boulevard, Whittier, CA 90602.	TG281A	06/14/2006	CA	Presbyterian Intercommunity Hospital.
Altru Hospital, 1200 S. Columbia Road, Grand Forks, ND 58201.	350019	06/14/2006	ND.	
Mid American Imaging—Union Hospital, 659 Boulevard Street, Dover, OH 44622.	ID00805	06/14/2006	OH.	
Gundersen Clinic, 1900 South Avenue, Lacrosse, WI 54601	34217	06/14/2006	WI.	
University of Minnesota Medical Center, Fairview, 500 Harvard Street, SE., Box 292, Minneapolis, MN 55455.	C02390	06/14/2006	MN.	
The Christ Hospital, 2139 Auburn Avenue, Cincinnati, OH 45219.	360163	06/14/2006	OH.	
West Michigan Cancer Center, 200 N. Park Street, Kalamazoo, MI 49007.	0N66660	06/14/2006	MI.	
Cyrus Diagnostic Imaging, Inc., 165 Waymont Court, Lake Mary, FL 32746.	40586	06/14/2006	FL.	
Cancer Centers of Florida, 1561 West Fairbanks Avenue, Winter Park, FL 32789.	K1833	06/14/2006	FL.	
Cedars-Sinai Medical Center, Adler-Nail PET Center, 8700 Beverly Boulevard, Los Angeles, CA 90048.	951644600	06/14/2006	CA	S. Mark Taper Foundation Imaging Center.

Facility name	Provider No.	Date approved	State	Other information
Cancer Centers of Florida, 52 West Gore Street, Orlando, FL 32806.	K1833	06/14/2006	FL.	
Cancer Centers of Florida, 1111 Blackwood Avenue, Ocoee, FL 34761.	K1833	06/14/2006	FL.	
Mt. Clemens Regional Medical Center, 1000 Harrington Street, Mt. Clemens, MI 48043.	230227	06/14/2006	MI.	
Truxtun Radiology Medical Group, LP, 1818 16th Street, Bakersfield, CA 93301.	ZZZ25213Z	06/14/2006	CA.	
Medical Outsourcing Services, LLC, 1515 North Madison Avenue, Anderson, IN 46011.	223260	06/14/2006	IN.	
Medical Outsourcing Services, LLC, 1215 Franciscan Drive, Litchfield, IL 62056.	211224	06/14/2006	IL.	
Piedmont Medical Center, 1968 Peachtree Road, NW., Atlanta, GA 30305.	110083	06/14/2006	GA.	
Medical Outsourcing Services, LLC, 1400 West Park Street, Urbana, IL 61801.	211224	06/14/2006	IL.	
Central Indiana PET, LLC, 8301 Harcourt Road, Suite 100, Indianapolis, IN 46260.	201930	06/14/2006	IN.	
Medical Outsourcing Services, LLC, 812 North Logan Avenue, Danville, IL 61832.	211224	06/14/2006	IL.	
Queens Medical Imaging, PC, 69–15 Austin Street, Forest Hills, NY 11375.	1023011285	06/14/2006	NY.	
NYOH PET/CT Imaging, 43 New Scotland Avenue, Albany, NY 12208.	56917A	06/14/2006	NY.	
Conroe Regional Medical Center, 504 Medical Center Boulevard, Conroe, TX 77304.	450222	06/14/2006	TX.	
Northeast Georgia Health System, Inc., Northeast Georgia Medical Center; 743 Spring Street, Gainesville, GA 30501.	110029	06/14/2006	GA.	
Texas Oncology, PA—Mckinney, 4510 Medical Center Drive, Mckinney, TX 75069.	00543K	06/14/2006	TX	#215.
Medical Outsourcing Services, LLC, 7150 Clearwater Drive, Indianapolis, IN 46256.	223260	06/14/2006	IN.	
Medical Outsourcing Services, LLC, 1402 East County Line Road, Indianapolis, IN 46227.	223260	06/14/2006	IN.	
Texas Cancer Center—Sherman, 2800 Highway 75 North, Sherman, TX 75090.	00543K	06/14/2006	TX.	
Medical Outsourcing Services, LLC, 120 Ralston Avenue, Defiance, OH 43512.	MEID02391	06/14/2006	OH.	
Medical Outsourcing Services, LLC, 2400 N. Rockton Avenue, Rockford, IL 61103.	211224	06/14/2006	IL.	
Arlington Cancer Center, 906 W. Randol Mill Road, Arlington, TX 76012.	00LK20	06/14/2006	TX.	
Jupiter Medical Center, 2055 Military Trail, Jupiter, FL 33458.	100253	06/14/2006	FL.	
Cheyenne Radiology Group and MRI, PC, 2003 Bluegrass Circle, Cheyenne, WY 82009.	W309142	06/14/2006	WY.	
Hunterdon Imaging, PA, 2100 Wescott Drive, MRI Suite, Flemington, NJ 08822.	714119	06/14/2006	NJ.	
Medical Outsourcing Services, LLC, 200 Berteau Avenue, Elmhurst, IL 60126.	211223	06/14/2006	IL.	
Magnolia Regional Center, 611 Alcorn Drive, Corinth, MS 38834.	250009	06/14/2006	MS.	
Monroe Clinic, 515 22nd Avenue, Monroe, WI 53566	520028	06/14/2006	WI.	
Jupiter Hematology-Oncology Associates, 345 Jupiter Lakes Boulevard, Jupiter, FL 33458.	34922	06/14/2006	FL	Ste. 100.
Southwest Regional Cancer Center, 901 West 38th Street, Austin, TX 78705.	0080BY	06/14/2006	TX.	
Positron Imaging Of Austin, 6101 Balcones Drive, Austin, TX 78731.	00538K	06/14/2006	TX.	
Southern Ocean County Hospital, 1140 Route 72 West, Manahawkin, NJ 08050.	310113	06/14/2006	NJ	Radiology.
Medical Outsourcing Services, LLC, 9830 S. Ridgeland Road, Chicago Ridge, IL 60145.	211222	06/14/2006	IL.	
Medical Outsourcing Services, LLC, 430 West Votaw Street, Portland, IN 47374.	223260	06/14/2006	IN.	
Saint Agnes Medical Center, 1303 E. Herndon Avenue, Fresno, CA 93720.	50093	06/14/2006	CA.	
Central Physicians Imaging, 100 Southland Drive, Lexington, KY 40503.	9375001	06/14/2006	KY	Suite B.
NEA Medical Center, 3024 Stadium Boulevard, Jonesboro, AR 72401.	1386699353	06/14/2006	AR.	
Northgate Medical Imaging, LLC, 807 Northgate Boulevard, New Albany, IN 47150.	1205894235	06/14/2006	IN.	

Facility name	Provider No.	Date approved	State	Other information
Ball Memorial Hospital, 2401 University Avenue, Muncie, IN 47303.	150089	06/14/2006	IN.	
The MRI Center, 5200 Harroun Road, Sylvania, OH 43560	360074	06/14/2006	OH	Flower Hospital.
St. Joseph Regional Health Center, 2801 Franciscan Drive, Bryan, TX 77802.	450011	06/14/2006	TX.	
Steinberg Diagnostic (SDMI), 2850 Siena Heights, Henderson, NV 89052.	WCHCC	06/14/2006	NV.	
Raritan Bay Medical Center, 1 Hospital Plaza, Old Bridge, NJ 08857.	310039	06/14/2006	NJ.	
MRI Center—St. Anne Mercy Hospital, 3404 W. Sylvania Avenue, Toledo, OH 43623.	360262	06/14/2006	OH.	
MRI Center—St. Charles Mercy Hospital, 2600 Navarre Avenue, Oregon, OH 43616.	360081	06/14/2006	OH.	
MRI Center—St. Luke's Hospital, 2901 Monclova Road, Maumee, OH 43537.	360090	06/14/2006	OH.	
MRI Center—St. Vincent Medical Center, 2213 Cherry Street, Toledo, OH 43608.	360112	06/14/2006	OH.	
MRI Center—Toledo Hospital, 2142 N. Cove Boulevard, Toledo, OH 43606.	360068	06/14/2006	OH.	
McAlester Regional Health Center, One Clark Bass Boulevard, McAlester, OK 74501.	370034	06/14/2006	OK.	
Express Imaging Center, Ltd., 1987 West Fourth Street, Mansfield, OH 44906.	9299151	06/14/2006	OH	Suite A.
Mercy Regional Medical Center, 375 East Park Avenue, Durango, CO 81301.	60013	06/14/2006	CO.	
Texas Oncology—Longview, Cancer Center PET, 1300 N. Fourth Street, Longviews, TX 75601.	00T35E	06/14/2006	TX.	
UNC Hospitals, 101 Manning Drive, Chapel Hill, NC 27514	3400610	06/14/2006	NC	PET Department. Basement W/C Hospital.
DeKalb Medical Center-Diagnostic Imaging Center, 2701 North Decatur Road, Decatur, GA 30033.	110076	06/14/2006	GA.	
Long Island Pet Imaging, 6 Ohio Drive, Lake Success, NY 11042.	W4921	06/14/2006	NY	Suite 101.
Vanderbilt University Medical Center, 1161 21st Avenue South, Nashville, TN 37232.	3284867	06/14/2006	TN	Building 1251, RRB.
Medical Outsourcing Services, LLC, 1800 E. Lakeshore Drive, Decatur, IL 62521.	211224	06/14/2006	IL.	
New York PET and CTA Imaging Center, 7404 5th Avenue, Brooklyn, NY 11209.	1083680003	06/14/2006	NY.	
Mercy Medical Center—North Iowa, 1000 4th Street SW., Mason City, IA 50401.	160064	06/14/2006	IA.	
Lawrence and Memorial Hospital, 365 Motauk Avenue, New London, CT 06320.	70007	06/14/2006	CT.	
Superior Medical Diagnostics II, LLC, 235 Franklin Avenue, Nutley, NJ 07110.	68423	06/14/2006	NJ.	
Oncology Specialists, S.C., 7900 N. Milwaukee Avenue, Niles, IL 60714.	587940	06/14/2006	IL	Suite 16.
Hahnemann University Hospital Broad & Vine, MS300, Philadelphia, PA 19102.	390290	06/14/2006	PA.	
Shrewsbury Diagnostic Imaging, LLC, 1131 Broad Street, Shrewsbury, NJ 07702.	24021	06/14/2006	NJ	Suite 110.
Medical Outsourcing Services, LLC, 500 West Court Street, Kankakee, IL 60901.	211224	06/14/2006	IL.	
Forsyth Medical Center, 3333 Silas Creek Parkway, Winston Salem, NC 27103.	3400014	06/14/2006	NC.	
Medical Outsourcing Services, LLC, 500 John Deere Road, Moline, IL 61265.	211224	06/14/2006	IL.	
Medical Outsourcing Services, LLC, 836 W. Wellington Avenue, Chicago, IL 60657.	211222	06/14/2006	IL.	
Medical Outsourcing Services, LLC, 1600 West Walnut, Jacksonville, IL 62650.	211224	06/14/2006	IL.	
Medical Outsourcing Services, LLC, 1600 23rd Street, Bedford, IN 47471.	223260	06/14/2006	IN.	
Medical Outsourcing Services, LLC, 1500 North Ritter Avenue, Indianapolis, IN 46219.	223260	06/14/2006	IN.	
Medical Outsourcing Services, LLC, 1221 N. Highland, Aurora, IL 60506.	211223	06/14/2006	IL.	
Medical Outsourcing Services, LLC, 1000 Lincoln Health Center Drive, Mattoon, IL 61938.	211224	06/14/2006	IL.	
Salinas Valley Memorial Healthcare System, 450 E. Romie Lane, Salinas, CA 93901.	50334	06/14/2006	CA.	
Bridgeport Hospital, 267 Grant Street, Bridgeport, CT 06610	70010	06/14/2006	CT.	
MRIGP, Inc., d.b.a. Advanced Medical Imaging Diamond H., 2490 W 26th Avenue, Suite 20A, Denver, CO 80211.	H8808	06/14/2006	CO.	

Facility name	Provider No.	Date approved	State	Other information
RCHO PET Imaging, 5120 Belfort Boulevard, Suite 130, Jacksonville, FL 32256.	40259	06/14/2006	FL.	
Presbyterian Hospital, 200 Hawthorne Lane, Charlotte, NC 28204.	560554230	06/14/2006	NC.	
Eisenhower Imaging Center, 39000 Bob Hope Drive, Rancho Mirage, CA 92210.	ZZZ91572Z	06/14/2006	CA	Lower Level Lucy Curci Cancer Center.
Mississippi Baptist Medical Center, 501 Marshall Street, Jackson, MS 39202.	250102	06/14/2006	MS.	
Texas Oncology-South Texas Cancer Center, 2121 Pease Street, Suite 101, Harlingen, TX 78550.	14041756	06/14/2006	TX	Texas Oncology-South Texas Cancer Center.
Valley Radiologists, Ltd.—Paseo II Office, 5605 W. Eugie Avenue, Suite 110, Glendale, AZ 85304.	WCFHS	06/14/2006	AZ.	
Good Samaritan Hospital, 400 15th Avenue SE., Puyallup, WA 98372.	500079	06/14/2006	WA.	
St. John's Mercy Hospital, 851 5th Street, Washington, MO 63090.	260052	06/14/2006	MO.	
Memorial Hermann The Woodlands OPID, 9200 Pinecroft Drive, Suite 100, The Woodlands, TX 77380.	741152597	07/14/2006	TX.	
St. Luke's Hospital, 232 South Wood's Mill Road, Chesterfield, MO 63017.	260179	07/14/2006	MO.	
Lake Vista Cancer Center, 2790 Lake Vista Drive, Lewisville, TX 75067.	00543K	07/14/2006	TX.	
Palms Imaging Medical Group, Inc., 1901 Outlet Center Drive, Oxnard, CA 93036.	W19564	07/14/2006	CA.	
Houston Medical Imaging, LLC, 3310 Richmond Avenue, Houston, TX 77006.	00137K	07/14/2006	TX.	
Alliance Imaging—West Anaheim Medical Center, 3033 W. Orange Avenue, Anaheim, CA 92804.	TD017	07/14/2006	CA.	
Winthrop PET Imaging Center, 222 Station Plaza North, Suite 140, Mineola, NY 11501.	330167	07/14/2006	NY.	
Greenville Hospital System, University Medical Center, 701 Grove Road, Greenville, SC 29605.	420078	07/14/2006	SC.	
High Field Open MRI, 1895 Jefferson Road, Rices Landing, PA 15357.	7885	07/14/2006	PA.	
PET/CT Center at St. Anthony's POB, 1201 5th Avenue North, St. Petersburg, FL 33705.	E5753	07/14/2006	FL	Suite 100.
Texas Oncology-Deke Slayton Cancer Center, 501 Medical Center, Webster, TX 77598.	00t40e	07/14/2006	TX.	
Invision North Florida Outpatient Imaging Center, 6605 NW. 9th Boulevard, Gainesville, FL 32609.	E4639	07/14/2006	FL.	
Memorial Hospital of Union County, 500 London Avenue, Marysville, OH 43040.	360092	07/14/2006	OH.	
Texas Oncology/South Texas Cancer Center—McAllen, 1901 S. 2nd Street, McAllen, TX 78503.	00N39J	07/14/2006	TX.	
Baylor Medical Center at Irving, 1901 North MacArthur Boulevard, Irving, TX 75061.	450079	07/14/2006	TX.	
Providence Park Hospital, 47601 Grand River Avenue, Novi, MI 48374.	230019	07/14/2006	MI.	
Texas Oncology—Abilene, 1957 Antilley Road, Abilene, TX 79606.	140414748	07/14/2006	TX.	
St. Anthony Hospital, 1000 North Lee Street, Oklahoma City, OK 73101.	370037	07/14/2006	OK.	
Rice Memorial Hospital, 301 Becker Avenue SW., Willmar, MN 56201.	240088	07/14/2006	MN.	
LDS Hospital Nuclear Medicine, 8th Avenue & C Street, Salt Lake City, UT 84143.	460010	07/14/2006	UT.	
RMG First & Laurel Imaging Center, 2466 First Avenue, San Diego, CA 92101.	W14057	07/14/2006	CA.	
RMG Gardenview Imaging Center, 1200 Gardenview Road, Encinitas, CA 92024.	W14057F	07/14/2006	CA	Suite 110.
Decatur County Memorial Hospital, 720 North Lincoln Street, Greensburg, IN 47240.	150062	07/14/2006	IN.	
Midland Imaging Center, 5001 Andrews Highway, Midland, TX 79703.	00U75H	07/14/2006	TX.	
Advanced Imaging, LLC, 3433 NW. 56th C–10, Oklahoma City, OK 73112.	400522379	07/14/2006	OK.	
University of Iowa Hospitals and Clinics, 200 Hawkins Drive, Iowa City, IA 52242.	160058	07/14/2006	IA.	
AZ Oncology Associates PET/CT & CT Imaging Center, 2070 W. Rudasill Road, Tucson, AZ 85704.	25291	07/14/2006	AZ	Suite 110.
Medical Diagnostic Imaging, 14 Raymond Avenue, Poughkeepsie, NY 12603.	EEN841	07/14/2006	NY.	
Shore Memorial Hospital, 10085 William F. Bernart Circle, Nassawadox, VA 23413.	540560500	07/14/2006	VA.	

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Deaconess Hospital, 600 Mary Street, Evansville, IN 47747	150082	07/14/2006	IN.	
Great Neck Imaging, PC, 907 Northern Boulevard, Great Neck, NY 11021.	1487646311	07/14/2006	NY.	
FMH Rose Hill, 1562 Opossumtown Pike, Frederick, MD 21702.	KP72	07/14/2006	MD.	
Oakwood Annapolis Hospital, 33155 Annapolis Road, Wayne, MI 48184.	230142	07/14/2006	MI.	
The Regional Cancer Center, 2500 West 12th Street, Erie, PA 16505.	140052	07/14/2006	PA.	
Meritcare Hospital, 801 North Broadway, Fargo, ND 58122	350011	07/14/2006	ND.	
Community Hospitals and Wellness Centers, 433 W. High Street, Bryan, OH 43506.	360121	07/14/2006	OH.	
Sacred Heart Hospital, 900 W. Clairemont Avenue, Eau Claire, WI 54701.	520013	07/14/2006	WI.	
Via Radiology-Meridian Pavilion, 11011 Meridian Avenue North #101, Seattle, WA 98133.	8859612	07/14/2006	WA.	
Medical Outsourcing Services, LLC, 2200 Market Street, Charlestown, IN 47111.	223260	07/14/2006	IN.	
Allegheny General Hospital, 320 East North Avenue, Pittsburgh, PA 15232.	60503	07/14/2006	PA	Division of Nuclear Medicine.
Texas Oncology—12th Avenue, 1001 W. 12th Avenue, Fort Worth, TX 76104.	00R66C	07/14/2006	TX.	
Southwest Fort Worth Cancer Center, 6500 Harris Parkway, Fort Worth, TX 76132.	00R66C	07/14/2006	TX.	
St. Rita's Medical Center, 730 W. Market Street, Lima, OH 45801.	360066	07/14/2006	OH.	
New Mexico Oncology Hematology Consultants, Ltd., 4901 Lang Avenue NE., Albuquerque, NM 87109.	850367056	07/14/2006	NM.	
Emory Eastside Medical Center, 545 Old Norcross Road, Lawrenceville, GA 30045.	110192	07/14/2006	GA	Suite 200.
Riverside Regional Medical Center, 500 J. Clyde Morris Boulevard, Newport News, VA 23601.	490052	07/14/2006	VA.	
Connecticut Oncology & Hematology, 220 Kennedy Drive, Torrington, CT 06790.	C00633	07/14/2006	CT.	
Chilton Memorial Hospital, 97 West Parkway, Pompton Plains, NJ 07444.	310017	07/14/2006	NJ.	
Riverside Diagnostic Center Williamsburg, 120 Kings Way, Williamsburg, VA 23188.	490052	07/14/2006	VA.	
Lawrence County MRI & Diagnostic Imaging Center, 2526 Wilmington Road, New Castle, PA 16105.	68617	07/14/2006	PA.	
Joint Township District Memorial Hospital, 200 St. Clair Street, Saint Marys, OH 45885.	360032	07/14/2005	OH.	
Radiation Therapy Regional Centers, 3680 Broadway, Fort Myers, FL 33901.	77215	07/14/2006	FL.	
Graduate Hospital, 1800 Lombard Street, Philadelphia, PA 19146.	390285	07/14/2006	PA	One Graduate Hospital.
Columbia Diagnostic Center, 1111 Paulison Avenue, Clifton, NJ 07015.	94729	07/14/2006	NJ.	
The Nebraska Medical Center, 4250 Dewey Avenue, Omaha, NE 68113.	280013	07/14/2006	NE.	
Memorial Hermann Memorial City OPID, 925 Gessner Road, Houston, TX 77024.	741152597	07/14/2006	TX.	
Clifton Springs Hospital and Clinic, 2 Coulter Road, Clifton Springs, NY 14432.	330265	07/14/2006	NY.	
Monongalia General Hospital, 1200 J. D. Anderson Drive, Morgantown, WV 26505.	510024	07/14/2006	WV	Monongalia General Hospital.
Providence Portland Medical Center, 4805 NE. Glisan Street, Portland, OR 97213.	380061	07/14/2006	OR.	
Highfield Open MRI, Inc., 995 GreenTree Road, Pittsburgh, PA 15220.	7885	07/14/2006	PA.	
Providence St. Vincent Medical Center, 9205 SW. Barnes Road, Portland, OR 97225.	380004	07/14/2006	OR.	
Conway Regional Imaging Center, 2120 Robinson Avenue, Conway, AR 72034.	40029	07/14/2006	AR.	
Martin Memorial Medical Center, 300 Hospital Avenue, Stuart, FL 34994.	100044	07/14/2006	FL.	
Northwest Medical Foundation of Tillamook, 1000 Third Street, Tillamook, OR 97141.	381317	07/14/2006	OR	Tillamook County General Hospital.
O'Connor Hospital, 2105 Forest Avenue, San Jose, CA 95128–1471.	50153	07/14/2006	CA.	
Midtown Imaging, LLC—Wellington, 440 N. State Road 7, Wellington, FL 33411.	E9133	07/14/2006	FL.	
Midtown Imaging, LLC—Jupiter, 345 Jupiter Lakes Boulevard, Jupiter, FL 33458.	E9133	07/14/2006	FL	Suite 100.

Facility name	Provider No.	Date approved	State	Other information
MMI/Mid Coast Hospital, 51 U.S. Route 1, Scarborough, ME 04074.	327079	07/14/2006	ME	Suite O.
Molecular Imaging Institute, 5349 Commerce Boulevard, Crown Point, IN 46307.	192870	07/14/2006	IN.	
RCOA Imaging Services, 11937 U.S. Highway 271, Tyler, TX 75708.	FTN022	07/14/2006	TX.	
MMI/Maine Medical Center, 51 U.S. Route 1, Scarborough, ME 4074.	327079	07/14/2006	ME	Suite O.
Radiology, Ltd., 4640 East Camp Lowell Drive, Tucson, AZ 85712.	WCBBM	07/14/2006	AZ.	
Intermed Oncology Associates, S.C., 6701 159th Street, Tinley Park, IL 60477.	610860	07/14/2006	IL.	
Lakes Radiology, 450 Canisteo Street, Hornell, NY 14843	1710937727	07/14/2006	NY.	
Opelousas PET/CT Imaging Center, 3975 I–49 South Service Road, Suite 100, Opelousas, LA 70570.	5DA11	07/14/2006	LA.	
Florida Cancer Institute—BRK, 7154 Medical Center Drive, Spring Hill, FL 34608.	1427017326	08/07/2006	FL.	
Capital Health System, 446 Belleview Avenue, Trenton, NJ 08618.	310044	08/07/2006	NJ.	
Hudson Valley Diagnostic Imaging, PLLC, 575 Hudson Valley Avenue, New Windsor, NY 12553.	WBH241	08/07/2006	NY.	
St Joseph's Hospital, 3200 Pleasant Valley Road, West Bend, WI 53095.	520063	08/07/2006	WI.	
Atlantic Medical Imaging, 30 East Maryland Avenue, Somers Point, NJ 08244.	101024	08/07/2006	NJ.	
Providence Imaging Center, 3340 Providence Drive, Anchorage, AK 99508.	2085R0202X	08/07/2006	AK.	
Rochester Radiology Associates, PC, 1277 Portland Avenue, Rochester, NY 14621.	199726	08/07/2006	NY.	
Melbourne Internal Medicine Associates, 1132 South Hickory Street, Melbourne, FL 32901.	77167	08/07/2006	FL.	
Highline Imaging, LLC, 275 SW. 160th Street, Seattle, WA 98166.	8801784	08/07/2006	WA.	
Tyler PET, 415 South Fleishel Avenue, Tyler, TX 75702	752131429	08/07/2006	TX.	
Lake City Medical Center, 340 NW. Commerce Drive, Lake City, FL 32055.	100156	08/07/2006	FL.	
Blount Memorial Hospital, 907 East Lamar Alexander Boulevard, Maryville, TN 37804.	440011	08/07/2006	TN.	
Texas Cancer Center Mesquite, 4700 North Galloway, Mesquite, TX 75150.	R339	08/07/2006	TX.	
Rutland Regional Medical Center: Diagnostic Imaging, 160 Allen Street, Rutland, VT 05701.	470005	08/07/2006	VT.	
MDMED, Inc., 155 Calle Portal, Suite 700, Sierra Vista, AZ 85635.	Z68496	08/07/2006	AZ.	
Atlantic Medical Imaging Wall Township, 2399 North Highway 34, Manasquan, NJ 08736.	101024	08/07/2006	NJ	Ramshorn Executive Centre Bldg B.
Newport Imaging Center, 455 Old Newport Road, Suite 101, Newport Beach, CA 92660.	W10829	08/07/2006	CA.	
Cancer Care and Hematology Specialists(CCHSC), 8915 West Golf Road, Niles, IL 60714–05825.	355030	08/07/2006	IL.	
Hematology Oncology Associates of Illinois (HOAI), 715 West North Avenue, Melrose Park, IL 60160.	218860	08/07/2006	IL.	
Princeton Community Hospital, 122 12th Street Ext, Princeton, WV 24740.	510046	08/07/2006	WV	P.O. Box 1369.
TRICAT, LLC at Edison, 3830 Park Avenue, Edison, NJ 08820.	27193	08/07/2006	NJ	Suite 102.
Olathe Medical Center, 20333 W. 151st Street, Olathe, KS 66061.	170049	08/07/2006	KS.	
St. Joseph Hospital, 1140 West La Veta Avenue, Orange, CA 92868.	50069	08/07/2006	CA	2nd Floor Nuclear Medicine.
Baptist Health Medical Center, 9601 I630, Exit 7, Little Rock, AR 72205–7299.	40114	08/07/2006	AR.	
Florida Cancer Specialists, 3840 Broadway, Fort Myers, FL 33901.	1225064520	08/07/2006	FL.	
Pacca PET Imaging, 5210 Belfort Road, Suite 130, Jacksonville, FL 32256.	37572	08/07/2006	FL.	
National PET Scan Palm Beach, LLC, 16110 Jog Road, Delray Beach, FL 33484.	1164452405	08/07/2006	FL	Suite 200.
Central Memphis Regional PET Imaging Center, LLC, 1388 Madison Avenue, Memphis, TN 38104.	1295719110	08/07/2006	TN.	
Johnston Memorial Hospital, 351 Court Street NE., Abingdon, VA 24210.	490053	08/07/2006	VA.	
Lenox Hill Hospital, 100 East 77th Street, New York, NY 10021.	131624070	08/07/2006	NY.	

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Mercy Medical Center, 411 Laurel Street, Suite 2310, Des Moines, IA 50314.	160083	08/07/2006	IA.	
New Orleans Regional PET Center, LLC, 3434 Prytania Street, Suite 120, New Orleans, LA 70115.	1538143474	08/07/2006	LA.	
Indiana Regional Medical Center PET Imaging, 835 Hospital Road, Indiana, PA 15701.	390173	08/07/2006	PA	P.O. Box 788.
Mid American-Defiance Clinic, 1400 E. Second Street, Defiance, OH 43512.	ID00809	08/07/2006	OH.	
Total Imaging Robertson, 737 West Brandon Boulevard, Brandon, FL 33511.	k7282	08/07/2006	FL.	
New Tampa Imaging Center, 14302 N. Bruce B. Downs Boulevard, Tampa, FL 33613.	k57209	08/07/2006	FL.	
Summit Imaging, 12037 Cortez Boulevard, Brooksville, FL 34613.	40986	08/08/2006	FL.	
University of NM Cancer Research & Treatment Center, 900 Caminodey Salud NE., Albuquerque, NM 87131.	400521103	08/08/2006	NM.	
Alliance Imaging—Los Alamitos Med Center, 3751 Katella Avenue, Los Alamitos, CA 90720.	TD017	08/08/2006	CA.	
NYU Clinical Cancer Center, Diagnostic Imaging, 160 E. 34th Street, New York, NY 10016.	W1L361	08/08/2006	NY	2nd Floor.
Margaret Mary Community Hospital, 321 Mitchell Avenue, Batesville, IN 47006.	151329	08/08/2006	IN.	
Quantum PET—Apple Hill, 37 Monument Road, York, PA 17403.	40635	08/08/2006	PA.	
Memorial Hospital, 1204 N. Mound Street, Nacogdoches, TX 75961.	450508	08/08/2006	TX.	
BMH—DeSoto, 7601 Southcrest Parkway, Southaven, MS 38671.	250141	08/08/2006	MS.	
Riverside Medical Center, 300 Bourbonnais Campus, Bourbonnais, IL 60914.	140186	08/08/2006	IL	Riverside Medical Center.
UCSD Center for Molecular Imaging, 11388 Sorrento Valley Road, Suite 100, San Diego, CA 92121.	TG302	08/08/2006	CA.	
Imaging Partners at Valley, LLC, 400 South 43rd Street, Renton, WA 98055.	AB38657	08/08/2006	WA	Olympic Building.
El Paso Cancer Treatment Center, 7848 Gateway East Boulevard, El Paso, TX 79915.	00543K	08/08/2006	TX.	
Desert Radiologists, 3930 S. Eastern Avenue, Las Vegas, NV 89119.	VWCCBT	08/08/2006	NV.	
Saint Joseph Hospital, 2900 North Lake Shore Drive, Chicago, IL 60068.	140224	08/08/2006	IL.	
Midstate Medical Center, 435 Lewis Avenue, Meriden, CT 06451.	60646715	08/08/2006	VT.	
Brookville Hospital, 100 Hospital Road, Brookville, PA 15825.	391312	08/08/2006	PA.	
Suntree Diagnostic Center, 6300 N. Wickham Road, Suite 101, Melbourne, FL 32940.	701	08/08/2006	FL.	
Virginia Mason Medical Center, 1100 Ninth Avenue, Seattle, WA 98101.	500005	08/08/2006	WA.	
Van Wert County Hospital, 1250 South Washington Street, Van Wert, OH 45891.	360071	08/08/2006	OH.	
Manhasset Diagnostic Imaging, PC, 1350 Northern Boulevard, 2nd Floor, Manhasset, NY 11030.	W14841	08/08/2006	NY.	
Southern New Mexico Cancer Center, 150 Road Runner Parkway, Las Cruces, NM 88011.	752131429	08/08/2006	NM.	
Davis Memorial Hospital, Gorman Avenue and Reed Street, Elkins, WV 26241.	510030	08/08/2006	WV	Gorman Avenue.
Advocate Good Samaritan Hospital, 3815 Highland Avenue, Downers Grove, IL 60515.	140288	08/08/2006	IL.	
Benefis Healthcare, 1101 26th Street South, Great Falls, MT 59405.	270012	08/08/2006	MT.	
Fort Walton Beach Medical Center, 1032 Mar Walt Drive, Fort Walton Beach, FL 32547.	100223	08/08/2006	FL.	
Blessing Hospital, P.O. Box #7005, Quincy, IL 62305	140015	08/08/2006	IL.	
Alliance Imaging—Allen County Hospital, 101 South 1st Street, Iola, KS 53808.	130656	08/08/2006	KS.	
Florida Cancer Institute—NPR, 8763 River Crossing Boulevard, New Port Richey, FL 34655.	1427017326	08/08/2006	FL.	
Kimball Medical Center, 600 River Avenue, Lakewood, NJ 08701.	315084	08/08/2006	NJ.	
Radiology Imaging Associates at Heritage, 8926 Woodyard Road, Clinton, MD 20735.	521454775	08/08/2006	MD	Suite 502.
Immanuel Medical Center, 6901 North 72nd Street, Omaha, NE 68122.	280081	08/08/2006	NE.	

Facility name	Provider No.	Date approved	State	Other information
North Fork Radiology, 1333 Roanoke Avenue, Riverhead, NY 11901.	w11401	08/08/2006	NY.	
South County PET Imaging, LLC, 10010 Kennerly Road, St. Louis, MO 63128.	93053	08/08/2006	MO.	
Carolinas Hospital System, 805 Pamplico Highway, Florence, SC 29505.	621587267	08/08/2006	SC.	
Radiology Associates of San Luis Obispo, 522 E. Plaza Drive, Santa Maria, CA 93454.	GR0009774	08/08/2006	CA.	
Florida Cancer Specialists—Port Charlotte, 22395 Edgewater Drive, Port Charlotte, FL 33980.	1225064520	08/08/2006	FL.	
Florida Cancer Specialists—Venice, 901 South Tamiami Trail, Venice, FL 34285.	1225064520	08/08/2006	FL.	
Florida Cancer Specialists—Bradenton, 6001 21st Avenue West, Bradenton, FL 34209.	1225064520	08/08/2006	FL.	
Nebraska Methodist Hospital, 8303 Dodge Street, Omaha, NE 68114.	280040	08/08/2006	NE.	
PET/CT Center of Richardson, 399 Melrose Drive, Richardson, TX 75080.	1740207539	08/08/2006	TX	Suite A.
Molecular Imaging at Sequoia Imaging Center, 4949 W. Cypress Avenue, Visalia, CA 93277.	ZZZ27463Z	08/08/2006	CA.	
Central Jersey Radiologists, 2128 Kings Highway, Oakhurst, NJ 07755.	527995	08/08/2006	NJ.	
Claxton-Hepburn Medical Center, 214 King Street, Ogdensburg, NY 13669.	330211	08/08/2006	NY.	
Memorial Hermann Southeast, 11800 Astoria Boulevard, Houston, TX 77089.	741152597	08/08/2006	TX.	
NSMS—Pine Bluff, AR, 4253 Argosy Court, Madison, WI 53714.	5f168	08/08/2006	WI.	
Yuma Regional Medical Center, 2400 S. Avenue A, Yuma, AZ 85364.	866007596	08/08/2006	AZ.	
Carle Clinic, 1702 S. Mattis Avenue, Champagne, IL 61820	371188284	08/08/2006	IL.	
North Shore-LIJ Center for Advanced Medicine, 450 Lakeville Road, Lake Success, NY 11042.	330106	08/08/2006	NY	North Shore-LIJ Center for Advanced Medicine Diagnostic Imaging Center.
McAlester Diagnostic Imaging, 10 South Third Street, McAlester, OK 74501.	1760411540	08/08/2006	OK	Suite 100.
California Imaging Institute, 1867 E. Fir Avenue, Fresno, CA 93720.	ZZZ03565Z	08/08/2006	CA.	
Bon Secours Memorial Regional Medical Center, 8260 Atlee Road, Mechanicsville, VA 23116.	541744931	08/08/2006	VA.	
University of Maryland Medical Center, 22 S. Greene Street Gudelksy 2nd Floor, Baltimore, MD 21201.	210002	08/08/2006	MD	Division of Nuclear Medicine.
Bixby Medical Center, 818 Riverside Avenue, Adrian, MI 49221.	230005	08/08/2006	MI.	
Kern Radiology Medical Group, 2301 Bahamas Drive, Bakersfield, CA 93309.	1720023997	08/08/2006	CA.	
Bon Secours St. Francis Medical Center, 13710 St. Francis Boulevard, Midlothian, VA 23114.	311716973	08/08/2006	VA.	
MMI/Maine General Waterville, 51 U.S. Route 1, Scarborough, ME 04074.	327079	08/08/2006	ME	Suite O.
Mount Adams Imaging Center, 3911 Castlevale Road, Yakimaw, WA 98902.	8857843	08/08/2006	WA.	
Carilion Roanoke Memorial Hospital, 2001 Crystal Spring Avenue, Roanoke, VA 24014.	490024	08/08/2006	VA.	
Seton Medical Center; Nuclear Medicine Dept., 1900 Sullivan Avenue, Daly City, CA, 94015–2229.	50289	08/08/2006	CA.	
Arnett Imaging Center, 2403 Loy Drive, Lafayette, IN 47909	224390	08/08/2006	IN.	
Advanced Diagnostic Imaging, PC, 1120 Professional Boulevard, Evansville, IN 47630.	639970	08/08/2006	IN.	
Queen of Peace Hospital, 301 Second Street NE., New Prague, MN 56071.	241361	08/08/2006	MN.	
Agnesian Health Care, 430 E. Division Street, Fond du Lac, WI 54935.	520088	08/08/2006	WI.	
ACMH Hospital, One Nolte Drive, Kittanning, PA 16201	390163	08/08/2006	PA.	
Wilshire Oncology Medical Group, Inc., 1280 Corona Pointe Court, Corona, CA 92879.	zzz19568z	08/08/2006	CA	Suite 112.
United Radiology—Laurel, 14201 Laurel Park Drive, Laurel, MD 20707.	2.01558E+11	08/08/2006	MD	Suite 208.
Bay Area Medical Center, 3100 Shore Drive, Marinette, WI 54143.	520113	08/08/2006	WI.	
Penn State Milton S. Hershey Medical Center, 500 University Drive, Hershey, PA, 17033.	251854772	08/08/2006	PA	HG380.
Delta St. Joseph's MRI, LLC, 1617 N. California Street, Stockton, CA 95204.	ZZZ19725Z	08/08/2006	CA	Suites 1A and 1B.

Facility name	Provider No.	Date approved	State	Other information
United Radiology: Bowie, 16701 Melford Boulevard, Bowie, MD 20715.	2.01558E+11	08/08/2006	MD.	
United Radiology Gaithersburg, 702 Russell Avenue, Gaithersburg, MD 20877.	2.01558E+11	08/08/2006	MD.	
United Radiology Olney, 18120 Hillcrest Drive, Olney, MD 20832.	2.01558E+11	08/08/2006	MD	Suite A.
FCS/Axcess Diagnosis/Sarasota, 600 N. Cattleman Road, Sarasota, FL 34232.	1225064520	08/08/2006	FL.	
NSMS—Greenville, IL, 4253 Argosy Court, Madison, WI 53714.	208196	08/08/2006	WI.	
FCS/Axcess Diagnosis/Venice, 842 Sunset Lake Boulevard, Venice, FL 34292.	1225064520	08/08/2006	FL	Suite #301.
Leading Edge Radiation, 8715 5th Avenue, Brooklyn, NY 11209.	WEM111	09/05/2006	NY.	
Rena Tarbet Cancer Center, 4201 Medical Center Drive, Suite 180, McKinney, TX 75069.	oow753	09/05/2006	TX.	
McLaughlin & Marte, M.D, LLP, 3850 Tampa Road, Suite 202, Palm Harbor, FL 34684.	1003862079	09/05/2006	FL.	
BryanLGH Medical Center, 2300 South 16th Street, Lincoln, NE 68502.	280003	09/05/2006	NE.	
Freehold MR Associates, 691 West Main Street, Freehold, NJ 07728.	405856	09/05/2006	NJ.	
Franciscan Skemp Healthcare, 700 West Avenue South, La Crosse, WI 54601.	520004	09/05/2006	WI.	
Teton Radiology, 2001 S. Woodruff, Suite 17, Idaho Falls, ID 83404.	1371462	09/05/2006	ID.	
Fletcher Allen Health Care, Mobile Pad, 790 College Parkway, Colchester, VT 05446.	1659309615	09/05/2006	VT	790 College Parkway.
University of Penn Imaging Center, 3600 Market Street, 3rd Floor Silverstein, Philadelphia, PA 19104.	764089	09/05/2006	PA.	
Sitron-Hammel Radiology Group, 4277 Hempstead Turnpike, Suite 200, Bethpage, NY 11714.	W14891	09/05/2006	NY.	
MRI of Saint Louis Obispo, 1064 Murray Avenue, San Luis Obispo, CA 93405.	1881661361	09/05/2006	CA.	
Lahey Clinic, 41 Mall Road, Burlington, MA 01805	220171	09/05/2006	MA.	
St Joseph Medical Center, 215 N. 12th Street, Reading, PA 19603.	390096	09/05/2006	PA.	
Spartanburg Regional Medical Center, 101 E. Wood Street, Spartanburg, SC 29303.	420007	09/05/2006	SC.	
Aurora Sinai Medical Center, 945 N. 12th Street, Milwaukee, WI 53201.	520064	09/05/2006	WI.	
FHN Memorial Hospital, 1045 W. Stephenson Street, Freeport, IL 61032.	140160	09/05/2006	IL.	
Southwest Washington Medical Center, 400 NE. Mother Joseph Place, Vancouver, WA 98668.	500050	09/05/2006	WA.	
St. Lukes Center for Diagnostic Imaging, 6 McBride and Sons Corporate Center Drive, Suite 101, Chesterfield, MO 63005.	47006	09/05/2006	MO.	
The Stamford Health System, Shelbourn Road & West Broad Street, Stamford, CT 06904.	70006	09/05/2006	CT.	
Hagerstown Imaging, LLC, 1150 A Professional Court, Hagerstown, MD 21741.	1518914936	09/05/2006	MD.	
GCM Suburban Imaging, 6420 Rockledge Drive, Suite 3100, Bethesda, MD 20817.	409623	09/05/2006	MD.	
Alliance Imaging—No. Idaho Imaging, 2003 Lincoln Way, Coeur d'Alene, ID 83814.	1790291	09/05/2006	ID.	
HPMA PET Center, 22710 Professional Drive, Suite 104, Kingwood, TX 77339.	0019BY	09/05/2006	TX.	
Parma Community General Hospital, 7007 Powers Boulevard, Parma, OH 44129.	360041	09/05/2006	OH.	
Pacific Shores Medical Group PET Imaging, 1043 Elm Street #104, Long Beach, CA 90813.	W13494	09/05/2006	CA.	
Clark Memorial Hospital, 1220 Missouri Avenue, Jeffersonville, IN 47130.	15009	09/05/2006	IN.	
Abilene Imaging Center, LLC, 750 North 18th Street, Abilene, TX 79601.	FTA070	09/05/2006	TX.	
DuBois Regional Medical Center, 100 Hospital Avenue, DuBois, PA 15801.	390086	09/06/2006	PA.	
Meeker County Memorial Hospital, 612 South Sibley Avenue, Litchfield, MN 55355.	241366	09/06/2006	MN.	
Memorial Health, 4700 Waters Avenue, Savannah, GA 31403.	110036	09/06/2006	GA.	
St. Luke's Regional Medical Center, Ltd., 190 E. Bannock Street, Boise, ID 83712.	130006	09/06/2006	ID.	

Facility name	Provider No.	Date approved	State	Other information
Radiology Consultants Imaging Center, 400 Avenue K, SE., Winter Haven, FL 33880.	U3944	09/06/2006	FL.	
Patient Comprehensive Cancer Center, 4352 North Josey Lane, Carrollton, TX 75010.	0083BY	09/06/2006	TX.	
The University of Tennessee Medical Center, 1924 Alcoa Highway, Knoxville, TN 37920.	440015	09/06/2006	TN.	
Radiation Therapy Regional Centers—Naples, 800 Goodlette Road, Suite 110, Naples, FL 34102.	77215	09/06/2006	FL.	
St. Mary's Medical Center, 2900 First Avenue, Huntington, WV 25702.	510007	09/06/2006	WV.	
McKinney Regional Cancer Center, 4601 Medical Center Drive, McKinney, TX 75069.	00711W	09/06/2006	TX.	
WCA Hospital, P.O. Box 840, Jamestown, NY 14701	330239	09/06/2006	NY	207 Foote Avenue.
Grants Pass Imaging and Diagnostic Center, LLC, 1619 NW. Hawthorne, Suite 110, Grants Pass, OR 97526.	1659307973	09/06/2006	OR.	
Baptist Memorial Hospital—Golden Triangle, 2520 5th Street North, Columbus, MS 39705.	250100	09/06/2006	MS.	
Florida Medical Clinic, 13417 U.S. Highway 301, Dade City, FL 33525.	39715	09/06/2006	FL.	
Saint Clare's Hospital, 400 West Blackwell Street, Dover, NJ 07801.	310067	09/06/2006	NJ.	
Radiation Medicine Associates, 2202 South 77 Sun Shine Strip, Suite E, Harlingen, TX 78550.	00645N	09/06/2006	TX.	
The Radiology Clinic, LLC, 208 McFarland Circle North, Tuscaloosa, AL 35406.	13089	09/06/2006	AL.	
Bay Area Hospital, 1775 Thompson Road, Coos Bay, OR 97420.	30090	09/06/2006	OR.	
MMI/St. Mary's Hospital, 51 U.S. Route 1, Scarborough, ME 04074.	327079	09/06/2006	ME	Suite O.
Gulf Coast Medical Diagnostic Center, 2024 State Avenue, Panama City, FL 32405.	30930	09/06/2006	FL.	
Diagnostic Radiology Systems, Inc., 1010 Medical Center Drive, Powderly, KY 42366.	9366001	09/06/2006	KY.	
Lewis Gale Medical Center, 1900 Electric Road, Salem, VA 24153.	490048	09/06/2006	VI.	
Radiology Diagnostic Center, 1310 Las Tablas Road, Suite 103, Templeton, CA 93465.	W7491	09/06/2006	CA.	
Weslaco Nuclear Imaging Center, 913 S. Airport Drive, Weslaco, TX 78596.	1780796219	09/06/2006	TX.	
Pioneer PET, LLC, 1930 E. Southern Avenue, Tempe, AZ 85282.	1265401996	12/05/2006	AZ.	
Kearney Imaging Center, LLC, 3219 Central Avenue, Suite 109, Kearney, NE 68847.	98950	12/05/2006	NE.	
Rose Medical Center, 4567 East 9th Avenue, Denver, CO 80220.	841321373	12/05/2006	CO.	
UCSF Medical Center, 185 Berry Street, San Francisco, CA 94107.	50454	12/05/2006	CA	Lobby 7, Suite 180.
Broward General Medical Center, 1500 S. Andrews Avenue, Fort Lauderdale, FL 33316.	100039	12/05/2006	FL.	
St. Paul Radiology, PA/Midwest Radiology, 166 Fourth Street East, St. Paul, MN 55101.	CO2661	12/05/2006	MN.	
Queen of the Valley Hospital, 1000 Trancas Street, Napa, CA 94558.	941243669	12/05/2006	CA.	
Dana-Farber Cancer Institute, 44 Binney Street, Boston, MA 02115.	220162	12/05/2006	MA.	
Holmes Regional Medical Center, 1350 South Hickory Street, Melbourne, FL 32901.	100019	12/05/2006	FL.	
Niagara County PET Center, Niagara Falls, NY 14302	f27482	12/05/2006	NY	621 Tenth Street Department of Radiology.
Augusta Medical Center, 78 Medical Center Drive, Fishersville, VA 22939.	490018	12/05/2006	VA.	
Nevada Cancer Center, 2851 North Tenaya Way, Las Vegas, NV 89128.	VWQBHJ	12/05/2006	NV	#100.
Wellstar Kennestone Hospital Imaging Center, 340 Kennestone Hospital Boulevard, Marietta, GA 30060.	110035	12/05/2006	GA	Suite LL10.
Ashtabula County Medical Center, 2412 Lake Avenue, Ashtabula, OH 44004.	1285607416	12/05/2006	OH	The Regional Cancer Center.
Rowan Regional Medical Center, 514 Corporate Circle, Salisbury, NC 28147.	340015	12/05/2006	NC.	
The Pottsville Hospital and Warne Clinic, 420 South Jackson Street, Pottsville, PA 17901.	390030	12/05/2006	PA.	
Georgetown Memorial Hospital, 606 Blackriver Road, Georgetown, SC 29442.	1982604021	12/05/2006	SC.	

Facility name	Provider No.	Date approved	State	Other information
Medical Center of Arlington, 3301 Matlock Road, Arlington, TX 76015.	450675	12/05/2006	TX.	
Valley View Regional Hospital, 430 N. Monte Vista, Ada, OK 74820.	370020	12/05/2006	OK.	
Montgomery Medical Services, 644 Maysville Road, Suite 10, Mount Sterling, KY 40353.	9141	12/05/2006	KY.	
Medical Outsourcing Services, LLC, 5409 N. Knoxville Avenue, Peoria, IL 61614.	211224	12/05/2006	IL.	
Medical Outsourcing Services, LLC, 1300 N. Main Street, Rushville, IN 46173.	223260	12/05/2006	IN.	
Mayo Clinic Arizona, 13400 E. Shea Boulevard, Scottsdale, AZ 85259.	WCTGB	12/05/2006	AZ.	
Door County Memorial Hospital, 323 S. 18th Avenue, Sturgeon Bay, WI 54235.	1093743874	12/05/2006	WI.	
Center for Diagnostic Imaging—Sartell, 166 19th Street S., Sartell, MN 56377.	C01307	12/05/2006	MN	Suite 100.
South Texas Institute of Cancer, 1205 South 19th Street, Corpus Christi, TX 78405.	0065AZ	12/05/2006	TX.	
Del Sol Medical Center, 10460 Vista Del Sol, El Paso, TX 79925.	450646	12/05/2006	TX.	
University Hospital, 818 St. Sebastian Way, Augusta, GA 30901.	110028	12/05/2006	GA	Suite 103.
St. John Health System—Tulsa, OK, 1923 S. Utica Avenue, Tulsa, OK 74104.	370114	12/05/2006	OK.	
Allen Memorial Hospital, 1825 Logan Avenue, Waterloo, IA 50703.	160110	12/05/2006	IA.	
Craig General Hospital, 735 North Foreman Street, Vinita, OK 74301.	370065	12/05/2006	OK.	
Vision Imaging of Kingston, 517 Pierce Street, Kingston, PA 18704.	86463	12/05/2006	PA.	
Lake Hospital Mentor Campus, 9485 Mentor Avenue, Mentor, OH 44060.	360098	12/05/2006	OH	Attn: Suite A.
Excela RCL PET CT Imaging, LLC, 200 Village Drive, Greensburg, PA 15601.	1144260415	12/05/2006	PA.	
Kousay Al—Kourainy, MD, 5395 Ruffin Road #202, San Diego, CA 92123.	A39783	12/05/2006	CA.	
Memorial Hermann Northwest Hospital, 1635 North Loop West, Houston, TX 77008.	450184	12/05/2006	TX.	
Accu/Site PET/CT Imaging Center, 30 Harrison Street, Johnson City, NY 13790.	DD1474	12/05/2006	NY	Suite #102.
DDIS—Bond, 9 Bond Street, Brooklyn, NY 11201	687s41	12/05/2006	NY.	
West Valley Radiology Medical Group, 7301 Medical Center Drive, West Hills, CA 91307.	Hw5870A	12/05/2006	CA	Suite 103.
Westside Diagnostic and Therapeutic Medical Center, LLC, 12524 West Washington Boulevard, Los Angeles, CA 90066.	TG472	12/05/2006	CA.	
DDIS—Still, 1783 Stillwell Avenue, Brooklyn, NY 11223	687s41	12/05/2006	NY.	
Alpena Regional Medical Center, 1501 W. Chisholm Street, Alpena, MI 49707.	386000029	12/05/2006	MI.	
Santa Monica Imaging Center, 1245 16th Street, Suite 105, Santa Monica, CA 90404.	1881670248	12/05/2006	CA.	
Mercer County Community Hospital, 800 W. Main Street, Coldwater, OH 45828.	360058	12/05/2006	OH.	
Johnson Memorial Hospital, 1125 W. Jefferson Street, Franklin, IN, 46131–2675.	150001	12/05/2006	IN	P.O. Box 549.
St. Mary's Health Center, 100 St. Mary's Medical Plaza, Jefferson City, MO 65101.	260011	12/05/2006	MO.	
Eastside PET Center, LLC, 46 Medical Park East Drive, Birmingham, AL 35023.	1619925070	12/05/2006	AL	Suite 224.
United Regional Health Care System, 1600 8th Street, Wichita Falls, TX 76301.	450010	12/05/2006	TX.	
Denton Regional Medical Center, 3535 S. I–35, Denton, TX 76210.	450634	12/05/2006	TX.	
Canton-Potsdam Hospital, 50 Leroy Street, Potsdam, NY 13676.	161012691	12/05/2006	NY.	
St. John Macomb Hospital, 11800 E. 12 Mile Road, Warren, MI 48093.	230195	12/05/2006	MI.	
Cleveland Regional Medical Center, 201 East Grover Street, Shelby, NC 28150.	340021	12/05/2006	NC.	
Bluefield Regional Medical Center, 500 Cherry Street, Bluefield, WV 24701.	510071	12/05/2006	WV.	
Charles Cole Memorial Hospital, 1001 East Second Street, Coudersport, PA 16915.	390246	12/05/2006	PA.	

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New Jersey State Open MRI, 155 State Street, Hackensack, NJ 07601.	85238	12/06/2006	NJ.	
Westcoast Radiology, 501 S. Lincoln Ave., Clearwater, FL 33756.	E4187	12/06/2006	FL.	
The Iowa Clinic/PETCO, LLC, 1221 Pleasant Street, Des Moines, IA 50309.	I5819	12/06/2006	IA.	
Quantum PET—Holy Spirit Hospital, 890 Poplar Church Road, Camp Hill, PA 17011.	40635	12/06/2006	PA.	
Coastal Bend PET Scan, Ltd., 1533 5th Street, Corpus Christi, TX 78404.	FTN014	12/06/2006	TX.	
Pottstown Memorial Medical Center, 1600 E. High Street, Pottstown, PA 19464.	390123	12/06/2006	PA.	
UTMB PET/CT Imaging Center, UTMB—Rebecca Sealy Hospital, Galveston, TX 77555–0793.	R518	12/06/2006	TX	301 University Blvd.
Diagnostic Imaging Services, LLC, 11110 Medical Campus Road, Suite 204, Hagerstown, MD 21742.	1114982808	12/06/2006	MD.	
North Memorial Medical Center, 3435 West Broadway, Robbinsdale, MN 55422.	1851344907	12/06/2006	MN.	
Hays Medical Center, 2220 Canterbury Drive, Hays, KS 67601.	2473	12/06/2006	KS.	
St. Patrick Hospital & Health Sciences Center, 500 West Broadway, Missoula, MT 59802.	1023032588	12/06/2006	MT.	
Park Ridge Hospital, 100 Hospital Drive, Hendersonville, NC 28792.	340023	12/06/2006	NC.	
Fostoria Community Hospital, 610 Plaza Drive, Fostoria, OH 44830.	361318	12/06/2006	OH.	
UMDNJ-University Hospital, 30 Bergen Street, Newark, NJ 07101.	221775306	12/06/2006	NJ	ADMC 5 Room 575, P.O. Box 1709.
Metabolic Imaging of Boca, 5458 Town Center Road, Suite 103, Boca Raton, FL 33486.	E5434	12/06/2006	FL.	
Olean Open MRI, 413 North 8th Street, Olean, NY 14760	AA0996	12/06/2006	NY.	
Mercy Memorial Health Center, 1011 14th Avenue NW., Ardmore, OK 73401.	731500629	12/06/2006	OK.	
Pontiac Osteopathic Hospital d.b.a. POH Medical Center, 385 N. Lapeer Road, Oxford, MI 48371.	230207	12/06/2006	MI.	
Texas Oncology Ft. Worth, 1450 8th Avenue, Fort Worth, TX 76104.	00R66C	12/06/2006	TX.	
West Valley Imaging, 3025 S. Rainbow Boulevard, Las Vegas, NV 89146.	WQBDY	12/06/2006	NV.	
Springman Medical Plaza Imaging Center, P.O. Box 4650, Brownsville, TX 78523.	1912973108	12/06/2006	TX.	
EMH Regional Health Care System, 630 East River Street, Elyria, OH 44035.	360145	12/06/2006	OH.	
Denfeld Medical Center, 4702 Grand Avenue, Duluth, MN 55807.	C06028	12/06/2006	MN.	
Caldwell Memorial Hospital, 321 Mulberry Street SW., Lenoir, NC 28645.	560554202	12/06/2006	NC.	
Belleville, IL (Swansea), 4253 Argosy Court, Madison, WI 53714.	208196	12/06/2006	WI.	
Comprehensive Cancer Centers of Nevada—NW. Office, 7445 Peak Drive, Las Vegas, NV 89128.	WCHCX	12/06/2006	NV.	
Wheaton Francisan Healthcare-St. Joseph, 5000 W. Chambers Street, Milwaukee, WI 53210.	520136	12/06/2006	WI.	
United Hospital Center, Rt. 19 South, Clarksburg, WV 26302–1680.	510006	12/06/2006	WV	#3 Hospital Plaza.
Massena Memorial Hospital, 1 Hospital Dive, Massena, NY 13662.	330223	12/06/2006	NY.	
Redlands Community Hospital, 350 Terracina Boulevard, Redlands, CA 92373.	ZZZ01782Z	12/06/2006	CA.	
The Valley Hospital, 1 Valley Health Plaza, Paramus, NJ 07652.	310012	12/06/2006	NJ.	
Advanced Medical Imaging of Toms River, 1430 Hooper Avenue, Toms River, NJ 08753.	447655	12/06/2006	NJ	Suite 102.
McKenna Memorial Hospital, 598 N. Union Street, New Braunfels, TX 78130.	450059	12/06/2006	TX.	
NSMS—Parkland Farmington, Mo, 4253 Argosy Court, Madison, WI 53714.	208196	12/06/2006	WI.	
Alton Memorial Hospital, 1 Memorial Drive, Alton, IL 62002	14002	12/06/2006	IL.	
Medical City Dallas Hospital Diagnostic Imaging, Dallas, TX 75230.	20943901	12/06/2006	TX	7777 Forest Lane.
Mercy Medical Center, 301 St. Paul Place, Baltimore, MD 21202.	210008	12/06/2006	MD.	
St. Joseph's Medical Center, 503 N. 3rd Street, Brainerd, MN 56401.	240075	12/06/2006	MN.	

Facility name	Provider No.	Date approved	State	Other information
Covenant Healthcare, 600 Irving Street, Saginaw, MI 48602	1457354318	12/06/2006	MI.	
Little Company of Mary Hospital, 2800 West 95th Street, Evergreen Park, IL 60805.	140179	12/06/2006	IL.	
Marion General Hospital Progressive Medical Imagine, 830 N. Theatre Drive, Marion, IN 46952.	1457354318	12/06/2006	IN.	
Escondido Pulmonary Medical Group, 5395 Ruffin Road, Suite 202, San Diego, CA 92123.	W301	12/06/2006	CA.	
Marshall Medical Center, 1100 Marshall Way, Placerville, CA 95667.	50254	12/06/2006	CA.	
Clermont Radiology, 1804 Oakley Seaver Drive, Clermont, FL 34711.	U5066	12/06/2006	FL	Suite B.
Mahoning Valley Imaging, Ltd., 7067 Tiffany Boulevard, Youngstown, OH 44514.	1457354318	12/06/2006	OH.	
Southeastern Ohio Regional Medical Center, 1341 Clark Avenue, Cambridge, OH 43725.	1457354318	12/06/2006	OH.	
White County Medical Center, 3214 E. Race Avenue, Searcy, AR 72143.	40014	12/06/2006	AR.	
MED Arts JVIC, 9101 Franklin Square Drive, Baltimore, MD 21237.	1932167178	12/06/2006	MD.	
Memorial Hermann Southwest OPID, 7797 SW. Freeway, Houston, TX 77074.	741152597	12/06/2006	TX.	
Twin County Regional Hospital, 200 Hospital Drive, Galax, VA 24333.	1174524094	12/06/2006	VA.	
Marion Ancillary Services, LLC, 1040 Delaware Avenue, Marion, OH 43302.	991	12/06/2006	OH.	
Owensboro Medical Health Systems, Breckenridge Diagnostics, Owensboro, KY 42301.	180038	12/06/2006	KY	1020 Breckenridge Street.
NSMS—Darlington, WI, 209 Limestone Pass, Cottage Grove, WI 53527.	92420	12/06/2006	WI.	
Santa Fe Imaging, LLC, 1640 Hospital Drive, Santa Fe, NM 87505.	400521037	12/06/2006	NM.	
Suncoast Imaging of Port Orange, 1680 Dunlawton Avenue, Port Orange, FL 32127.	40370B	12/06/2006	FL.	
Great Basin Imaging, 2874 N. Carson Street, 3rd Floor, Carson City, NV 89706.	WJBDK	12/06/2006	NV.	
St. Francis Hospital & Health Centers, 1201 Hadley Road, Mooresville, IN 46158.	1457354318	12/06/2006	IN.	
Las Colinas Cancer Center, 7415 Las Colinas Boulevard, Irving, TX 75063.	00J062	12/06/2006	TX.	
ADI, 4006 Jonathan Street, Waterloo, IA 50701	I15454	12/06/2006	IA.	
St Francis Hospital & Health Centers South, 8111 S. Emerson Avenue, Indianapolis, IN 46237.	1457354318	12/06/2006	IN.	
Central Baptist Diagnostic Center, 100 Southland Drive, Lexington, KY 40503.	9375001	06/14/2006	KY	Suite B.
Baptist Health Medical Center—NLR PET/CT, 3500 Springhill Drive, North Little Rock, AR 72117.	5F437	05/03/2007	AR	Suite 100.
Commonwealth Hematology Oncology, 216 Southtown Drive, Danville, KY 40422.	1285687178	03/21/2007	KY.	
Commonwealth Hematology Oncology, 95 Bogle Office Park Drive, Somerset, KY 42503.	1285687178	03/21/2007	KY.	
UMPC and The Washington Hospital Cancer Center, 155 Wilson Avenue Washington, PA 15301.	105589VXB	03/10/2006	PA.	
Lexington Diagnostic Center, 1725 Harrodsburg Road, Suite 100, Lexington, KY 40504.	0406	03/08/2006	KY.	
UW PET Imaging Center, 8007 Excelsior Drive, Madison, WI 53717.	1346266319	04/03/2007	WI.	
Fort Wayne Medical Oncology and Hematology, 7910 W. Jefferson Boulevard, Suite 107, Ft. Wayne, IN 46804.	055770	04/23/2007	IN.	
Danbury Hospital, 24 Hospital Avenue, Danbury, CT 06810	070033	04/23/2007	CT.	
Reno Diagnostic Centers, 590 Eureka Avenue, Reno, NV 89512.	1518904994	04/24/2007	NV.	
The Kirklin Clinic PET-CT Facility, 2000 6th Ave South, Birmingham, AL 35233.	10933768723	05/07/2007	AL.	
PET Imaging Radiology, PSC Paseo San Pablo 100, Bayamon, PR.	0085142	05/15/2007	PR	EDIF Dr. Arturo Cadilla, Suite 208.
Punxsutawney Area Hospital, 81 Hillcrest Drive, Punxsutawney, PA 15767.	390199	05/15/2007	PA.	
Princeton Baptist Medical Center, 701 Princeton Avenue SW., Birmingham, AL 35211.	35211	05/30/2007	AL.	
Medical Arts Radiology Commack, 55 Veterans Memorial Highway, Commack, NY 11725.	W11682	05/31/2007	NY.	
Carrol, Sheth & Raghavan, MD, 1460 Bluegrass Avenue, Louisville, KY 40215.	5460	06/05/2007	KY.	

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Personal Care Molecular Imaging, 1514 Highway 138, Wall, NJ 07719.	109631	06/06/2007	NJ.	
Lincoln Radiology Imaging, 7121 Stephanie Lane, Lincoln, NE 68516.	099920	06/06/2007	NE.	
Medcenter One, 300 North 7th Street, Bismark, ND, 58506–5525.	1538245634	07/24/2007	ND.	
Wheaton Franciscan Healthcare—All Saints, 3801 Spring Street, Racine, WI 53405.	520096	08/08/2007	WI	N/A.
Diagnostic Centers of America, 6080 Boynton Boulevard, Suite 140, Boynton Beach, FL 33437.	E4439	08/22/2007	FL	N/A.
Center for Integrative Cancer Medicine, P.A., 1733 Curie Drive, Suite 305, El Paso, TX 79902.	00315U	08/22/2007	TX	N/A.
St. Luke's Hospital, 1026 A Avenue NE., Cedar Rapids, IA 52406–3026.	160045	08/22/2007	IA	N/A.
Shared PET Imaging, LLC—Cincinnati OH, Eden Avenue & Albert Sabin Way, Cincinnati, OH 45219.	ID01511	08/22/2007	OH	N/A.
Integrated Magnetic Imaging, 7100 University Court, Montgomery, AL 36117.	7811	08/22/2007	AL	N/A.
Northwest PET Imaging, 265 N. Broadway Street, Portland, OR 97227.	105512	08/22/2007	OR	N/A.
Center for Diagnostic Imaging—St. Louis Park, 5775 Wayzata Boulevard #190, St. Louis Park, MN 55416.	C01307	08/22/2007	MN	N/A.
Ponca City Medical Center, 1900 North 14th Street, Ponca City, OK 74601.	370006	08/22/2007	OK	N/A.
Sanford Health, 1305 W. 18th Street, Sioux Falls, SD 57117	430027	08/22/2007	SD	N/A.
Central Valley PET Imaging, 4744 Quail Lake Drive, Stockton, CA 95207.	00A484230	08/22/2007	CA	N/A.
PET/CT Imaging Center, 4000 N. Illinois Lane, Swansea, IL 62226.	201339	08/22/2007	IL	PET/CT Imaging Center.
Memorial Medical Center, 1105 W. Frank Avenue, Suite 100, Lufkin, TX 75901.	450211	08/22/2007	TX	d.b.a. Temple Imaging Center.
Rockingham Memorial Hospital, 235 Cantrell Ave, Harrisonburg, VA 22801.	490004	08/22/2007	VA	N/A.
Regions Imaging Center, 401 Phalen Boulevard, 41101C, St. Paul, MN 55101.	240106	08/22/2007	MN	N/A.
Florida Hospital Imaging, LLC, 335 Clyde Morris Boulevard, Suite 250, Ormond Beach, FL 32174.	1104876358	08/22/2007	FL	N/A.
Hutchinson Clinic, PA, 2101 North Waldron Street, Hutchinson, KS 67502.	1043298474	08/22/2007	KS	N/A.
Parkwest Imaging, 3676 Parker Boulevard, Pueblo, CO 81008.	455838	08/22/2007	CO	N/A.
St. Clair Hospital/UPMC Cancer Center PET/CT, 1000 Bower Hill Road, Pittsburgh, PA 15243.	1699708792	08/22/2007	PA	N/A.
St. Joseph Mercy Oakland (SJMO), 44405 Woodward Avenue, Pontiac, MI 48341.	1457354318	08/22/2007	MI	N/A.
Edward Hospital, 801 S. Washington Street, Naperville, IL 60540.	140231	08/22/2007	IL	N/A.
East Montgomery Imaging Center, 6880 Winton Blount Boulevard, Montgomery, AL 36117.	58866	08/22/2007	AL	N/A.
Memorial Hospital of Martinsville and Henry County, 320 Hospital Drive, Martinsville, VA 24112.	490079	08/22/2007	VA	N/A.
Thomas Hospital, 750 Morphy Avenue, Fairhope, AL 36532	10100	08/22/2007	AL	N/A.
Portland Adventist Medical Center, 10123 SE. Market Street, Portland, OR 97216.	380060	08/22/2007	OR	N/A.
Nash Healthcare System, Inc., 2460 Curtis Ellis Drive, Rocky Mount, NC 27804.	340147	08/22/2007	NC	N/A.
North Broward Medical Center, 201 E. Sample Road, Deerfield Beach, FL 33064.	100068	08/22/2007	FL	Radiology.
Jennie Stuart Medical Center, 320 West 18th Street, Hopkinsville, KY 42240.	180051	08/22/2007	KY	N/A.
Greater Houston Imaging, L.P., 6565 West Loop South, Suite 100, Bellaire, TX 77401.	FTNPX1	08/22/2007	TX	N/A.
Sunrise Hospital Medical Center, 3186 South Maryland Parkway, Las Vegas, NV 89109.	290003	08/22/2007	NV	N/A.
The Diagnostic and Treatment Center, 3401 Cranberry Boulevard, Weston, WI 54476.	92450	08/22/2007	WI	N/A.
Ochsner Medical Center, 1514 Jefferson Highway, New Orleans, LA 70121.	720502505	08/22/2007	LA	N/A.
Inland Empire Medical Imaging, 225 W. Hospitality Lane Suite #100, San Bernardino, CA 92408.	zzz316682	08/22/2007	CA	N/A.
Independent Nuclear PET Imaging, 1115 N. Parrott Avenue, Okeechobee, FL 34972.	1922070796	08/22/2007	FL	N/A.
Hugh Chatham Memorial Hospital, 180 Parkwood Drive, Elkin, NC 28621.	340097	08/22/2007	NC	N/A.

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Marian Medical Center/Plaza Diagnostic Imaging, 525 E. Plaza Drive, Santa Maria, CA 93454.	50107	08/22/2007	CA	N/A.
DDIS—FH, 8002 Kew Gardens Road, Kew Gardens, NY 11415.	687s41	08/22/2007	NY	N/A.
NYPH-Weill Cornell, 525 E 68th Street, New York, NY 10021.	131623978	08/22/2007	NY	N/A.
Genesys Regional Medical Center, One Genesys Parkway, Grand Blanc, MI 48439–8066.	230197	08/22/2007	MI	N/A.
Geisinger Medical Center, 100 North Academy Avenue, Danville, PA 17822.	390006	08/22/2007	PA	N/A.
Citrus Diagnostic Center, 922 N Citrus Avenue, Crystal River, FL 34428.	K5374	08/22/2007	FL	N/A.
Middlesex Hospital, 534 Saybrook Road, Middletown, CT 6457.	70020	08/22/2007	CT	N/A.
Geisinger Wyoming Valley Medical Center, 1000 East Mountain Drive, Wilkes-Barre, PA 18711.	390270	08/22/2007	PA	N/A.
Canton, IL—Northern Shared Medical Services, 209 Limestone Pass, Cottage Grove, WI 53527.	208196	08/22/2007	WI	N/A.
Self Regional Healthcare, 102 Academy Street, Greenwood, SC 29646.	420071	08/22/2007	SC	N/A.
Bristol Hospital, Brewster Road, Bristol, CT 06011	70029	08/22/2007	CT	P.O. Box 977.
East Texas Hematology & Oncology Clinic, PA, 1202 West Frank Avenue, Lufkin, TX 75904.	00T37K	08/22/2007	TX	N/A.
St. John River District Hospital, 4100 River Road, East China, MI 48054.	230241	08/22/2007	MI	N/A.
Morgan Hospital, 2209 John R Wooden Drive, Martinsville, IN 46151.	150038	08/22/2007	IN	N/A.
Cotton-O'Neil Cancer Center, 1414 SW. 8th Street, Topeka, KS 66606.	1811944457	08/22/2007	KS	N/A.
Barnes-Jewish West County Hospital, 12634 Olive Boulevard, St Louis, MO 63141.	260162	08/22/2007	MO	N/A.
Hardin Memorial Hospital, 913 North Dixie Avenue, Elizabethtown, KY 42701.	180012	08/22/2007	KY	N/A.
Cancer Institute of Florida, LLC, 894 E. Altamonte Drive, Altamonte Springs, FL 32701.	72793	08/22/2007	FL	N/A.
Community Hospital, New Port Richey, 5637 Marine Parkway, New Port Richey, FL 34652.	100191	08/22/2007	FL	N/A.
Pulaski Community Hospital, 2400 Lee Highway, Pulaski, VA 24301.	490116	08/22/2007	VA	N/A.
Advocate South Suburban Hospital, 17800 S. Kedzie Avenue, Hazel Crest, IL 60429.	3.62169E+11	08/22/2007	IL	N/A.
St. Vincent's Medical Center, 2800 Main Street, Bridgeport, CT 6606.	70028	08/22/2007	CT	N/A.
Cayuga Medical Center at Ithaca, 3218 Wilkins Road, Ithaca, NY 14850.	330307	08/22/2007	NY	N/A.
Immanuel-ST Josephs Mayo Health Stystem, 1025 Marsh Street, Mankato MN 56002–8673.	240093	08/22/2007	MN	P.O. Box 8673.
Kell West Regional Hospital, 5420 Kell West Boulevard, Wichita Falls, TX 76310.	450827	08/22/2007	TX	N/A.
Aurora Medical Center Kenosha, 10400 75th Street, Kenosha, WI 53142.	520189	08/22/2007	WI	N/A.
Aurora Lakeland Medical Center, W3985 County Rd Nn, Elkhorn, WI 53121.	520102	08/22/2007	WI	N/A.
Munson Medical Center, 1105 Sixth Street, Traverse City, MI 49684.	230097	08/22/2007	MI	N/A.
Kansas City Cancer Center—North, 8700 Greenhills Road, Kansas City, MO 64154.	5650000E	08/22/2007	MO	N/A.
PET Imaging Center of Maine, 885 Union Street, Suite 115, Bangor, ME 04401.	10211501	08/22/2007	ME	N/A.
SMS—Chester, IL, 1900 State Street, Chester, IL 62233	208196	08/22/2007	IL	N/A.
PET of Reston, LP, 1800 Town Center Drive Suite 115, Reston, VA 20190.	G01960P03	08/22/2007	VA	N/A.
Healthcare Imaging Center, 4334 Central Ave, Riverside, CA 92506.	ZZZ14451Z	08/22/2007	CA	N/A.
Robert Wood Johnson University Hospital at Hamilton, 1 Hamilton Health Place, Hamilton, NJ 08690.	310110	08/22/2007	NJ	N/A.
Northside Hospital, 1000 Johnson Ferry Road, Atlanta, GA 30342.	110161	08/22/2007	GA	N/A.
Aurora Medical Center Kenosha, 10400 75th Street, Kenosha, WI 53142.	520189	08/22/2007	WI	N/A.
Partners Imaging Center of Sarasota, 1250 S. Tamiami Trail, Suite 103, Sarasota, FL 34239.	Q0353	08/22/2007	FL	N/A.
Memorial Medical Center, 216 Sunset Place, Neillsville, WI 54456.	521323	08/22/2007	WI	N/A.

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Central Virginia Imaging, LLC, 1900 Tate Spings Road Suite 21, Lynchburg, VA 24501.	1578594412	08/22/2007	VA	N/A.
Los Alamitos Medical Center, 3951 Katella Ave, Los Alamitos, CA 90720.	50551	08/22/2007	CA	N/A.
Valley Advanced Imaging, LLC, 2403 Butler Street, Easton, PA 18042.	1417907023	08/22/2007	PA	N/A.
Good Samaritan PET/CT and Imaging services, 1245 Montauk Hwy, West Islip, NY 11795.	330286	08/22/2007	NY	N/A.
Scotland Memorial Hospital, 500 Lauchwood Drive, Laurinburg, NC 28352.	340008	08/22/2007	NC	N/A.
McFarland Clinic, P.C., 1111 Duff Avenue, Ames, IA 50010	1639135643	08/22/2007	IA	N/A.
Providence Hospital, 1150 Varnum Street NE., Washington, DC 20017.	90006	08/22/2007	DC	N/A.
The Angeles Clinic and Research Institute, 11818 Wilshire Boulevard, Suite 200, Los Angeles, CA 90025.	W15185A	08/22/2007	CA	N/A.
Rose Radiology Centers, Inc., 5107 N. Armenia Avenue, Tampa, FL 33603.	1629162904	08/22/2007	FL	Bldg B.
Texas Oncology East Houston, 13111 East Freeway, Houston, TX 77015.	1811944101	08/22/2007	TX	N/A.
NSMS—St. Joe's—Breese, IL, 9515 Holy Cross Lane, Breese, IL 62230.	208196	08/23/2007	IL	N/A.
UT Cancer Institute, 7945 Wolf River Boulevard, Germantown, TN 38138.	3711381	08/23/2007	TN	N/A.
Fresno Imaging Center, 6191 N. Rhesta Avenue, Fresno, CA 93710.	N/A	08/23/2007	CA	N/A.
Imaging Consultants Inc. at Sturdy Memorial, 211 Park Street, Attleboro, MA 02703.	327085	08/23/2007	MA	N/A.
Fairfax PET Imaging Center, LLC, 8503 Arlington Boulevard Lower level, Fairfax, VA 22031.	1861433674	08/23/2007	VA	N/A.
City Hospital, Inc., 2500 Hospital Drive, Martinsburg, WV 25401.	510008	08/23/2007	WV	N/A.
White Plains Radiology Associates PET Center, Davis and Post Roads, White Plains, NY 10601.	w11842	08/23/2007	NY	N/A.
Lenoir Memorial Hospital, 100 Airport Road, Kinston, NC 28503–1678.	1962446385	08/23/2007	NC	N/A.
Sand Lake Imaging, 9350 Turkey Lake Road, Orlando, FL 32819.	34896	08/23/2007	FL	Suite 100.
Advocate Lutheran General Center For Advanced Care, 1800 Luther Lane, Park Ridge, IL 60068.	140223	08/23/2007	IL	N/A.
Flower Hospital, 5200 Harroun Road, Sylvania, OH 43560	360074	08/23/2007	OH	N/A.
Dekalb Memorial Hospital, 1316 E. 7th Street, Auburn, IN 46706.	N/A	08/23/2007	IN	N/A.
St. John Hospital and Medical Center, 1315 Macom Drive, Naperville, IL 60564.	116	08/23/2007	IL	N/A.
Bayhealth Medical Center, 540 S. Governors Avenue, Dover, DE 19904.	N/A	08/23/2007	DE	N/A.
ImageCare, 713 Troy-Schenectady Road Suite 124, Latham, NY 12110.	1922048370	08/23/2007	NY	Capital Region Health Park.
Southside Regional Medical Center, 801 South Adams Street, Petersburg, VA 23803.	490067	08/23/2007	VA	N/A.
East Alabama Medical Center—Auburn Diagnostic Imaging, 1527 Professional Parkway, Auburn, AL 36830.	29	08/23/2007	AL	N/A.
Trover Health System, 900 Hospital Drive, Madisonville, KY 42431.	1457354318	08/23/2007	KY	N/A.
Doctors Hospital at Renaissance, Ltd, 5501 S. McColl Road, Edinburg, TX 78359.	450869	08/23/2007	TX	N/A.
Twin Lakes Imaging Center, 1890 LPGA Boulevard, Daytona Beach, FL 32117.	1023040870	08/23/2007	FL	Suite 110.
Nathan Littauer Hospital, 99 E. State Street, Gloversville, NY 12078.	330276	08/23/2007	NY	N/A.
Altoona Regional Health System, 620 Howard Avenue, Altoona, PA 16601.	390073	08/23/2007	PA	N/A.
Warren General Hospital, 2 Crescent Park West, Warren, PA 16365.	390146	08/23/2007	PA	N/A.
Reid Hospital Health Care Services, 1401 Chester Boulevard, Richmond, IN 47374.	1457354318	08/23/2007	IN	N/A.
Orange City Area Health System, 1000 Lincoln Circle SE., Orange City, IA 51041.	161360	08/23/2007	IA	N/A.
Mercy Hospital Clermont, 3000 Hospital Drive, Batavia, OH 45103.	1457354318	08/23/2007	OH	N/A.
Arroyo Grande Community Hospital, 345 South Halcyon Road, Arroyo Grande, CA 93454.	50016	08/23/2007	CA	N/A.
HealthEast St. John's Hospital, 1575 Beam Avenue, Maplewood, MN 55109.	240210	08/23/2007	MN	N/A.

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St. Joseph's/Candler Health System, 5353 Reynolds Street, Savannah, GA 31405.	110024	08/23/2007	GA	N/A.
NSMS—Pickneyville, IL, 101 North Walnut Street, Pinckneyville, IL 62274.	208196	08/23/2007	IL	N/A.
Duke Raleigh Hospital, 3400 Wake Forrest Road, Raleigh, NC 27609.	340073	08/23/2007	NC	N/A.
Advanced Radiology Services & The Center for Women, 400 Plaza Court, East Stroudsburg, PA 18301.	33012	08/23/2007	PA	Suite C.
Community Hospital, 10020 Donald S. Powers Drive, Munster, IN 46321.	140125	08/23/2007	IN	N/A.
Avant Imaging—Woodland Health Center, 7575 Grand River Avenue, Brighton, MI 48114.	1457354318	08/23/2007	MI	N/A.
EVDI Medical Imaging—East Mesa, 6424 E. Broadway Road, Mesa, AZ 85206.	1164434098	08/23/2007	AZ	Suite 101.
NSMS—St. Louis, Mo—ARCH Medical, 209 Limestone Pass, Cottage Grove, WI 53527.	47013	08/23/2007	WI	N/A.
CNY PET LLC, 5100 West Taft Road, Liverpool, NY 13088	AA0672	08/23/2007	NY	Suite 2C.
MCMI, 3000 Telegraph Avenue, Oakland, CA 94609	ZZZ27496Z	08/23/2007	CA	N/A.
Green Clinic, LLC, 1200 S. Farmerville Street, Ruston, LA 71270.	57387	08/23/2007	LA	N/A.
Fayette Memorial Hospital, 3542 North Western Avenue, Connersville, IN 47331.	150064	08/23/2007	IN	N/A.
Carolinas Medical Center—Union, 600 Hospital Drive, Monroe, NC 28112.	340130	08/23/2007	NC	Nuclear Medicine Department.
Citrus Medical Imaging Associates, Inc., 1000 Lakes Drive, Suite 170, West Covina, CA 91790.	HW2326	08/23/2007	CA	N/A.
Radiation Oncology at WFUBMC, Radiation Oncology Medical Center Boulevard, Winston-Salem, NC 27152.	340047	08/24/2007	NC	Wake Forest University Baptist Medical Center Comprehensive Cancer Center.
Harrison County Hospital, 245 Atwood Street, Corydon, IN 47112.	151331	08/24/2007	IN	N/A.
Thibodaux Regional Medical Center, 602 North Acadia Road, Thibodaux LA 70301.	190004	08/24/2007	LA	N/A.
NSMS—Hot Springs, AR, 1600 Higdon Ferry Road, Hot Springs AR 71913.	5F168	08/24/2007	AR	N/A.
Pacific Oncology, PC, 15700 SW. Greystone Court, Beaverton OR 97006.	1043262116	08/24/2007	OR	N/A.
Cancer Care Associates, 1791 E. Fir Avenue, Fresno, CA 93720.	222375652	08/24/2007	CA	N/A.
Massachusetts Mobile PET, PC—Newburyport, 25 Highland Avenue, Newburyport, MA 01950.	327086	08/24/2007	MA	N/A.
Hematology Oncology Associates of Illinois, 6801 West 34th Street, Berwyn, IL 60402.	218890	08/24/2007	IL	Suite 107.
Massachusetts Mobile PET, PC—Haverhill, 140 Lincoln Avenue, Haverhill, MA 01830.	327086	08/24/2007	MA	N/A.
Corinth Medical Group, 4851 I35 East, Suite 101, Corinth, TX 76210.	00K22X	08/24/2007	TX	N/A.
New England PET Imaging Manchester, One Elliot Way, Manchester, NH 03103.	327081	08/24/2007	NH	N/A.
The Surgery Clinic, 1026 Goodyear Avenue, Gadsden, AL 35999.	N/A	08/24/2007	AL	Suite B–101.
Boston Medical Center, 830 Harrsion Avenue, Boston, MA 02118.	220031	08/24/2007	MA	Suite 1600.
Mercy Health Center, 4190 24th Avenue, Fort Gratiot, MI 48059.	1457354318	08/24/2007	MI	N/A.
The Cancer Center of Santa Barbara, 300 W. Pueblo Street, Santa Barbara, CA 93105.	W13890	08/24/2007	CA	N/A.
Milford Memorial Hospital Bayhealth Medical Center, 21 W. Clarke Avenue, Milford, DE 19963.	N/A	08/24/2007	DE	N/A.
North Coast Cancer Care, 417 Quarry Lakes Drive, Sandusky, OH 44870.	NO9915215	08/24/2007	OH	N/A.
Palm Beach Gardens Open Imaging Center, 3335 Burns Road #101, Palm Beach Gardens, FL 33408.	U8767	08/24/2007	FL	N/A.
Advanced Medical Imaging, LLC, 1780 NW. Myhre Road, Silverdale, WA 98383.	AB24179	08/24/2007	WA	Suite 1220.
Swedish American Hospital, 1401 E State Street, Rockford, IL 61104.	140228	08/24/2007	IL	N/A.
Molecular Diagnostics of Eastern Omaha, 117 North 32nd Avenue Suite 100, Omaha, NE 68131.	99894	08/24/2007	NE	N/A.
Kingwood Medical Center, 22999 U.S. Hwy 59, Kingwood, TX 77339.	1811942238	08/24/2007	TX	N/A.
Health Village Imaging, 1301 Route 72 West, Manahawkin, NJ 08050.	1194810978	08/24/2007	NJ	Suite 100.
ARH Hazard, 100 Medical Center Drive, Hazard, KY 41701	520795508	08/24/2007	KY	N/A.

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Central Florida Imaging Center, Inc., 6801 U.S. 27 N, Suite E–3, Sebring, FL 33870.	1427076769	08/24/2007	FL	N/A.
West Texas Cancer Center, 301 N. Washington Avenue, Odessa, TX 79761.	00543K	08/24/2007	TX	N/A.
Beloit Memorial Hospital, 1969 West Hart Road, Beloit, WY 53511.	520100	08/24/2007	WY	N/A.
Pinnacle Imaging Center, 2390 NW. 7th Street, Miami, FL 33125.	U5131	08/24/2007	FL	Suite 103.
PET Imaging of El Paso, 1225 E. Cliff Drive, El Paso, TX 79902.	FTN035	08/24/2007	TX	Building 3 Suite 200.
St. Petersburg General Hospital, 6500 38th Avenue North, St. Petersburg, FL 33710.	N/A	08/24/2007	FL	N/A.
St. Mary Medical Center, 1201 Langhorne-Newtown Road, Langhorne, PA 19047.	390258	08/24/2007	PA	N/A.
St. Joseph Medical Center, 1401 St. Joseph Parkway, Houston, TX 77002.	1154361475	08/24/2007	TX	N/A.
UPMC Northwest, 1671 Allegheny Boulevard, Reno, PA 16343.	390091	08/24/2007	PA	N/A.
Mercy Hospital Fairfield, 3000 Mack Road, Fairfield, OH 45014.	1457354318	08/24/2007	OH	N/A.
Radiology Associates of West Pasco, 5539 Marine Parkway, New Port Richey, FL 34652.	1558328963	08/24/2007	FL	N/A.
St. Dominic Hospital, 969 Lakeland Drive, Jackson, MS 39216.	250048	08/24/2007	MS	N/A.
RCOA-Adventist Health—Sequoia, 4949 W. Cypress Avenue, Visalia, CA 93271.	1427198696	08/24/2007	CA	N/A.
McKee Medical Center, 2000 Boise Ave, Loveland, CO 80538.	60030	08/24/2007	CO	N/A.
Bon Secours Richmond Community Hospital, 1500 North 28th Street, Richmond, VA 23223.	490094	08/24/2007	VA	N/A.
West Houston Medical Center, 12141 Richmond Avenue, Houston, TX 77082.	450644	08/24/2007	TX	N/A.
Shands Teaching Hospital and Clinics, Inc., 2000 SW. Archer Road, Gainesville, FL 32608.	100113	08/24/2007	FL	Radiology, Shands Medical Plaza.
Tanner Medical Center, 119 Ambulance Drive, Carrollton, GA 30117.	110011	08/24/2007	GA	N/A.
OU Medical Center, 700 NE. 13th Street, Oklahoma City, OK 73104.	1780631390	08/24/2007	OK	N/A.
The Medical Center of Aurora, 1400 S. Potomac Street, Aurora, CO 80012.	60100	08/24/2007	CO	#180.
AllenRidge Diagnostic Imaging Center, 520 Lecanto Highway, Lecanto, FL 34461.	100023	08/24/2007	FL	N/A.
The PET Center at BWMC, 305 Hospital Drive, Baltimore, MD 21061.	1124016696	08/24/2007	MD	Suite 302.
Signet Diagnostic Imaging Services, LLC, 8300 West Sunrise Boulevard, Plantation, FL 33322.	E8667	08/24/2007	FL	N/A.
Adams Diagnostic Imaging, 20 Expedition Trail, Gettysburg, PA 17325.	65290	08/24/2007	PA	Suite 102.
Jennie Edmundson Hospital, 933 E. Pierce Street, Council Bluffs, IA 51503.	160047	08/24/2007	IA	N/A.
Holy Cross Hospital, 4725 N. Federal Highway, Fort Lauderdale, FL 33308.	100073	08/24/2007	FL	Bienes Diagnostic Imaging Center.
Medical University of Ohio, 3000 Arlington Avenue, Toledo, OH 43614.	1457354318	08/24/2007	OH	N/A.
Daviess Community Hospital, 1314 E. Walnut Street, Washington, IN 47501.	150061	08/24/2007	IN	Radiology Department.
Jeff Anderson Regional Medical Center, 2124 14th Street, Meridian, MS 39301.	250104	08/24/2007	MS	N/A.
Modesto Imaging Center, 157 E. Coolidge Avenue, Modesto, CA 95350.	ZZZ01977Z	08/24/2007	CA	N/A.
Sioux Center Commmunity Hospital and Health Center, 605 South Main Ave, Sioux Center, IA 51250.	161346	08/24/2007	IA	N/A.
Southern Ohio Medical Center, 1121 Kinneys Lane, Portsmouth, OH 45662.	360008	08/24/2007	OH	N/A.
Massachusetts General Hospital, 55 Fruit Street, Boston, MA 02114.	220071	08/24/2007	MA	N/A.
Clinton Memorial Hospital Regional Health System, 31 Farquhar Avenue, Wilmington, OH 45177.	316005307	08/24/2007	OH	N/A.
CJW Medical Center, 1401 Johnston Willis Drive, Richmond, VA 23235.	34632	08/24/2007	VA	N/A.
Texas Oncology Weatherford, 907 Foster Lane, Weatherford, TX 76086.	00539K	08/24/2007	TX	N/A.
Sharper Imaging Diagnostic Radiology Center, 3430 Tamiami Trail, Port Charlotte, FL 33952.	1730288515	08/24/2007	FL	Suite B.

Facility name	Provider No.	Date approved	State	Other information
Morristown—Hamblin Healthcare System, 908 W. 4th N. Street, Morristown, TN 37814.	1457354318	08/24/2007	TN	N/A.
Puget Sound PET Imaging, 6808 220th Street SW., Mountlake Terrace, WA 98043.	115162600	08/24/2007	WA	Suite 150.
Detar Hospital Navarro, 506 E. San Antonio Street, Victoria, TX 77902.	450147	08/24/2007	TX	N/A.
PET Imaging of Chicago, 6801 West 34th Street, Suite 105, Berwyn, IL 60402.	214832	08/24/2007	IL	N/A.
Imaging Specialists Group, Ltd., 3101 Churchill Road, Flower Mound, TX 75022.	1417991852	08/24/2007	TX	Suite 100.
OKOmed Downtown Imaging, 2101 Crawford Street, Suite 115, Houston, TX 77002.	1780622464	08/24/2007	TX	N/A.
Clear Lake Regional Medical Center, 500 Medical Center Boulevard, Webster, TX 77598.	1063466035	08/24/2007	TX	N/A.
Norton Hospital, 315 East Broadway, Louisville, KY 40202	180088	08/24/2007	KY	N/A.
Saratoga PET Associates, LLC, 3 Emma Lane, Clifton Park, NY 12065.	1356357172	08/24/2007	NY	N/A.
Genesis Health Care System, 2800 Maple Avenue, Zanesville, OH 43701.	1457354318	08/24/2007	OH	N/A.
Lake Cumberland Regional Hospital, 27 Imaging Drive, Somerset, KY 42503.	1457354318	08/24/2007	KY	N/A.
Saint Francis Cancer Institute, 14 Doctors' Park, Cape Girardeau, MO 63703.	260183	08/24/2007	MO	N/A.
American Health Network of IN, LLC—PET/CT, 6820 Parkdale Place, Indianapolis, IN 46254.	1164491775	08/24/2007	IN	Suite #105.
PET CT Nuclear Radiology, Inc., 1501 Edisicio Detantacourt, Suite 302, Fernadez Juncos Santorze, PR 909.	57886	08/24/2007	PR	Fernadez Juncos Santorze.
NSMS—Reedsburg, WI, 2000 North Dewey Street, Reedsburg, WI 53959.	1295785079	08/24/2007	WI	N/A.
Wayne Memorial Hospital, 2700 Wayne Memorial Hospital, Goldsboro, NC 27534.	340010	08/24/2007	NC	N/A.
InMed Diagnostic Services of IL, 10419 Fleming Road, Carterville, IL 62918.	205040	08/24/2007	IL	N/A.
Henrico Doctors' Hospital, 1602 Skipwith Road, Richmond, VA 23229.	490118	08/24/2007	VA	N/A.
Alliance Imaging—United General Hospital, 2000 Hospital Drive, Sedro Woolley, WA 98284.	8862377	08/24/2007	WA	N/A.
Spencer Municipal Hospital, 1200 First Avenue East, Spencer, IA 51301.	1255328621	08/24/2007	IA	N/A.
Radiology LTD LaCholla Center—Diagnostic Imaging, 5960 N. LaCholla Avenue, Tucson, AZ 85704.	1841261989	08/24/2007	AZ	N/A.
Saint Elizabeth Regional Medical Center, 555 South 70th Street, Lincoln, NE 68510.	280020	08/24/2007	NE	N/A.
Bucyrus Community Hospital, 629 N. Sandusky Avenue, Bucyrus, OH 44820.	361316	08/24/2007	OH	N/A.
Mercy Hospital of Willard, 110 E. Howard Street, Willard, OH 44890.	361310	08/24/2007	OH	N/A.
Lower Columbia Pathologists, 1606 East Kessler Boulevard, Longview, WA 98632.	745800	08/24/2007	WA	4th Floor.
Newton Medical Center, 600 Medical Center Drive, Newton, KS 67114.	170103A	08/24/2007	KS	N/A.
Advanced Imaging Partners, 508 Cleveland Street, Great Bend, KS 67530.	1295791325	08/24/2007	KS	N/A.
Integrated Medical Imaging, 1040 Greenwood Springs Boulevard, Greenwood, IN 46143.	221970	08/24/2007	IN	N/A.
Avera Sacred Heart Cancer Center, 501 Summit Street, Yankton, SD 57078.	430012	08/24/2007	SD	N/A.
ValleyCare Medical Center, 5555 W. Las Positas Boulevard, Pleasanton, CA 94588.	50283	08/24/2007	CA	N/A.
NSMS—Mena, AR, 311 North Morrow Street, Mena, AR 71953.	1295785079	08/24/2007	AR	N/A.
Memorial Hospital Easton, 219 S. Washington Street, Easton, MD 21601.	210037	08/24/2007	MD	N/A.
Seattle Cancer Care Alliance, 825 Eastlake Avenue E, Seattle, WA 98109.	500138	08/24/2007	WA	Medical Imaging.
Alliance Imaging—The Vancouver Clinic, 700 NE. 87th Avenue, Vancouver, WA 98664.	8864364	08/24/2007	WA	N/A.
Martin Center for Diagnostic and Imaging Services, 3901 S. Fremont Avenue, Springfield, MO 65804.	260040	08/24/2007	MO	N/A.
Aultman Hospital, 2600 Sixth Street SW., Canton, OH 44710.	1457354318	08/24/2007	OH	N/A.
Imaging Consultants, Inc. at Harrington Memorial, 600 Federal Street, Andover, MA 01810.	327085	08/24/2007	MA	N/A.

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Rhode Island Pet Services at Kent County, 600 Federal Street, Andover, MA 01810.	1538113113	08/24/2007	MA	N/A.
Imaging Consultants Inc. at Hawthorn, 600 Federal Street, Andover, MA 01810.	1851449078	08/24/2007	MA	N/A.
Swedish Covenant Hospital, 5145 N California Avenue, Chicago, IL 60625.	362179813	08/24/2007	IL	N/A.
Banner Baywood Medical Center, 6644 E. Baywood Avenue, Mesa, AZ 85206.	30088	08/24/2007	AZ	N/A.
Lourdes Hospital, 1530 Lone Oak Road, Padukah, KY 42003.	1346244126	08/24/2007	KY	N/A.
St. Vincent Oncology Center, 8301 Harcourt Road, Indianapolis, IN 46260.	150084	08/24/2007	IN	N/A.
United Hospital System, Inc., 9555 76th Street, Pleasant Prairie, WI 53518.	520021	08/24/2007	WI	N/A.
East Tennessee Diagnostic Center, 1450 Dowell Springs Boulevard, Suite 210, Knoxville, TN 37909.	1710932553	08/24/2007	TN	N/A.
Nazareth Hospital, 8400 Roosevelt Boulevard, Philadelphia, PA 19152.	390204A	08/24/2007	PA	N/A.
Good Samaritan Hospital, 2425 Samaritan Drive, San Jose, CA 95124.	50380	08/24/2007	CA	N/A.
MedSpecialists Imaging Center, 1064 Keene Road, Dunedin, FL 34698.	AB585	08/24/2007	FL	N/A.
NSMS—Pekin, IL, 2355 Broadway Road, Pekin, IL 61544	1295785079	08/24/2007	IL	N/A.
Bluegrass Regional Imaging, LLC, 701 Bob-O-Link Drive, Lexington, KY 40504.	1871542670	08/24/2007	KY	Suite 245.
Fairfax Pet Imaging Center, 8503 Arlington Boulevard, Fairfax, VA 22031.	1831220714	08/24/2007	VA	Suite 120LL.
Lodi Community Hospital, 225 Elyria Street, Lodi, OH 44254	361303	08/24/2007	OH	N/A.
Legacy Meridian Park Hospital, 19260 SW. 65th Avenue, Suite 165, Tualatin, OR 97062.	380089	08/24/2007	OR	N/A.
Galion Community Hospital, 269 Portland Way South, Galion, OH 44833.	361325	08/24/2007	OH	N/A.
Oncology Hematology Associates of Central Illinois, 8940 N. Wood Sage Road, Peoria, IL 61615.	616880	08/24/2007	IL	N/A.
Mid Ohio Oncology/Hematology, Inc., 3100 Plaza Properties Boulevard, Columbus, OH 43219.	1376509661	08/24/2007	OH	N/A.
Kentucky Imaging Center, 3475 Richmond Road, Lexington, KY 40509.	1992876981	08/24/2007	KY	Suite 150.
Salem Community Hospital, 1995 East State Street, Salem, OH 44460.	1639131535	08/24/2007	OH	N/A.
Belmont Community Hospital, 51339 National Road, St. Clairsville, OH 43950.	360153	08/24/2007	OH	N/A.
Golder CT and MRI Center, 613 North Golder Avenue, Odessa, TX 79761.	N/A	08/24/2007	TX	N/A.
NSMS—Reedsburg, WI, 2000 North Dewey Street, Reedsburg, WI 53959.	1295785097	08/24/2007	WI	N/A.
MaineGeneral Medical Center, 361 Old Belgrade Road, Augusta, ME 04330.	200039A	08/24/2007	ME	N/A.
The Oklahoma PET Center, PLLC, 5401 N. Portland Avenue, Suite 330, Oklahoma City, OK 73112.	569959716M	08/24/2007	OK	N/A.
NSMS—Blytheville, AR, 1520 North Division Street, Blytheville, AR 72316.	1295785079	08/24/2007	AR	N/A.
NSMS—Benton, AR, 1 Medical Park Drive, Benton, AR 72015.	1295785079	08/24/2007	AR	N/A.
Mercy Health System, 1000 Mineral Point Avenue, Janesville, WI 53548.	520066	08/24/2007	WI	N/A.
WA Foote Memorial Hospital, 205 N. East Avenue, Jackson, MI 49201.	230092	08/24/2007	MI	N/A.
Northern Michigan Hospital, 416 Connable Avenue, Petoskey, MI 49770.	230105	08/24/2007	MI	N/A.
Anchor Health Centers, 800 Goodlette Road N., Naples, FL 34102.	1174571608	08/24/2007	FL	Suite 130.
New Ulm Medical Center, 1324 5th North Street, New Ulm, MN 56073.	2880	08/24/2007	MN	N/A.
Radiology Associates of Brooklyn LLP, 2021 Avenue X, Brooklyn, NY 11235–2905.	1134244916	08/24/2007	NY	N/A.
NYOH Mobile PET/CT Hudson, 69 Prospect Road, Hudson, NY 12534.	1609863448	08/24/2007	NY	N/A.
Integris Bass Baptist Health Center, 600 South Monroe, Enid, OK 73703.	1144236571	08/24/2007	OK	N/A.
Imaging Consultants Inc at Weymouth Woods, 59 Performance Drive, Weymouth, MA 2188.	1487690335	08/24/2007	MA	N/A.
St. Vincent Medical Center, 2131 W. Third Street, Los Angeles, CA 90057.	50502	08/24/2007	CA	N/A.

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Caritas PET Imaging, LLC at Holyoke Medical Center, 575 Beech Street, Holyoke, MA 1040.	327087	08/24/2007	MA	N/A.
St. James Healthcare, 400 South Clark, Butte, MT 59701	270017	08/24/2007	MT	N/A.
Inglewood Imaging Center, 211 N. Prairie Avenue, Inglewood, CA 90301.	TD097	08/24/2007	CA	N/A.
Duncan Regional Hospital, 1700 Whisenant Drive, Duncan, OK 73534.	370023	08/24/2007	OK	P.O. Box 100.
OhioHealth Ambulatory PET/CT, 500 Thomas Lane, Columbus, OH 43214.	360006	08/24/2007	OH	N/A.
Baylor Diagnostic Imaging Center at Junius, 3900 Junius Street, Suite 100, Dallas, TX 75246.	450021	08/24/2007	TX	N/A.
PET/CT Imaging at White Marsh, 9900 Franklin Square Drive, Suite D, Nottingham, MD 21236.	FMNX01	08/28/2007	MD	N/A.
Central Baptist Diagnostic Center, 100 Southland Drive, Lexington, KY 40503.	9375001	06/14/2006	KY	Suite B.
Baptist Health Medical Center—NLR PET/CT, 3500 Springhill Drive, North Little Rock, AR 72117.	5F437	05/03/2006	AR	Suite 100.
Commonwealth Hematology Oncology, 95 Bogle Office Park Drive, Somerset, KY 42503.	1285687178	03/21/2007	KY	N/A.
Commonwealth Hematology Oncology, 216 Southtown Drive, Danville, KY 40422.	1285687178	03/21/2007	KY	N/A.
Jefferson Center City Imaging, 850 Walnut Street, Philadelphia, PA 19107.	66277	09/07/2007	PA	N/A.
EPIC Imaging Center, 233 NE. 102 Avenue, Portland, OR 97220.	0000WCGNQ	09/11/2007	OR	N/A.
UPMC and The Washington Hospital Cancer Center, 155 Wilson Avenue, Washington, PA 15301.	105589VXB	03/10/2006	PA	N/A.
Lexington Diagnostic Center, 1725 Harrodsburg Road, Suite 100, Lexington, KY 40504.	0406	03/08/2006	KY	N/A.
UW PET Imaging Center, 8007 Excelsior Drive, Madison, WI 53717.	1346266319	04/03/2007	WI	N/A.
NorCal Imaging—Oakland, 3200 Telegraph Avenue, Oakland, CA 94609.	ZZZ05319Z	08/22/2007	CA	N/A.
NorCal Imaging—Walnut Creek, 114 La Casa Via, Suite #100, Walnut Creek, CA 94598.	ZZZ05319Z	08/22/2007	CA	N/A.
Aurora Sheboygan Memorial Imaging Center, 2629 North 7th Street, Sheboygan, WI 53083.	520035	05/08/2008	WI	N/A.
Aurora Memorial Hospital of Burlington, 252 McHenry Street, Burlington, WI 53105.	520059	05/08/2008	WI	N/A.
Aurora Medical Center—Manitowoc County, 5000 Memorial Drive, Two Rivers, WI 54241.	520034	05/08/2008	WI	N/A.
St. Mary's Medical Center, 2900 First Avenue, Huntington, WV 25702.	510007	01/29/2009	WV	N/A.
Lenox Hill Radiology & Medical Imaging, 61 East 77th Street, New York, NY 10021.	W16681	01/29/2009	NY	N/A.
NSMS—Greenville, IL, 200 Health Care Drive, Greenville, IL 62246.	208196	01/29/2009	IL	N/A.
Medical Outsourcing Services LLC—Christie Clinic, 1801 West Windsor Road, Champaign, IL 61821.	211224	01/29/2009	IL	N/A.
Dakota Radiology, 2929 Fifth Street, First Floor, Rapid City, SD 57701.	1306892708	01/29/2009	SD	N/A.
Coffeyville Regional Medical Center, 1400 West Fourth Street, Coffeyville, KS 67337.	1285600379	01/29/2009	KS	N/A.
St. Mary Medical Center, 1201 Langhorne-Newtown Road, Langhorne, PA 19047.	390258	01/29/2009	PA	N/A.
Medical Imaging Center at Windsor Oaks, 1901 SE. 18th Avenue, Building 200A, Ocala, FL 34471.	97993	01/29/2009	FL	N/A.
Alliance Imaging, 2000 Hospital Drive, Sedro-Woolley, WA 98284.	8862377	01/29/2009	WA	N/A.
Watauga Medical Center, 336 Deerfield Road, Boone, NC 28607.	340051	01/29/2009	NC	N/A.
Medical Outsourcing Services LLC, 315 W. Old Key Dr., Peru, IN 46970.	223260	01/29/2009	IN	N/A.
Contemporary Imaging Associates, 19900 Haggerty Road, Suite 101, Livonia, MI 48152.	ON63450	01/29/2009	MI	N/A.
Greenwich Hospital, 5 Perryridge Road, Greenwich, CT 06830.	70018	01/29/2009	CT	N/A.
SMDC Health Systems, 400 East Third Street, Duluth, MN 55805.	8200	01/29/2009	MN	N/A.
Harris Regional Hospital, 68 Hospital Road, Sylva, NC 28779.	340016	01/29/2009	NC	N/A.
Community Memorial Hospital, W180N8085 Town Hall Road, Menomonee Falls, WI 53051.	1609822881	01/29/2009	WI	N/A.

Facility name	Provider No.	Date approved	State	Other information
LRI Lincoln Radiology Imaging, 7121 Stephanie Lane, Lincoln, NE 68516.	99920	01/29/2009	NE	N/A.
Bristol Hospital, Brewster Road, Bristol, CT 06010	70029	01/29/2009	CT	N/A.
Mount Auburn Hospital, 330 Mount Auburn Street, Cambridge, MA 02138.	220002	01/29/2009	MA	N/A.
American Fork Hospital, 170 N. 1100 E., American Fork, UT 84003.	460023	01/29/2009	UT	N/A.
Kentucky Imaging Center, 3475 Richmond Road, Suite 150, Lexington, KY 40509.	1992876981	01/29/2009	KY	N/A.
Bay Park Community Hospital, 2801 Bay Park Drive, Oregon, OH 43616.	1457354318	01/29/2009	OH	N/A.
Port Huron Hospital, 1221 Pine Grove Avenue, Port Huron, MI 48060.	1457354318	01/29/2009	MI	N/A.
Spring Branch Medical Center, 8850 Long Point Road, Houston, TX 77055.	450630	01/29/2009	TX	N/A.
Medical Outsourcing Services LLC, 2210 Green Valley Road, Suite 1, New Albany, IN 47150.	248140	01/29/2009	IN	N/A.
Medical Outsourcing Services LLC, 355 Ridge Avenue, Evanston, IL 60202.	211222	01/29/2009	IL	N/A.
Queens Hospital Center, 82–68 164th Street, Queens, NY 11432.	330231	01/29/2009	NY	N/A.
NYOH Mobile PET/CT Amsterdam, 1700 Riverfront Center, Amsterdam, NY 12010.	1609863448	01/29/2009	NY	N/A.
Providence Everett Medical Center, 1717 13th Street, Everett, WA 98201.	500014	01/29/2009	WA	N/A.
University of Miami/Sylvester Cancer Center, 1475 NW. 12th Avenue, Miami, FL 33136.	100079	01/29/2009	FL	N/A.
St. Mary's Hospital Medical Center, 1726 Shawano Avenue, Green Bay, WI 54303.	520097	01/29/2009	WI	N/A.
Brazosport Regional Health System, 100 Medical Drive, Lake Jackson, TX 77566.	450072	01/29/2009	TX	N/A.
Medical Outsourcing Services LLC, 1025 Maine Street, Quincy, IL 62301.	211224	01/29/2009	IL	N/A.
The Imaging Center, 499 Gloster Creek Village, Suite G1, Tupelo, MS 38801.	1417907536	01/29/2009	MS	N/A.
NSMS—Forrest City, AR, 1601 Newcastle Road, Forrest City, AR 72336.	1295785079	01/29/2009	AR	N/A.
Glendale Adventist Medical Center, 1509 Wilson Terrace, Glendale, CA 91206.	1831188275	01/29/2009	CA	N/A.
Mount Sinai Medical Center of Florida, Inc., 4300 Alton Road, Miami Beach, FL 33140.	100034	01/29/2009	FL	N/A.
Cooper University Radiology, 900 Centennial Boulevard, Voorhees, NJ 08043.	17983	01/29/2009	NJ	N/A.
George Washington University Hospital, 900 23rd Street, NW., Washington, DC 10021.	90001	01/29/2009	DC	N/A.
Galesburg Cottage Hospital, 695 N. Kellogg Street, Galesburg, IL.	1447221312	01/29/2009	IL	N/A.
Central Florida Regional Hospital, 1401 W. Seminole Boulevard, Sanford, FL 32771.	100161	01/29/2009	FL	N/A.
Feather River Hospital, 5974 Pentz Road, Paradise, CA 95969.	225	01/29/2009	CA	N/A.
Caritas PET Imaging, LLC at Cooley Dickinson Hospital, 30 Locust Street, Northampton, MA 67337.	1285846410	01/29/2009	MA	N/A.
Shared PET Imaging, LLC for Garden City Hospital, 272 West Warren, Dearborn Heights, MI.	1457354318	01/29/2009	MI	N/A.
Florida Hospital Heartland Division—Sebring, FL, 4200 Sun N Lake Boulevard, Sebring, FL 98284.	100109	01/29/2009	FL	N/A.
Good Samaritan Regional, Center, 700 E. Norwegian Street, Pottsville, PA 17901.	1427050376	01/29/2009	PA	N/A.
Austin Pet and Imaging Center, 11044 Research Blvd, D–100, Austin, TX 78759.	1518928787	01/29/2009	TX	N/A.
Ukiah Valley Medical Center, 275 Hospital Drive, Ukiah, CA 95482.	50301	01/29/2009	CA	N/A.
Longmont United Hospital, 418 E. College Drive, Cheyenne, WY 82007.	60003	01/29/2009	WY	N/A.
Grove City Medical Center, 631 N. Broad Street, Grove City, PA 16127.	1023000296	01/29/2009	PA	N/A.
Fulton Center Health Center, 34555 Chagrin Boulevard, Cleveland, OH 43567.	361333	01/29/2009	OH	N/A.
NSMS—Fairfield, IL, 303 NW. 11th Street, Fairfield, IL 62837.	1295785097	01/30/2009	IL	N/A.
St Helena Hospital, 10 Woodland Road, St Helena, CA 94574.	50013	01/30/2009	CA	N/A.

Facility name	Provider No.	Date approved	State	Other information
Bayshore Medical Center, 4000 Spencer Highway, Pasadena, TX 77504.	1174576698	01/30/2009	TX	N/A.
RedBud Community Hospital, 15630 18th Avenue, Clearlake, CA 95422.	51317	01/30/2009	CA	N/A.
Taylor Regional Hospital, 125 Greenbriar Drive, Campbellsville, KY 42718.	180087	01/30/2009	KY	N/A.
St. Mary's Medical Center, 901 St. Mary's Drive, Evansville, IN 47750.	150100	01/30/2009	IN	N/A.
RUSH University Medical, Center, 1750 W. Harrison Street, Jones 106, Chicago, IL 60612.	1932213600	01/30/2009	IL	N/A.
Parkview Molecular Imaging, 2428 Santa Monica Boulevard, Suite #302, Santa Monica, CA 90404.	G17328A	01/30/2009	CA	N/A.
InSight Diagnostic Center, 1121 8th Avenue, Fort Worth, TX 76104.	1932166105	01/30/2009	TX	N/A.
Monongahela Valley Hospital, 1163 Country Club Road, Monongahela, PA 15063.	390147	01/30/2009	PA	N/A.
Florida Cancer Specialists, Del Prado, 811 Del Prado Boulevard, Cape Coral, FL 33990.	1760590962	01/30/2009	FL	N/A.
MPHS, 100 S. San Mateo Drive, San Mateo, CA 94403	50007	01/30/2009	CA	N/A.
Griffin Hospital, 130 Division Street, Derby, CT 6418	70031	01/30/2009	CT	N/A.
West Jefferson Medical Center, 1101 Medical Center Boulevard, Marrero, LA 70072.	190039	01/30/2009	LA	N/A.
Mercy Hospital of Tiffin, 485 West Market Street, Tiffin, OH 44883.	360089	01/30/2009	OH	N/A.
Dr. Haroutioun S. Shahinian, 10767 Gateway W, El Paso, TX 79935.	1639184005	01/30/2009	TX	N/A.
Holston Valley Medical Center, 130 W. Ravine Road, Kingsport, TN 37660.	1457354318	01/30/2009	TN	N/A.
Pinnacle Health Imaging at West Hanover, 8012 Bretz Drive, Harrisburg, PA 17112.	390067	01/30/2009	PA	N/A.
Indian Path Medical Center, 2205 Pavilion Dr, Kingsport, TN 37660.	1457354318	01/30/2009	TN	N/A.
Regional Medical Imaging, 2486 Nerredia, Flint, MI 48532	1457354318	01/30/2009	MI	N/A.
Modesto Radiology Imaging, 1524 Mchenry Avenue, Suite 100, Modesto, CA 95350.	ZZZ18519Z	01/30/2009	CA	N/A.
Texas Cancer Clinic, 9102 Floyd Curl Drive, San Antonio, TX 78240.	1316944655	01/30/2009	TX	N/A.
Mercy Anderson Hospital, 7500 State Road, Cincinnati, OH 45255.	1457354318	01/30/2009	OH	N/A.
Henry Ford Macomb, 15855 Nineteen Mile Rd, Clinton Township, MI 48038.	1457354318	01/30/2009	MI	N/A.
Kennedy Outpatient Medical Imaging, 900 Medical Center Drive, Sewell, NJ 08080.	310086	01/30/2009	NJ	N/A.
Memorial Hermann Northeast, 18955 Memorial North, Humble, TX 77338.	450684	01/30/2009	TX	N/A.
Comprehensive Cancer Center; Cancer Specialists OK, 3525 NW. 56th Street, C150, Oklahoma City, OK 73112.	1013090075	01/30/2009	OK	N/A.
RIS Lakeland, 1305 Lakeland Hills Boulevard, Lakeland, FL 33805.	584	01/30/2009	FL	N/A.
Bayshore Community Hospital, 727 North Beers Street, Holmdel, NJ 07733.	310112	01/30/2009	NJ	N/A.
Outpatient Radiology LLC, 419 S. Washingont Street, Suite 101, Casper, WY 82601.	1396704474	01/30/2009	WY	N/A.
University Hospital and Medical Center, 7201 North University Drive, Tamarac, FL 33321.	1144274770	01/30/2009	FL	N/A.
University Cancer Center, Huntsville, 640 Interstate 45 N, Huntsville, TX 77340.	00Y285	01/30/2009	TX	N/A.
San Jacinto Methodist Hospita, 4401 Garth Road, Baytown, TX 77521.	450424	01/30/2009	TX	N/A.
University Cancer Center, Brenham, 605 Medical Court 101, Brenham, TX 77833.	00Y285	01/30/2009	TX	N/A.
Methodist Hospital, I65 at 21st Street, Indianapolis, IN 46206.	150056	01/30/2009	IN	N/A.
Mount Kisco Medical Group, 34 S. Bedford Road, Mount Kisco, NY 10549.	MO0W067610	01/30/2009	NY	N/A.
Danville Regional Medical Center, 142 South Main Street, Danville, VA 24541.	490075	01/30/2009	VA	N/A.
Hammond Clinic, 9800 Valparaiso Drive, Munster, IN 46321	1457354318	01/30/2009	IN	N/A.
Alliance Imaging—Auburn Regional Medical Center, 202 North Division Street, Auburn, WA 98001.	8865493	01/30/2009	WA	N/A.
University of Connecticut Health Center, 263 Farmington Avenue, Farmington, CT 06030.	300001399	01/30/2009	CT	N/A.
Clinch Valley Medical Center, 2949 West Front Street, Richlands, VA 24641.	1871534297	01/30/2009	VA	N/A.

Facility name	Provider No.	Date approved	State	Other information
St. Mary Corwin Medial Center, 1008 Minnequa Avenue, Pueblo, CO 81004.	840405257	01/30/2009	CO	N/A.
Insight Imaging-Saint John's Regional Medical Center, 1700 N. Rose Avenue, Suite 110, Oxnard, CA 93030.	TP044	01/30/2009	CA	N/A.
Trinity Hospitals, 407 3rd Street SE., Minot, ND 58701	412002771	01/30/2009	ND	N/A.
Morris County Imaging, 310 Madison Avenue, Morristown, NJ 07960.	111293	01/30/2009	NJ	N/A.
Lake Norman Regional Medical Center, 171 Fairview Road, Mooresville, NC 28117.	34012	01/30/2009	NC	N/A.
Medical Imaging of Fredericksburg, 1201 Sam Perry Boulevard, Suite 102, Fredericksburg, VA 2240.	7242956	01/30/2009	VA	N/A.
Medical Outsourcing Services LLC, 450 Chew Street, Allentown, PA 18102.	115171	01/30/2009	PA	N/A.
Southeastern Regional Medical Center, 300 West 27th Street, Lumberton, NC 28358.	340050	01/30/2009	NC	N/A.
Meridian Health, Riverview Medical Center, 1 Riverview Plaza, Red Bank, NJ 07701.	310034	01/30/2009	NJ	N/A.
Shands Jacksonville, 555 W. 8th Street, Jacksonville, FL 32209.	100001	01/30/2009	FL	N/A.
Advantage Imaging, LLC, 3733 Park East Drive, Suite 100, Beachwood, OH 44139.	1336359686	01/30/2009	OH	N/A.
Marlette Regional Hospital, 2770 Main Street, P.O. Box 307, Marlette, MI 48453.	231330	01/30/2009	MI	N/A.
Lewisburg Cancer Center, 75 Medical Park Drive, Lewisburg, PA 17837.	31076	01/30/2009	PA	N/A.
New Jersey Diagnostics & Imaging, 455 Jack Martin Boulevard, Brick, NJ 08724.	1710915483	01/30/2009	NJ	N/A.
Medical Oncology Associates, P.S., 6001 N. Mayfair Street, Spokane, WA 99208.	GAB37015	01/30/2009	WA	N/A.
DMS Imaging, 10121 Pine Avenue, Truckee, CA 96161	ZZZ05188Z	01/30/2009	CA	N/A.
Northwest Medical Center, 2801 N. State Road 7, Margate, FL 33063.	100189	01/30/2009	FL	N/A.
St. Joseph Hospital, 1907 W. Sycamore Street, Kokomo, IN 46904.	1780625442	01/30/2009	IN	N/A.
Mayo Clinic Jacksonville, 4500 San Pablo Road, Jacksonville, FL 32224.	97325	01/30/2009	FL	N/A.
Jewish Hospital, 200 East Liberty Street, Louisville, KY 40222.	1457354318	01/30/2009	KY	N/A.
Riverview Hospital Association, 410 Dewey Street, Wisconsin, Rapids WI 54495.	520033	01/30/2009	WI	N/A.
Quantum PET-Mt. Nittany Medical Center, 1800 East Park Avenue, State College, PA 16803.	40635	01/30/2009	PA	N/A.
Capital Medical Center, 3900 Capital Mall Drive, Olympia, WA 98502.	1841258639	01/30/2009	WA	N/A.
Treasure Hills Imaging Center, 2121 Pease Street, Harlingen, TX 78550.	FTA0091	01/30/2009	TX	N/A.
King's Daughter's Hospital & Health Services, One King's Daughters Drive, Madison, IN 47250.	1457354318	01/30/2009	IN	N/A.
St. Luke's Hospital, East Campus, 85 Grand Avenue, Fort Thomas, KY 41075.	1457354318	01/30/2009	KY	N/A.
Greenview Regional Hospital, 1801 Ashley Circle, Bowling Green, KY 42104.	1457354318	01/30/2009	KY	N/A.
TJ Samson Community Hospital, 1301 N. Race Street, Glasgow KY 42141.	1457354318	01/30/2009	KY	N/A.
Watson Clinic LLP, 1600 Lakeland Hills Boulevard, Lakeland FL 33805.	162	01/30/2009	FL	N/A.
Major Hospital, 2455 Inteliplex Drive, Shelbyville, IN 46176	1174555692	01/30/2009	IN	N/A.
Carroll Precision Imaging Center, 680A Poole Road, Westminster, MD 21157.	1598944761	01/30/2009	MD	N/A.
Providence Hospital, 16001 West Nine Mile Road, P.O. Box 2043, Southfield, MI 48037.	1144210253	01/30/2009	MI	N/A.
Lexington Clinic, 1221 South Broadway, Lexington, KY 40504.	169	01/30/2009	KY	N/A.
St Francis Hospital, 6161 S. Yale Avenue, Tulsa, OK 74136	1457354318	01/30/2009	OK	N/A.
Kingman Regional Imaging, Center, 1033 Sycamore Avenue, Kingman, AZ 86409.	30055	01/30/2009	AZ	N/A.
Morrow County Hospital, 651 West Marion Road, Mount Gilead, OH 43338.	361313	01/30/2009	OH	N/A.
Alliance Imaging—Gritman Medical Center, 700 South Main Street, Moscow, ID 83843.	17902911	01/30/2009	ID	N/A.
Putnam Hospital Center, 670 Stoneleigh Avenue, Carmel, NY 10512.	330273	01/30/2009	NY	N/A.
Associated Medical, Specialist, PA, 817 Farrar Drive, Conway, SC 29526.	1063432391	01/30/2009	SC	N/A.

Facility name	Provider No.	Date approved	State	Other information
South Valley Radiology, 16633 Ventura Boulevard, Suite 120, Encino, CA 91436.	W18950	W18950	CA	N/A.
Florida Cancer Institute, 7651 Medical Drive, Hudson, FL 34667.	K4006	01/30/2009	FL	N/A.
Albemarle Hospital, 1144 N. Road Street, Elizabeth City, NC 27909.	340109	01/30/2009	NC	N/A.
Carilion New River Valley, 2900 Lamb Circle, Christiansburg, VA 24073.	490042	01/30/2009	VA	N/A.
Hope Diagnostic Imaging Center, 2202 S. 77th Sunshine Strip, Suite E, Harlingen, TX 78550.	FTNX12	01/30/2009	TX	N/A.
Optima Diagnostic Imaging, 8900 Wilshire Boulevard, Beverly Hills, CA 90211.	1659412757	01/30/2009	CA	N/A.
John Randolph Medical Center, 411 W. Randolph Road, Hopewell, VA 23860.	490020	01/30/2009	VA	N/A.
Salem Hospital, 665 Winter Street SE., Salem, OR 97301	1265431829	01/30/2009	OR	N/A.
Nacogdoches Medical Center, 4920 NE. Stallings Drive, Nacogdoches, TX 75961.	450656	01/30/2009	TX	N/A.
Fairfield Diagnostic Imaging, 1241 River Valley Boulevard, Lancaster, OH 43130.	1063472884	01/30/2009	OH	N/A.
PET Imaging of Thornton, 9461 Huron Street, Thornton, CO 80260.	183123486	01/30/2009	CO	N/A.
East Bay Medical Oncology, 4721 Dallas Ranch Road, Antioch, CA 94513.	1932107331	01/30/2009	CA	N/A.
MultiCare Health System/Tacoma General Hospital, 316 Martin Luther King Way, Tacoma, WA 98405.	1366556227	01/30/2009	WA	N/A.
University of Wisconsin—Hospital and Clinics, 600 Highland Avenue, Madison, WI 53792.	520098	01/30/2009	WI	N/A.
Open MRI and CT of South Miami, LLC, 101 NW. 1st Avenue, Delray Beach, FL 33444.	1457405060	01/30/2009	FL	N/A.
Dearborn County Hospital, 600 Wilson Creek Road, Lawrenceburg, IN 47025.	150086	01/30/2009	IN	N/A.
Alliance Imaging Inc—Desert Imaging, 118 Castellano Drive, El Paso, TX 79912.	1639357213	01/30/2009	TX	N/A.
NSMS—Hamburg, IA, 209 Limestone Pass, Cottage Grove, WI 53527.	1295785079	01/30/2009	WI	N/A.
NSMS—Memphis, MO, Sigler Avenue, RR#1 Box 53, Memphis, MO 63555.	1295785079	01/30/2009	MO	N/A.
Alliance Imaging—Hematology Oncology, 715 W. North Avenue, Melrose, Park IL 60160.	216057	01/30/2009	IL	N/A.
South Miami Hospital, 6200 SW. 73rd Street, Miami, FL 33143.	1982688230	01/30/2009	FL	N/A.
The PET/CT Center of North Florida, 2161 Kingsley Avenue, Orange Park, FL 32073.	1952320467	01/30/2009	FL	N/A.
Ascent Diagnostic Imaging of Tamarac, 7180 North University Drive, Tamarac, FL 33321.	AL571	01/30/2009	FL	N/A.
Wilson Medical Center, 1705 Tarboro Street SW., Wilson, KY 41075.	340126	02/02/2009	NC	N/A.
Lexington Medical Center, 811 W. Main Street, Lexington, KY 42141.	1457354318	02/02/2009	SC	N/A.
Merced MRI, 3365 G Street, Suite 100, Merced, KY 42104	ZZZ19963Z	02/02/2009	CA	N/A.
Memorial Diagnostic Center, 2901 Swann Avenue, Tampa, FL 33805.	100206	02/02/2009	FL	N/A.
The PET/CT Center of North Florida, 1375 Roberts Road, Jacksonville Beach, FL 46176.	1932196243	02/02/2009	FL	N/A.
The PET/CT Center of North Florida, 300 Health Park Boulevard #100, St. Augustine, FL 32086.	1861427155	02/02/2009	FL	N/A.
Oncology Hematology West, P.C., 17201 Wright Street, Suite 100, Omaha, NE 68130.	1932178530	02/02/2009	NE	N/A.
The PET/CT Center of North Florida, 795 SW. State Road 47, Lake City, FL 32025.	1902893902	02/02/2009	FL	N/A.
The PET/CT Center of North Florida, 710 Lomax Street, Jacksonville, FL 32204.	1457529786	02/02/2009	FL	N/A.
Provena Saint Joseph Medical Center, 2000 Glenwood Avenue, Joliet, IL 60435.	140007	02/02/2009	IL	N/A.
Montgomery County Advanced Medical Imaging, LLC, 2701 Blair Mill Road, Blairwood Building, Suite 3, Willow Grove, PA 19090.	1134315369	02/02/2009	PA	N/A.
Medical Outsourcing Services LLC, One Elizabeth Place, Dayton, OH 45408.	2391	02/02/2009	OH	N/A.
Insight Diagnostic Imaging, 750 N. Syringa Street, Suite 104, Post Falls, ID 83854.	1710089636	02/02/2009	ID	N/A.
Hudson Valley Radiology Associates of Westchester, 115 Main Street, Tuckahoe, NY 10707.	1174574115	02/02/2009	NY	N/A.

Facility name	Provider No.	Date approved	State	Other information
Advocate Illinois Masonic Medical Center, 3000 North Halsted, Suite 100, Chicago, IL 60657.	363196629	02/02/2009	IL	N/A.
The PET/CT Center of North Florida, 600 Zeagler Drive, Palatka, FL 32177.	1518986926	02/02/2009	FL	N/A.
Baptist Memorial Outpatient Diagnostic Center, 504 Azalea Drive, Oxford, MS 38655.	1053375576	02/02/2009	MS	N/A.
Alliance Imaging—Great Falls Clinic, 3000 15th Avenue South, Great Falls, MT 59405.	1790978146	02/02/2009	MT	N/A.
Central DuPage Hospital, 25 N. Winfield Road, Winfield, IL 60190.	820800	02/02/2009	IL	N/A.
Medical Outsourcing Services LLC, 4932 W 95th Street, Oak Lawn, IL 60453.	211222	02/02/2009	IL	N/A.
The Cancer Center at Lake Manassas, 7901 Lake Manassas Drive, Gainesville, VA 20155.	1518024934	02/02/2009	VA	N/A.
Zwanger-Pesiri Radiology, LLP, 80 Maple Avenue, Smithtown, NY 11787.	W1391	02/02/2009	NY	N/A.
Ohio Valey General Hospital, 500 Pine Hollow Road, McKees Rocks, PA 15136.	390157	02/02/2009	OH	N/A.
Rockwood Clinic Radiation Oncology, 2410 E. Sinto Avenue, Spokane Valley, WA 99216.	356600	02/02/2009	WA	N/A.
Regional West Medical Center, 4021 Ave. B, Scottsbluff, NE 69361.	1639101199	02/02/2009	NE	N/A.
DuPage Medical Group at Rickert, 1100 W. 31st Street, Downers Grove, IL 60515.	1801833983	02/02/2009	IL	N/A.
Medical Outsourcing Services LLC, 2701 W. 68th Street, Chicago, IL 60629.	211222	02/02/2009	IL	N/A.
Presbyterian Kaseman Hospital, 8300 Constitution Avenue NE., Albuquerque, NM 87110.	320021	02/02/2009	NM	N/A.
North Kansas City Hospital, 2800 Clay Edwards Drive, Parkville, MO 64116.	260096	02/02/2009	MO	N/A.
West Hernando Diagnostic Imaging, 3315 Commercial Way, Spring Hill, FL 34606.	1174668305	02/02/2009	FL	N/A.
NSMS—Robinson, IL, 1000 N. Allen Street, Robinson, IL 62454.	1295785079	02/02/2009	IL	N/A.
Memorial Hospital, 715 South Taft Avenue, Fremont OH 43420.	360156	02/02/2009	OH	N/A.
Samaritan Imaging Center, 1245 Wilshire Boulevard, Suite 205, Los Angeles, CA 90017.	1538258116	02/02/2009	CA	N/A.
Aurora West Alllis Medical Center, 8901 West Lincoln Avenue, West Allis, WI 53227.	520139	02/02/2009	WI	N/A.
Hematology & Oncology Specialists, LLC, 39 Starbrush Circle, Covington, LA 70433.	5F818	02/02/2009	LA	N/A.
DDIS—PB, 3250 Westchester Avenue, Bronx, NY 10461	w30661	02/02/2009	NY	N/A.
Toledo Clinic, Inc., 4235 Secor Road, Toledo, OH 43623	1144217894	02/02/2009	OH	N/A.
CDSA, 1421 Third Avenue, New York, NY 10028	1982700951	02/02/2009	NY	N/A.
Cancer Care Centers of South Texas, 2130 NE. Loop 410, Suite 100, San Antonio, TX 78217.	1225064603	02/02/2009	TX	N/A.
Saddleback Memorial Medical Center, 24451 Healthcenter Drive, Laguna Hills, CA 92653.	50603	02/02/2009	CA	N/A.
Marshfield Clinic, 2116 Craig Road, Eau Claire, WI 54701	390452970	02/02/2009	WI	N/A.
Liberty Pacific Advanced Imaging, 16130 Ventura Boulevard, Encino, CA 91436.	1962457812	02/02/2009	CA	N/A.
SimonMed Imaging, Inc., 20830 N Tatum Blvd, Suite 190, Phoenix, AZ 85050.	1164460077	02/02/2009	AZ	N/A.
Marshfield Clinic—Rice Lake Center, 1700 West Stout Street, Rice Lake, WI 54868.	5090	02/02/2009	WI	N/A.
Ingham Regional Medical Center, 401 W. Greenlawn Avenue, Lansing, MI 48910.	230167	02/02/2009	MI	N/A.
Space Coast Medical Associates LLP, 490 N. Washington Avenue, Titusville, FL 32796.	1558329581	02/02/2009	FL	N/A.
Ascent Diagnostic Imaging of Jacksonville, 5210 Belfort Road, Suite 130, Jacksonville, FL 32256.	AL744	02/02/2009	FL	N/A.
Milford Regional Medical Center, 12 Prospect Street, Milford, MA 01757.	1477527497	02/02/2009	MA	N/A.
The Cancer Team Bellin Health, 1580 Commanche Avenue, Green Bay, WI 54313.	ESO114	02/02/2009	WI	N/A.
Community Cance Center of North Florida, 7000 NW. 11th Place, Gainsville, FL 32605.	1205858354	02/02/2009	FL	N/A.
Epic Care Dublin, 6380 Clark Avenue, Dublin, CA 94568	ZZZ39149Z	02/02/2009	CA	N/A.
Cornerstone McLaughlin & Marte, 3850 Tampa Road, Palm Harbor, FL 44718.	1174668305	02/03/2009	FL	N/A.
Methodist Dallas Medical Center, 1441 N. Beckley Avenue, Dallas, TX 75203.	1457354318	02/03/2009	TX	N/A.

Facility name	Provider No.	Date approved	State	Other information
Methodist Charlton Medical Center, 3500 W. Wheatland Road, Dallas, TX 75737.	1457354318	02/03/2009	TX	N/A.
Riverview Hospital, 395 Westfield Road, Nobelsville, IN 46060.	1457354318	02/03/2009	IN	N/A.
North Bay Imaging, 625 W. Baldwin Road, Panama City, FL 32405.	1639208366	02/03/2009	FL	N/A.
University Medical Center, 602 Indiana Avenue, Lubbock, TX 79413.	1821087164	02/03/2009	TX	N/A.
Toms River X-Ray/CT/MRI Center, 154 Highway 37 W, Toms River, NJ 08755.	540379	02/03/2009	NJ	N/A.
St. Mary's Hospital Imaging Department, 25500 Point Lookout Road, Leonardtown, MD 20650.	210028	02/03/2009	MD	N/A.
Banner Good Samaritan PET Center, 1111 E. McDowell Road, Phoenix AZ 85006.	H0016	02/03/2009	AZ	N/A.
Saint Luke's Northland Hospital, 4320 Wornall Road, Suite 328, Kansas City, MO 64111.	111111	02/03/2009	MO	N/A.
Carmichael Imaging, 6620 Coyle Avenue, Suite 110, Carmichael, CA 95608.	941694584	02/03/2009	CA	N/A.
Phoebe Putney Memorial Hospital, 2709 Meredyth Drive, Albany, GA 31707.	1710147210	02/03/2009	GA	N/A.
Trinity Medical Center, 800 Montclair Road, Birmingham, AL 35213.	10104	02/03/2009	AL	N/A.
Diagnostic Clinic, 1551 West Bay Drive, Largo, FL 33770	36	02/03/2009	FL	N/A.
Titus Regional Medical Center, 2001 North Jefferson Avenue, Mount Pleasant, TX 75455.	1174526529	02/03/2009	TX	N/A.
Snow Canyon Clinic, 272 East Center Street, Ivins, UT 84738.	1235185645	02/03/2009	UT	N/A.
Conway Medical Center, 300 Singleton Ridge Road, P.O. Box 829, Conway, SC 29526.	1134172000	02/03/2009	SC	N/A.
Nazha Cancer Center, 801 New Road, Northfield, NJ 08225	1063698959	02/03/2009	NJ	N/A.
CHRISTUS Central Louisiana Imaging Center, 3704 North Boulevard, Alexandria, LA 71301.	190019	02/03/2009	LA	N/A.
Cobre Valley Community Hospital, 5880 S. Hospital Drive, Globe, AZ 85501.	31314	02/03/2009	AZ	N/A.
Wuesthoff X-Ray and Lab at Baytree, 7970 N. Wickham Road, Melbourne, FL 32940.	1538298344	02/03/2009	FL	N/A.
Avera Holy Family, 826 North 8th Street, Estherville, IA 51334.	1508810177	02/03/2009	IA	N/A.
Hannibal Regional Hospital, 6000 Hospital Drive, Hannibal, MO 63401.	260025	02/03/2009	MO	N/A.
Alliance Imaging Dreyer Clinic, 1221 North Highland Avenue, Aurora, IL 60506.	1235282344	02/03/2009	IL	N/A.
Cancer Care, 11100 Hefner Pointe Drive, Oklahoma City, OK 73120.	1295785392	02/03/2009	OK	N/A.
Fisher-Titus Medical Center, 272 Benedict Avenue, Norwalk, OH 44857.	360065	02/03/2009	OH	N/A.
Oaklawn Hospital, 200 North Madison Street, Marshall, MI 49068.	230217	02/03/2009	MI	N/A.
Dixie Regional Medical Center, 544 South 400 East, St. George, UT 84790.	460021	02/03/2009	UT	N/A.
New Jersey Institute of Radiology, 630 Broad Street, Carlstadt, NJ 07072.	115568	02/03/2009	NJ	N/A.
Medical Diagnostic Imaging, 4349 Treadaway Boulevard, Abilene, TX 79602.	1730387911	02/03/2009	TX	N/A.
Richmond, 2900 Richmond Avenue, Houston, TX 77098	1730132234	02/03/2009	TX	N/A.
Lafayette General Medical Center-LGI, 1211 Coolidge Blvd, Suite 201, Lafayette, LA 70503.	1275536799	02/03/2009	LA	N/A.
Ohio Cancer Specialists, 1125 Aspira Court, Mansfield, OH 44906.	1316917040	02/03/2009	OH	N/A.
Vantage Diagnostic Imaging, 3400 W. Hefner Road, Oklahoma City, OK 73120.	400522173	02/03/2009	OK	N/A.
Health Diagnostics, 455 Hickey Boulevard #200, Daly City, CA 94015.	1467611467	02/03/2009	CA	N/A.
Physicians for Cure, 795 SW. State Road 47, Lake City, FL 32025.	1770739104	02/03/2009	FL	N/A.
Arkansas Cancer Center PET/CT, 9601 Lile Drive, Suite 106, Little Rock, AR 72205.	1477535391	02/03/2009	AR	N/A.
Southeast Georgia Health System, 2415 Parkwood Drive, Brusnwick, GA 31520.	110025	02/03/2009	GA	N/A.
Illinois Valley Community Hospital, 925 West Street, Peru, IL 61354.	1457354318	02/03/2009	IL	N/A.
Oncology Hematology Associates of Southwest IN, 3699 Epworth Road, Newburgh, IN 47630.	1710150222	02/03/2009	IN	N/A.

Facility name	Provider No.	Date approved	State	Other information
Sam Houston Cancer Center, 112 Medical Park Lane, Huntsville, TX 77340.	00Z337	02/03/2009	TX	N/A.
Silicon Valley Medical Imaging, 2191 Mowry Avenue, Suite 500–H, Fremont, CA 94538.	1376730358	02/03/2009	CA	N/A.
RADS (Radiology and Diagnostic Services), 7160 W. 20th Avenue, Suite M126, Hialeah, FL 33016.	100187	02/03/2009	FL	N/A.
Kaweah Delta Imaging Center, 4949 W. Cypress Avenue, Visalia, CA 93277.	1588663769	02/03/2009	CA	N/A.
University of South AL Mitchell Cancer Institute, 1660 Springhill Avenue, Mobile, AL 36604.	H398	02/03/2009	AL	N/A.
Murray-Calloway County Hospital, 803 Poplar Street, Murray, KY 42071.	1073504981	02/03/2009	KY	N/A.
Arizona Center for Hematology and Oncology, 14674 W. Mountain View Boulevard, #113, Surprise, AZ 85374.	Z31627	02/03/2009	AZ	N/A.
Wake Radiology Diagnostic Imaging, Inc., 300 Ashville Avenue, Suite 180, Cary, NC 27518.	1538123450	02/03/2009	NC	N/A.
The Vancouver Clinic, 700 NE. 87th Avenue, Vancouver, WA 98686.	685900	02/03/2009	WA	N/A.
Bronx-Lebanon Hospital Center, 1650 Grand Concourse, Bronx, NY 10457.	1558461962	02/03/2009	NY	N/A.
Evergreen Hematology & Oncology, P.S., 309 E. Farwell Road, Suite 100, Spokane, WA 99218.	1255592218	02/03/2009	WA	N/A.
NSMS—Parsons, KS, 1902 59 Highway South, Parsons, KS 67357.	1295785079	02/03/2009	KS	N/A.
Florida Cancer Specialists—Cornerstone, 3850 Tampa Road, Palm Harbor, FL 34684.	1760590962	02/03/2009	FL	N/A.
Town Center Imaging, 21 Hospital Drive, Suite 130, Palm Coast, FL 32164.	1558530006	02/03/2009	FL	N/A.
Memorial Hospital of Carbondale, 405 W. North Avenue, Carbondale, IL 62901.	1093801797	02/03/2009	IL	N/A.
Herrin Hospital, 201 South 14th Street, Herrin, IL 62948	1093801797	02/03/2009	IL	N/A.
Laughlin Memorial Hospital, 1420 Tusculum Boulevard, Greeneville, TN 37745.	1881669778	02/03/2009	TN	N/A.
Quantum PET—Hanover Hospital, 300 Highland Avenue, Hanover, PA 17331.	40635	02/03/2009	PA	N/A.
Parrish Medical Center, 941 North Washington Avenue, Titusville, FL 32796.	1053424648	02/03/2009	FL	N/A.
California Diagnostic Imaging Center, Inc., 828 South Grand, Suite 107, Glendoro, CA 91740.	TP113	02/03/2009	CA	N/A.
NorCal Imaging—Pleasanton, 5924 Stoneridge Drive, Pleasanton, CA 94588.	1578687166	02/03/2009	CA	N/A.
Sadler Clinic, 9305 Pinecroft Drive, The Woodlands, TX 77380.	1114979127	02/03/2009	TX	N/A.
Medical Center Hospital, 500 West 4th Street, Odessa, TX 79760.	450132	02/03/2009	TX	N/A.
Cascade Medical Imaging, 2500 NE. Neff Road, Bend, OR 97701.	1194994145	02/03/2009	OR	N/A.
Palos Community Hospital, 15300 West Avenue, Orland Park, IL 60462.	1124276332	02/03/2009	IL	N/A.
Lemmen Holton Cancer Pavilion, 145 Michigan Street, NE., Grand Rapids, MI 49503.	230038	02/03/2009	MI	N/A.
Houston Cancer Institute, 1220 Blalock, Suite 100, Houston, TX 77055.	00N55X	02/03/2009	TX	N/A.
Hudson Valley Hematology-Oncology Associates, 19 Baker Avenue, Suite 100, Poughkeepsie, NY 12601.	1275615809	02/03/2009	NY	N/A.
North Shore Radiology at Glen Cove, PC, 10 Medical Plaza, Suite 106, Glen Cove, NY 11542.	1003024662	02/03/2009	NY	N/A.
Cape Radiology, 4011 Route 9 South, P.O. Box 244, Rio Grande, NJ 08242.	1972592194	02/03/2009	NJ	N/A.
Frederick Imaging Centers, LLC, 46 B Thomas Johnson Drive, Suite 100, Frederick, MD 21702.	1063699940	02/03/2009	MD	N/A.
EP Medical Imaging Technology, 10767 Gateway West, Suite 520, El Paso, TX 79935.	1508987165	02/03/2009	TX	N/A.
Atlantis Diagnostics, 1344 S. Apollo Boulevard, Melbourne, FL 32901.	1053382457	02/03/2009	FL	N/A.
Tri-City PETCT at Vista, 902 Sycamore Avenue, #120, Vista, CA 92081.	1154580348	02/03/2009	CA	N/A.
Florida Cancer Specialists/Sarasota Downtown, 1970 Golf Street, Sarasota, FL 34236.	1760590962	02/03/2009	FL	N/A.
Arizona Oncology Associates—Biltmore, 2222 East Highland Avenue, Suite 130, Phoenix, AZ 85016.	1235193459	02/03/2009	AZ	N/A.
Las Vegas Radiology, 7500 Smoke Ranch, Suite 100, Las Vegas, NV 89128.	1972714970	02/03/2009	NV	N/A.

Facility name	Provider No.	Date approved	State	Other information
Medical Outsourcing Services, 2900 W. 16th Street, Bedford, IN 47421.	1700812294	02/03/2009	IN	N/A.
Town Center Imaging, 21 Hospital Drive, Suite 130, Palm Coast, FL 32164.	1558530006	02/03/2009	FL	N/A.
Memorial Hospital of Carbondale, 405 W. North Avenue, Carbondale,IL 62901.	1093801797	02/03/2009	IL	N/A.
Herrin Hospital, 201 South 14th Street, Herrin, IL 62948	1093801797	02/03/2009	IL	N/A.
Laughlin Memorial Hospital, 1420 Tusculum Boulevard, Greeneville, TN 37745.	1881669778	02/03/2009	TN	N/A.
Quantum PET—Hanover Hospital, 300 Highland Avenue, Hanover, PA 17331.	40635	02/03/2009	PA	N/A.
Parrish Medical Center, 941 North Washington Avenue, Titusville, FL 32796.	1053424648	02/03/2009	FL	N/A.
California Diagnostic Imaging Center, Inc., 828 South Grand, Suite 107, Glendoro, CA 91740.	TP113	02/03/2009	CA	N/A.
NorCal Imaging—Pleasanton, 5924 Stoneridge Drive, Pleasanton, CA 94588.	1578687166	02/03/2009	CA	N/A.
Sadler Clinic, 9305 Pinecroft Drive, The Woodlands, TX 77380.	1114979127	02/03/2009	TX	N/A.
Medical Center Hospital, 500 West 4th Street, Odessa, TX 79760.	450132	02/03/2009	TX	N/A.
Cascade Medical Imaging, 2500 NE. Neff Road, Bend, OR 97701.	1194994145	02/03/2009	OR	N/A.
Palos Community Hospital, 15300 West Avenue, Orland Park, IL 60462.	1124276332	02/03/2009	IL	N/A.
Lemmen Holton Cancer Pavilion, 145 Michigan Street, NE., Grand Rapids, MI 49503.	230038	02/03/2009	MI	N/A.
Houston Cancer Institute, 1220 Blalock, Suite 100, Houston, TX 77055.	00N55X	02/03/2009	TX	N/A.
Hudson Valley Hematology-Oncology Associates, 19 Baker Avenue, Suite 100, Poughkeepsie, NY 12601.	1275615809	02/03/2009	NY	N/A.
North Shore Radiology at Glen Cove, PC, 10 Medical Plaza, Suite 106, Glen Cove, NY 11542.	1003024662	02/03/2009	NY	N/A.
Cape Radiology, 4011 Route 9 South, P.O. Box 244, Rio Grande, NJ 08242.	1972592194	02/03/2009	NJ	N/A.
Frederick Imaging Centers, LLC, 46 B Thomas Johnson Drive, Suite 100, Frederick, MD 21702.	1063699940	02/03/2009	MD	N/A.
EP Medical Imaging Technology, 10767 Gateway West, Suite 520, El Paso, TX 79935.	1508987165	02/03/2009	TX	N/A.
Atlantis Diagnostics, 1344 S. Apollo Boulevard, Melbourne, FL 32901.	1053382457	02/03/2009	FL	N/A.
Tri-City PETCT at Vista, 902 Sycamore Avenue #120, Vista, CA 92081.	1154580348	02/03/2009	CA	N/A.
Florida Cancer Specialists/Sarasota Downtown, 1970 Golf Street, Sarasota, FL 34236.	1760590962	02/03/2009	FL	N/A.
Arizona Oncology Associates—Biltmore, 2222 East Highland Avene, Suite 130, Phoenix, AZ 85016.	1235193459	02/03/2009	AZ	N/A.
Las Vegas Radiology, 7500 Smoke Ranch, Suite 100, Las Vegas, NV 89128.	1972714970	02/03/2009	NV	N/A.
Medical Outsourcing Services, 2900 W. 16th Street, Bedford, IN 47421.	1700812294	02/03/2009	IN	N/A.

Addendum XIII—Medicare-Approved Ventricular Assist Device (Destination Therapy) Facilities [April through June 2009]

On October 1, 2003, we issued our decision memorandum on ventricular assist devices for the clinical indication of destination therapy. We determined that ventricular assist devices used as destination therapy are reasonable and necessary only if performed in facilities that have been determined to have the experience and infrastructure to ensure optimal patient outcomes. We established facility standards and an application process. All facilities were required to meet our standards in order to receive coverage for ventricular assist devices implanted as destination therapy.

VAD Destination Therapy Facilities

The following facilities have met the CMS facility standards for destination therapy VADs.

Facility	Provider No.	Date approved	State	Other information
Advocate Christ Medical Center, 4440 W. 95th Street, Oak Lawn, Illinois.	140208	12/17/2003	IL	Joint Commission Certified on 05/26/2007.
California Pacific Medical Center, 2333 Buchanan Street, San Francisco, California.	050047	03/19/2004	CA.	
Baptist Memorial Hospital, 6019 Walnut Grove Road, Memphis, Tennessee.	440048	04/07/2004	TN.	

Facility	Provider No.	Date approved	State	Other information
Duke University Medical Center, DUMC Box 3943, Durham, North Carolina.	340030	10/31/2003	NC.	
Fairview-University Medical Center, 2450 Riverside Avenue, Minneapolis, Minnesota.	240080	10/28/2003	MN.	
Allegheny General Hospital, 320 E. North Avenue, Pittsburgh, Pennsylvania.	390050	12/10/2003	PA	Joint Commission Certified on 03/28/2008.
Barnes-Jewish Hospital, One Barnes-Jewish Hospital Plaza, Saint Louis, Missouri.	260032	10/27/2003	MO	Joint Commission Certified on 08/22/2008.
Brigham and Women's Hospital, 15 Francis Street, Boston, Massachusetts.	220110	01/09/2004	MA..	
Bryan LGH Medical Center East, 1600 S. 48 Street, Lincoln, Nebraska.	280003	10/23/2003	NE.	
Cedars-Sinai Medical Center, 8700 Beverly Boulevard, Los Angeles, California.	050625	12/29/2003	CA.	
Clarian Health Partners, Inc., 1701 N. Senate Avenue, Indianapolis, Indiana.	150056	11/25/2003	IN.	
Cleveland Clinic, 9500 Euclid Avenue, Cleveland, Ohio	360180	12/03/2003	OH.	
Hahnemann University Hospital, Broad and Vine Streets, Philadelphia, Pennsylvania.	390290	12/22/2003	PA	Joint Commission Certified on 09/19/2008.
Hospital of the University of Pennsylvania, 3400 Spruce Street, Philadelphia, Pennsylvania.	390111	10/28/2003	PA	Joint Commission Certified on 05/23/2008.
Henry Ford Hospital, 2799 W. Grand Boulvard, Detroit, Michigan.	230053	01/06/2004	MI.	
Inova Fairfax Hospital, 3300 Gallows Road, Falls Church, Virginia.	490063	03/31/2004	VA.	
Jewish Hospital, 200 Abraham Flexner Way, Louisville, Kentucky.	180040	11/10/2003	KY.	
Jackson Memorial Hospital, 1611 NW. 12th Avenue, Miami, Florida.	100022	01/12/2004	FL	University of Miami.
LDS Hospital, 8th Avenue and C Street, Salt Lake City, Utah	460010	10/23/2003	UT.	
Johns Hopkins Hospital, 600 N. Wolfe Street, Baltimore, Maryland.	210009/ 1790700904	10/28/2003	MD	Joint Commission Certified on 07/09/2008.
Loyola University Medical Center, 2160 S. 1st Avenue, Maywood, Illinois.	140276	01/30/2004	IL.	
Lutheran Hospital of Indiana, 7950 W. Jefferson Boulevard, Fort Wayne, Indiana.	150017	10/29/2003	IN.	
Massachusetts General Hospital, 55 Fruit Street, Boston, Massachusetts.	220071	12/15/2003	MA.	
Mayo Clinic, 4500 San Pablo Road, Jacksonville, Florida	100151	11/06/2003	FL.	
Medical City Dallas Hospital, 7777 Forest Lane, Dallas, Texas	450647	12/03/2003	TX.	
The Methodist Hospital, 6565 Fannin Street, Houston, Texas ..	450358	11/03/2003	TX.	
Montefiore Medical Center, 111 E. 210th Street, Bronx, New York.	330059	11/14/2003	NY.	
Methodist Specialty and Transplant Hospital, 8026 Floyd Curl Drive, San Antonio, Texas.	450388	11/19/2003	TX.	
Newark Beth Israel Medical Center, 201 Lyons Avenue, Newark, New Jersey.	310002	11/14/2003	NJ.	
Mount Sinai Medical Center, 1190 5th Avenue, New York, New York.	330024	11/25/2003	NY.	
New York-Presbyterian Hospital, 177 Fort Washington Avenue, New York, New York.	330101	10/28/2003	NY	Columbia University Medical Center.
Ohio State University Medical Center, 410 W. 10th Avenue, Columbus, Ohio.	360085	11/12/2003	OH.	
Oregon Health and Sciences University, 3181 SW. Sam Jackson Park Road, Portland, Oregon.	380009	11/21/2003	OR.	
OSF St Francis Medical Center, 530 NE. Glen Oak Avenue, Peoria, Illinois.	140067	11/12/2003	IL.	
Penn State Milton S Hershey Medical Center, 500 University Drive, Hershey, Pennsylvania.	390256	10/29/2003	PA	Joint Commission Certified on 05/19/2008.
Rush-Presbyterian-St Luke Medical Center, 1653 W. Congress Parkway, Chicago, Illinois.	140119	11/14/2003	IL.	
Sentara Norfolk General Hospital, 600 Gresham Drive, Norfolk, Virginia.	490007	11/10/2003	VA.	
Sacred Heart Medical Center, 101 W. 8th Avenue, Spokane, Washington.	500054	01/12/2004	WA.	
Seton Medical Center, 1201 W. 38th Street, Austin, Texas	450056	01/13/2004	TX.	
Shands at the University of Florida, 1600 SW. Archer Road, Gainesville, Florida.	100113	11/26/2003	FL.	
Sharp Memorial Hospital, 7901 Frost Street, San Diego, California.	050100	12/01/2003	CA	Joint Commission Certified on 07/18/2008.
Stanford University Hospital and Clinics, 300 Pasteur Drive, Stanford, California.	050441	12/22/2003	CA	Stanford University Medical Center.
St. Francis Hospital, 6161 S. Yale Avenue, Tulsa, Oklahoma ..	370091	01/09/2004	OK.	

Facility	Provider No.	Date approved	State	Other information
St. Luke's Medical Center, 2900 W. Oklahoma Avenue, Milwaukee, Wisconsin.	520138	11/03/2003	WI.	
St. Luke's Episcopal Hospital, 6720 Bertner Avenue, Houston, Texas.	450193	10/28/2003	TX.	
St. Vincent Hospital and Health Services, 2001 W. 86th Street, Indianapolis, Indiana.	150084	01/05/2004	IN.	
St. Paul Medical Center, 5909 Harry Hines Boulevard, Dallas, Texas.	450044	12/10/2003	TX.	
Strong Memorial Hospital, 601 Elmwood Avenue, Rochester, New York.	330285	10/29/2003	NY	Joint Commission Certified on 06/18/2008.
Tampa General Hospital, 2 Columbia Drive, Tampa, Florida	100128	11/26/2003	FL.	
Temple University Hospital, 3401 N. Broad Street, Philadelphia, Pennsylvania.	390027	11/03/2003	PA.	
Tufts-New England Medical Center, 750 Washington Street, Boston, Massachusetts.	220116	11/06/2003	MA.	
UCLA Medical Center, 10833 Le Conte Avenue, Los Angeles, California.	050262	12/10/2003	CA.	
University Medical Center, 1501 N. Campbell Avenue, Tucson, Arizonia.	030064	10/29/2003	AZ.	
University of Alabama at Birmingham Health System, 500 22nd Street S., Birmingham, Alabama.	010033	10/29/2003	AL.	
University of Colorado Hospital, 4200 E. Ninth Avenue, Denver, Colorado.	060024	11/06/2003	CO	9th & Colorado Campus, Joint Commission Certified on 07/23/2008.
The University of Chicago Hospitals and Health System, 5841 South Maryland Avenue, Chicago, Illinois.	140088	02/25/2004	IL.	
University of Iowa Hospitals and Clinics, 200 Hawkins Drive, Iowa City, Iowa.	160058	11/12/2003	IA.	
University of Maryland Medical Center, 22 S. Greene Street, Baltimore, Maryland.	210002	11/12/2003	MD.	
University of Michigan Health System, 1500 E. Medical Center Drive, Ann Arbor, Michigan.	230046	10/27/2003	MI	Joint Commission Certified on 03/28/2008.
University of North Carolina Hospitals, 101 Manning Drive, Chapel Hill, North Carolina.	340061	05/05/2004	NC.	
University of Utah Hospital, 50 N. Medical Drive, Salt Lake City, Utah.	460009	12/22/2003	UT.	
University of Virginia Health System, 1215 Lee Street, Charlottesville, Virginia.	490009	01/12/2004	VA.	
University of Washington Medical Center, 1959 NE. Pacific Street, Seattle, Washington.	500008	01/15/2004	WA.	
University of Wisconsin Hospitals and Clinics, 600 Highland Avenue, Madison, Wisconsin.	520098	12/03/2003	WI.	
USC University Hospital, 1500 San Pablo, Los Angeles, California.	050696	01/09/2004	CA.	
UPMC Presbyterian, 200 Lothrop Street, Pittsburgh, Pennsylvania.	390164	10/23/2003	PA	Joint Commission Certified on 06/11/2008.
Virginia Commonwealth University Medical Center, 401 North 12th Street, Richmond, Virginia.	490032	04/08/2004	VA	Medical College of Virginia Hospitals.
Vanderbilt University Medical Center, 1161 21st Avenue S., Nashville, Tennessee.	440039	10/28/2003	TN.	
Ochsner Clinic Foundation, 1514 Jefferson Highway, New Orleans, Louisiana.	190036	06/29/2004	LA.	
Baylor University Medical Center, 3500 Gaston Avenue, Dallas, TX.	N/A	10/04/2007	TX	Joint Commission Certified on 10/04/2007.
The University of Michigan Hospitals and Health Centers, 1500 East Medical Center Drive, Ann Arbor, MI.	230046	03/28/2008	MI	Joint Commission Certified on 03/28/2008.
Saint Mary's Hospital, 1216 Southwest Second Street, Rochester, MN.	N/A	02/27/2008	MN	Joint Commission Certified on 02/27/2008.
Allegheny General Hospital, 320 East North Avenue, Pittsburgh, PA.	N/A	03/08/2008	PA.	
Washington Hospital Center, 110 Irving Street, NW., Washington, DC.	09–0011	04/23/2008	DC	Joint Commission Certified on 04/23/2008.
Integris Baptist Medical Center, 3300 Northwest Expressway, Oklahoma City, OK.	1831103654	08/13/2008	OK	Joint Commission Certified on 08/13/08.
Mayo Clinic Hospital, 5777 East Mayo Boulevard, Phoenix, AZ	030103	02/27/2009	AZ	Joint Commission Certified on 02/27/09.
Northwestern Memorial Hospital, 251 E. Huron Street, Chicago, IL.	140281	03/17/2009	IL	Joint Commission Certified on 03/17/09.
Lancaster General Hospital, 555 North Duke Street, Lancaster, PA.	390100	05/20/2009	PA	Joint Commission certified on 05/20/09.
Hartford Hospital, 80 Seymour Street, Hartford, CT	070025	05/29/2009	CT	Joint Commission certified on 05/29/09.

Addendum XIV—Lung Volume Reduction Surgery (LVRS) [April through June 2009]

Three types of facilities are eligible for reimbursement for Lung Volume Reduction Surgery (LVRS): National Emphysema Treatment Trial (NETT) approved (Beginning 05/07/2007, these will no longer automatically qualify and can qualify only with the other programs), Credentialed by the Joint Commission (formerly, the Joint Commision on Accreditation of Healthcare Organizations (JCAHO)) under their Disease Specific Certification Program for LVRS, and Medicare approved for lung transplants. Only the first two types are in the list.

Facility name	Date approved	State	Type of certification
Baylor College of Medicine, Houston, Texas	N/A	TEXAS	NETT.
Brigham and Women's Hospital, Boston, MA	N/A	MASSACHUSETTS	NETT.
Cedars-Sinai Medical Center, Los Angeles, CA	N/A	CALIFORNIA	NETT.
Chapman Medical Center, Orange, CA	N/A	CALIFORNIA	NETT.
Cleveland Clinic Foundation, Cleveland, OH	N/A	OHIO	NETT.
Columbia University, New York, NY	N/A	NEW YORK	NETT.
Duke University Medical Center, Durham, NC	N/A	NORTH CAROLINA	NETT.
Johns Hopkins Hospital, Baltimore, MD	N/A	MARYLAND	NETT.
Kaiser Foundation Hospital-Riverside, Riverside, CA	09/20/2006	CALIFORNIA	Joint Commssion.
Long Island Jewish Medical Center, New Hyde Park, NY	N/A	NEW YORK	NETT.
Mayo Clinic, Rochester, MN	N/A	MINNESOTA	NETT.
Memorial Medical Center, Springfield, IL	12/13/2006	ILLINOIS	Joint Commssion.
National Jewish Medical Center, Denver, CO	N/A	COLORADO	NETT.
The Ohio State University Hospital, Columbus, OH	N/A	OHIO	Joint Commssion.
Ohio State University Medical Center, Columbus, OH	N/A	OHIO	NETT.
Saint Louis University, Saint Louis, MO	N/A	MISSOURI	NETT.
Temple University Hospital, Philadelphia, PA	08/23/2008	PENNSYLVANIA	Joint Commission.
UCLA Medical Center, Los Angeles, CA	N/A	CALIFORNIA	NETT.
University of California-San Diego, San Diego, CA	N/A	CALIFORNIA	NETT.
University of Maryland Medical Center, Baltimore, MD	N/A	MARYLAND	NETT.
University of Michigan Medical Center, Ann Arbor, MI	N/A	MICHIGAN	Joint Commission.
University of Pennsylvania, Philadelphia, PA	N/A	PENNSYLVANIA	NETT.
University of Pittsburgh, Pittsburgh, PA	N/A	PENNSYLVANIA	NETT.
University of Washington, Seattle, WA	N/A	WASHINGTON	NETT.
Washington University/Barnes Hospital, Saint Louis, MO	N/A	MISSOURI	Joint Commission.
Allegheny General Hospital, Pittsburgh, PA	04/23/2008	PENNSYLVANIA	Joint Commission.

Addendum XV—Medicare-Approved Bariatric Surgery Facilities

On February 21, 2006, we issued our decision memorandum on bariatric surgery procedures. We determined that bariatric surgical procedures are reasonable and necessary for Medicare beneficiaries who have a body-mass index (BMI) greater than or equal to 35, have at least one co-morbidity related to obesity, and have been previously unsuccessful with medical treatment for obesity.

This decision also stipulated that covered bariatric surgery procedures are reasonable and necessary only when performed at facilities that are: (1) Certified by the American College of Surgeons (ACS) as a Level 1 Bariatric Surgery Center (program standards and requirements in effect on February 15, 2006); or (2) certified by the American Society for Bariatric Surgery (ASBS) as a Bariatric Surgery Center of Excellence (BSCOE) (program standards and requirements in effect on February 15, 2006).

The following facilities have met our minimum facility standards for bariatric surgery and have been certified by American College of Surgeons (ACS) or American Society for Metabolic and Bariatric Surgery (ASMBS).

Facility name	Provider No.	Date approved	State	Other information
Evanston Northwestern Hospital, 2650 Ridge Avenue, Suite 1308, Evanston, IL 60201.	140010	01/26/2006	IL	ACS.
Chapman Medical Center, 2601 East Chapman Avenue, Orange, CA 92646.	05–0745	02/21/2006	CA	ASMBS.
St Vincent Carmel Hospital, 13430 Old Meridian Street, Suite 168, Carmel, IN 46032.	15–0157	02/21/2006	IN	ASMBS.
Abbott Northwestern Hospital, 800 E. 28th Street, Minneapolis, MN 55407.	N/A	02/24/2006	MN	ASMBS.
Alexian Brothers Medical Center, 800 Biesterfield Road, Elk Grove Village, IL 60007.	N/A	02/24/2006	IL	ASMBS.
American Bariatric Institute at Doctors' Hospital, 1130 Louisiana Avenue, Shreveport, LA 71101.	N/A	02/24/2006	LA	ASMBS.
Arnot Ogden Medical Center, 600 Fitch Street, Elmira, NY 14905.	330090	02/24/2006	NY	ASMBS.
AtlantiCare Regional Medical Center, 2500 English Creek Avenue, Egg Harbor Township, NJ 08234.	N/A	02/24/2006	NJ	Center for Surgical Weight Loss and Wellness Salartash Surgical Associates, ASMBS.
Atlanta Medical Center, 303 Parkway Drive NE., Atlanta, GA 30312.	N/A	02/24/2006	GA	ASMBS.

Facility name	Provider No.	Date approved	State	Other information
Aurora Sinai Medical Center, 945 N. 12th Street, Milwaukee, WI 53211.	N/A	02/24/2006	WI	ASMBS.
Baptist Memorial Hospital North Mississippi, 2301 South Lamar Boulevard, Oxford, MS 38655.	N/A	02/24/2006	MS	ASMBS.
Bellin Health, 215 N. Webster Avenue, Green Bay, WI 54301.	N/A	02/24/2006	WI	ASMBS.
Bon Secours Community Hospital, 160 E. Main Street, Port Jervis, NY 12771.	N/A	02/24/2006	NY	ASMBS.
California Pacific Medical Center, 2333 Buchanan Street, San Francisco, CA 94115.	N/A	02/24/2006	CA	ASMBS.
Cape Fear Valley Health System, 1638 Owen Drive, Fayetteville, NC 28304.	N/A	02/24/2006	NC	ASMBS.
Centennial Center for the Treatment of Obesity, 2300 Patterson Street, Nashville, TN 37203.	N/A	02/24/2006	TN	ASMBS.
Cleveland Clinic Hospital-Weston, 3100 Weston Road, Weston, FL 33331.	N/A	02/24/2006	FL	ASMBS.
Christus Schumpert Health System, 1 Saint Mary Place, Shreveport, LA 71101.	N/A	02/24/2006	LA	ASMBS.
Citizen's Bariatric Center, 2701 Hospital Avenue, Victoria, TX 77901.	N/A	02/24/2006	TX	ASMBS.
Columbia-St. Mary's Bariatric Center, 2025 E. Newport Avenue, Milwaukee, WI 53211.	N/A	02/24/2006	WI	ASMBS.
Community Hospital Monterey Peninsula, 23625 Holman Highway, Monterey, CA 93940.	N/A	02/24/2006	CA	ASMBS.
Crestwood Medical Center, One Hospital Drive, Huntsville, AL 35801.	N/A	02/24/2006	AL	ASMBS.
Cypress Fairbanks Medical Center Hospital, 10655 Steepletop Drive, Houston, TX 77065.	450716	02/24/2006	TX	ASMBS.
Danbury Hospital, 24 Hospital Avenue, Danbury, CT 06810.	N/A	02/24/2006	CT	ACS.
East Texas Medical Center, 1000 S. Beckman Avenue, Tyler, TX 75701.	N/A	02/24/2006	TX	ASMBS.
Eastern Maine Medical Center, 905 Union Street, EMH Mall, Suite 11, Bangor, ME 04401.	200033	02/24/2006	ME	ASMBS.
Elmbrook Memorial Hospital, 19333 W. North Avenue, Brookfield, WI 53045.	N/A	02/24/2006	WI	ASMBS.
Emory Dunwoody Medical Center, 4575 N. Shallowford Road, Atlanta, GA 30338.	N/A	02/24/2006	GA	ASMBS.
Florida Hospital Celebration Health, 400 Celebration Place, Kissimmee, FL 34747.	N/A	02/24/2006	FL	ASMBS.
Florida Medical Center, 4850 W. Oakland Boulevard, Lauderdale Lakes, FL 33313.	N/A	02/24/2006	FL	ASMBS.
Froedtert Memorial Lutheran Hospital, 9200 W. Wisconsin Avenue, Milwaukee, WI 53226.	N/A	02/24/2006	WI	Medical College of Wisconsin, ASMBS.
Frye Regional Medical Center, 420 N. Center Street, Hickory, NC 28601.	N/A	02/24/2006	NC	ASMBS.
Geisinger Medical Center, 100 North Academy Avenue, Danville, PA 17822.	390006	N/A	PA	ASMBS–02/24/2006, ACS–01/26/2007.
Good Samaritan Hospital, 375 Dixmyth Avenue, Cincinnati, OH 45220.	N/A	02/24/2006	OH	ASMBS.
Grandview Medical Center, 405 Grand Avenue, Dayton, OH 45405.	N/A	02/24/2006	OH	ASMBS.
Greater Baltimore Medical Center, 6701 N. Charles Street, Baltimore, MD 21204.	N/A	02/24/2006	MD	ASMBS.
Hamilton Medical Center, 1200 Memorial Drive, Dalton, GA 30720.	N/A	02/24/2006	GA	ASMBS.
Hennepin County Medical Center, 701 Park Avenue, Minneapolis, MN 55415.	N/A	02/24/2006	MN	ASMBS.
Holy Cross Hospital, 4725 N. Federal Highway, Fort Lauderdale, FL 33308.	N/A	02/24/2006	FL	ASMBS.
Hospital of Saint Raphael, 1450 Chapel Street, New Haven, CT 06511.	N/A	02/24/2006	CT	ASMBS.
Huntington Memorial Hospital, 100 W. California Boulevard, Pasadena, CA 91105.	N/A	02/24/2006	CA	ASMBS.
Jupiter Medical Center, 1210 S. Old Dixie Highway, Jupiter, FL 33458.	N/A	02/24/2006	FL	ASMBS.
King's Daughters Medical Center, 617 23rd Street, Ashland, KY 41101.	N/A	02/24/2006	KY	ASMBS.
Legacy Good Samaritan Hospital and Medical Center, 1015 NW. 22nd Avenue, Portland, OR 97210.	N/A	02/24/2006	OR	ASMBS.
Lexington Medical Center, 2720 Sunset Boulevard, West Columbia, SC 29169.	N/A	02/24/2006	SC	ASMBS.
Little Company of Mary, 2800 W. 95th Street, Evergreen Park, IL 60805.	N/A	02/24/2006	IL	ASMBS.

Facility name	Provider No.	Date approved	State	Other information
Lutheran Medical Center, 150 55th Street, Brooklyn, NY 11220.	29D361	02/24/2006	NY	ACS.
Medical University of South Carolina, 171 Ashley Avenue, Charleston, SC 29425.	N/A	02/24/2006	SC	ASMBS.
Memorial Hermann Hospital, 6411 Fannin Street, Houston, TX 77030.	N/A	02/24/2006	TX	ASMBS.
Memorial Hospital, 2525 DeSales Avenue, Chattanooga, TN 37404.	N/A	02/24/2006	TN	ASMBS.
Mercy Hospital Miami, 3663 South Miami Avenue, Miami, FL 33133.	N/A	02/24/2006	FL	ASMBS.
Mercy San Juan Medical Center, 6501 Coyle Avenue, Carmichael, CA 95608.	N/A	02/24/2006	CA	ASMBS.
Metabolic Surgery Center at Baptist Hospital, 2011 Church Street, Nashville, TN 37203.	N/A	02/24/2006	TN	ASMBS.
Methodist Dallas Medical Center, P.O. Box 655999, Dallas, TX 75265–5999.	N/A	02/24/2006	TX	Texas Bariatric Center, ASMBS.
Methodist Healthcare System, 8109 Fredricksburg Road, San Antonio, TX 78229.	N/A	02/24/2006	TX	ASMBS.
Methodist Hospital, 6500 Excelsior Boulevard, Saint Louis Park, MN 55426.	N/A	02/24/2006	MN	ASMBS.
Middlesex Hospital, 28 Crescent Street, Middletown, CT 06457.	N/A	02/24/2006	CT	ASMBS.
Methodist Hospital of Southern California, 300 West Huntington Drive, Arcadia, CA 91007.	N/A	02/24/2006	CA	ASMBS.
Mills-Peninsula Health Services, 1783 El Camino Real, Burlingame, CA 94010.	N/A	02/24/2006	CA	ASMBS.
New Hanover Regional Medical Center, 2131 S. 17th Street, Wilmington, NC 28401.	N/A	02/24/2006	NC	ASMBS.
New York Methodist Hospital, 506 Sixth Street, Brooklyn, NY 11215.	N/A	02/24/2006	NY	ASMBS.
North Hills Hospital, 4401 Booth Calloway Road, North Richland Hills, TX 76180.	N/A	02/24/2006	TX	ASMBS.
North Colorado Medical Center, 1801 16th Street, Greeley, CO 80631.	N/A	02/24/2006	CO	ASMBS.
North Vista Hospital, 1409 E. Lake Mead Boulevard, North Las Vegas, NV 89101.	N/A	02/24/2006	NV	ASMBS.
Northeast Georgia Health System, Inc., 743 Spring Street NE., Gainesville, GA 30501.	N/A	02/24/2006	GA	ASMBS.
NorthEast Medical Center, 920 Church Street N. #302E, Concord, NC 28025.	N/A	02/24/2006	NC	ASMBS.
Northwestern Memorial Hospital, 215 E. Huron Street, NE., Chicago, IL 60611.	N/A	02/24/2006	IL	Northwestern Medical Faculty Foundation, ASMBS.
Ocala Regional Medical Center, 1431 SW. 1st Street, Ocala, FL 34474.	N/A	02/24/2006	FL	ASMBS.
Palms of Pasadena Hospital, 1501 Pasedena Avenue, St. Petersburg, FL 33707.	N/A	02/24/2006	FL	ASMBS.
Orange Coast Memorial Medical Center, 9920 Talbert Avenue, Fountain Valley, CA 92708.	N/A	02/24/2006	CA	ASMBS.
Parkwest Medical Center, 9352 Park West Boulevard, Knoxville, TN 37923.	N/A	02/24/2006	TN	ASMBS.
Penrose-St. Francis Health Services, 825 E. Pikes Peak Avenue, Colorado Springs, CO 80917.	N/A	02/24/2006	CO	ASMBS.
Poudre Valley Hospital, 1024 S. Lemay Avenue, Fort Collins, CO 80524.	N/A	02/24/2006	CO	ASMBS.
Presbyterian-St. Luke's Medical Center, 1719 E. 19th Avenue, Denver, CO 80218.	N/A	02/24/2006	CO	ASMBS.
Princeton HealthCare System, 253 Witherspoon Street, Princeton, NJ 08540.	N/A	02/24/2006	NJ	ASMBS.
Roger Williams Medical Center, 825 Chalkstone Avenue, Providence, RI 02908.	N/A	02/24/2006	RI	Drs. Lentrichia & Pohl, Inc., ASMBS.
Rose Medical Center, 4545 E. 9th Avenue, #470, Denver, CO 80220.	N/A	02/24/2006	CO	ASMBS.
Saint Barnabas Medical Center, 94 Old Short Hills Road, Livingston, NJ 07039.	N/A	02/24/2006	NJ	ASMBS.
Saint Francis Hospital, 5959 Park Avenue, Memphis, TN 38119.	N/A	02/24/2006	TN	ASMBS.
St. Francis Hospital—Franciscan Health System, 34515 Ninth Avenue S., Federal Way, WA 98003.	N/A	02/24/2006	WA	N/A.
Saint Joseph East Center for Weight Loss, 160 N. Eagle Creek Drive, Lexington, KY 40509.	N/A	02/24/2006	KY	ASMBS.
Saint Mary's Regional Medical Center, 234 W. 6th Street, Reno, NV 89503.	N/A	02/24/2006	NV	ASMBS.
Saint Mary's Hospital, 5801 Bremo Road, Richmond, VA 23226.	N/A	02/24/2006	VA	ASMBS.

Facility name	Provider No.	Date approved	State	Other information
Scottsdale Healthcare Shea Campus, 900 E. Shea Boulevard, Scottsdale, AR 85260.	N/A	02/24/2006	AZ	ASMBS.
Scripps Memorial, 9888 Genesee Avenue, La Jolla, CA 90237.	N/A	02/24/2006	CA	ASMBS.
Scripps Mercy Hospital, 4077 Fifth Avenue, San Diego, CA 92103.	N/A	02/24/2006	CA	ASMBS.
Sentara Careplex Hospital, 3000 Coliseum Drive, Hampton, VA 23666.	N/A	02/24/2006	VA	ASMBS.
Sinai Hospital of Baltimore, 2401 W. Belvedere Avenue, Baltimore, MD 21215.	N/A	02/24/2006	MD	Sinai Surgical Associates, ASMBS.
Sisters of Charity Hospital, 2130 Main Street, Buffalo, NY 14214.	N/A	02/24/2006	NY	ASMBS.
Sioux Valley Hospital USD Medical Center, 1305 W. 18th Street, Sioux Falls, SD 57105.	N/A	02/24/2006	SD	ASMBS.
Sound Shore Medical Center of Westchester, 16 Guion Place, New Rochelle, NY 10801.	N/A	02/24/2006	NY	ASMBS.
South Nassau Communities Hospital, 1 Healthy Way, Oceanside, NY 11572.	N/A	02/24/2006	NY	ASMBS.
Southwest Healthcare System, 36485 Inland Valley Drive, Wildomar, CA 92595.	N/A	02/24/2006	CA	ASMBS.
Southwest Medical Center, 2810 Ambassador Caffery Parkway, Lafayette, LA 70506.	N/A	02/24/2006	LA	ASMBS.
Spectrum Health Blodgett Campus, 1840 Wealthy Street, SE., Grand Rapids, MI 49506.	N/A	02/24/2006	MI	MMPC Center for Health Excellence, ASMBS.
SSM DePaul Health Center, 12303 DePaul Avenue, Bridgeton, MO 63044.	N/A	02/24/2006	MO	ASMBS.
St. Joseph's Area Health Services, 600 Pleasant Avenue, Park Rapids, MN 56470.	N/A	02/24/2006	MN	ASMBS.
St. Vincent Charity Hospital, 2322 E. 22nd Street #220, Cleveland, OH 44115.	N/A	02/24/2006	OH	ASMBS.
Staten Island University Hospital, 475 Seaview Avenue, Staten Island, NY 10305.	N/A	02/24/2006	NY	ASMBS.
Theda Clark Medical Center, 200 Theda Clark Medical Plaza Suite 410, Neenah, WI 54956.	000071445	02/24/2006	WI	ACS.
The Ohio State University Hospital, 410 W. 10th Avenue, Columbus, OH 43210.	N/A	02/24/2006	OH	ASMBS.
The Regional Medical Center at Memphis, 877 Jefferson Avenue, Memphis, TN 38103.	N/A	02/24/2006	TN	ASMBS.
Tri-City Regional Medical Center, 21530 Pioneer Boulevard, Hawaiian Gardens, CA 90716.	N/A	02/24/2006	CA	ASMBS.
United Hospital, 333 North Smith Avenue, Saint Paul, MN 55102.	N/A	02/24/2006	MN	ASMBS.
United Regional Health Care System, 1600 19th Street, Wichita Falls, TX 76301.	N/A	02/24/2006	TX	ASMBS.
Unity Hospital, 550 Osborne Road, NE., Fridley, MN 55432.	N/A	02/24/2006	MN	ASMBS.
University of Chicago Hospitals, 5841 S. Maryland Avenue, Chicago, IL 60637.	N/A	02/24/2006	IL	University of Chicago Department of Surgery, ASMBS.
University of Minnesota Medical Center, Fairview, 2450 Riverside Avenue, Minneapolis, MN 55454.	24–0080	02/24/2006	MN	ASMBS.
UPMC St. Margaret, 815 Freeport Road, Pittsburgh, PA 15215.	N/A	02/24/2006	PA	ASMBS.
UPMC Horizon, 110 North Main Street, Greenville, PA 16125.	N/A	02/24/2006	PA	ASMBS.
Virginia Commonwealth University Medical Center, Richmond, VA 23284.	N/A	02/24/2006	VA	ASMBS.
Vanderbilt University Medical Center, 1211 22nd Avenue S., Nashville, TN 37232.	N/A	02/24/2006	TN	ASMBS.
Weight Loss Surgery Program at Baylor, 9101 N. Central Expressway, Suite 370, Dallas, TX 75231.	N/A	02/24/2006	TX	ASMBS.
Wellstar Health Systems, 677 Church Street, NE., Marietta, GA 30060.	N/A	02/24/2006	GA	ASMBS.
White Plains Hospital Center, 190 E. Post Road, White Plains, NY 10601.	N/A	02/24/2006	NY	ASMBS.
York Hospital, 1001 S. George Street, York, PA 17403	N/A	02/24/2006	PA	ASMBS.
Norman Regional Hospital, 901 North Porter, Box 1308, Norman, OK 73070.	370008	03/22/2006	OK	ASMBS.
St. Luke's Medical Center, 1800 E. Van Buren, Suite 307B, Phoenix, AZ 85006.	030037	03/22/2006	AZ	Abdominal Surgeons, Ltd., ASMBS.
Silver Cross Hospital, 1200 Maple Road, Joliet, IL 60432	140213	03/22/2006	IL	Midwest Comprehensive Bariatrics, ASMBS.
Tampa General Hospital, 2 Columbia Drive, F145, Tampa, FL 33601.	100128	03/22/2006	FL	University of South Florida, ASMBS.

Facility name	Provider No.	Date approved	State	Other information
Spartanburg Regional Healthcare System, 101 East Wood Street, Spartanburg, SC 29303.	420007	03/27/2006	SC	ASMBS.
OSF Saint Francis Medical Center, 530 NE. Glen Oak Avenue, Peoria, IL 61637.	140067	04/05/2006	IL	ASMBS.
Palmetto Health Baptist, 1850 Laurel Street, Suite 1A, Columbia, SC 29201.	420086	04/05/2006	SC	ASMBS.
Peconic Bay Medical Center, 1300 Roanoke Avenue, Riverhead, NY 11901.	330107	04/06/2006	NY	ASMBS.
Desert Springs Hospital, 2075 East Flamingo, Las Vegas, NV 89119.	290022	04/07/2006	NV	ASMBS.
Palmetto General Hospital, 2001 West 68th Street, Hialeah, FL 33016.	100187	04/11/2006	FL	ASMBS.
Hurley Medical Center, One Hurley Plaza, Flint, MI 48503–5993.	230132	04/14/2006	MI	ACS.
University of California, Davis, 2315 Stockton Boulevard, Sacramento, CA 95817.	N/A	04/18/2006	CA	ASMBS.
Russell County Medical, Carroll and Tate Streets, Lebanon, VA 24266.	N/A	04/27/2006	VA	ASMBS.
Western Pennsylvania Hospital, 4800 Friendship Avenue, Pittsburgh, PA 15224.	028672	N/A	PA	ASMBS.–05/01/2006, ACS–10/16/2006.
Banner Good Samaritan Bariatric Center, 1300 North 12th Street, Suite 610, Phoenix, AZ 85006.	N/A	05/04/2006	AZ	ASMBS.
Bothwell Regional Health Center, 601 East 14th Street, Sedalia, MO 65301.	N/A	05/17/2006	MO	ASMBS.
Durham Regional Hospital, 3643 N. Roxboro Road, Durham, NC 27704.	N/A	05/17/2006	NC	ASMBS.
Fairview Southdale Hospital, 6405 France Avenue Street, Suite W320, Edina, MN 55435.	N/A	05/17/2006	MN	ASMBS.
Cleveland Clinic, 9500 Euclid Avenue (A80), Cleveland, OH 44195.	360180	N/A	OH	05/24/2006–ASMBS, 12/01/2006–ACS.
St. Agnes Healthcare, 900 Caton Avenue, Baltimore, MD 21229.	210011	05/24/2006	MD	ASMBS.
Sycamore Hospital, 2150 Leiter Road, Miamisburg, OH 45342.	360239	05/24/2006	OH	ASMBS.
Albany Medical Center, 47 New Scotland Avenue, Albany, NY 12208.	330013	06/02/2006	NY	ACS.
Georgetown Community Hospital, 1140 Lexington Road, Georgetown, KY 40324.	180101	06/07/2006	KY	ASMBS.
Fletcher Allen Health Care, 111 Colchester Avenue, Burlington, VT 05401.	N/A	06/09/2006	VT	Hospital: 470003, Group Provider: VN0997, ACS.
New York-Presbyterian Hospital/Columbia University Medical Center, 622 W. 168th Street, New York, NY 10032.	330101	06/14/2006	NY	ACS.
Providence Memorial Hospital, 2001 North Oregon Street, El Paso, TX 79902.	450668	06/15/2006	TX	ASMBS.
UT Southwestern University Hospitals-Zale Lipshy, 5909 Harry Hines Boulevard, Dallas, TX 75390.	450766	06/19/2006	TX	ASMBS.
Cedars-Sinai Medical Center, 8700 Beverly Boulevard, Los Angeles, CA 90048.	N/A	06/20/2006	CA	Thalians-2W, ACS.
Community Medical Center-Clovis, 2755 Herndon Avenue, Clovis, CA 93611.	050492	N/A	CA	ACS–06/26/2006, ASMBS–12/07/2006.
Oregon Health & Science University, 3181 SW. Sam Jackson Park Road L223A, Portland, OR 97239.	*See* other information	06/27/2006	OR	OHSU Medical Group-107708, OHSU Hospital-380009, ACS.
Hospital of the University of Pennsylvania, 3400 Spruce Street, 4 Silverstein, Philadelphia, PA 19104.	N/A	07/06/2006	PA	ASMBS.
Swedish Medical Center, 501 East Hampden Avenue, Englewood, CO 80113.	060034	07/06/2006	CO	ASMBS.
Blount Memorial Hospital, 907 East Lamar Alexander Parkway, Maryville, TN 37801.	440011	07/11/2006	TN	ASMBS.
University of Virginia Health System, P.O. Box 800809, Charlottesville, VA 22908–0809.	490009	07/12/2006	VA	ACS.
Sewickley Valley Hospital, 720 Blackburn Road, Sewickley, PA 15143.	390037	07/13/2006	PA	ASMBS.
The Christ Hospital, 2139 Auburn Avenue, Cincinnati, OH 45219.	360163	07/17/2006	OH	ASMBS.
Cabell Huntington Hospital, 1340 Hal Greer Boulevard, Huntington, WV 25701.	510055	07/19/2006	WV	ASMBS.
Mount Sinai Hospital, One Gustave L. Levy Place, 1190 5th Avenue, New York, NY 10029.	330024	07/25/2006	NY	ASMBS.
UMass Memorial Medical Center-Memorial Campus, 119 Belmont Street, Worcester, MA, 01605.	A22819	07/27/2006	MA	ACS.
Henry Ford Hospital, 2799 West Grand Boulevard, Detroit, MI 48202.	N/A	07/31/2006	MI	ASMMBS.

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Vista Surgical Hospital, 9094 Perkins Road, Suite B, Baton Rouge, LA 70810.	230053	07/31/2006	LA	ASMBS.
Town & Country Hospital, 6001 Webb Road, Tampa, FL 33615.	100255	08/02/2006	FL	ASMBS.
New York-Presbyterian Hospital/Weill Cornell Medical Center, 630 West 168th Street , New York, NY 10032.	330101	08/04/2006	NY	ACS.
Centinela Freeman Regional Medical Center, 4650 Lincoln Boulevard, Marin del Rey, CA 90292.	050741	08/07/2006	CA	ASMBS.
NYU Medical Center, 560 First Avenue, New York, NY 10016.	330214	08/08/2006	NY	ASMBS.
Regional West Medical Center, 4021 Avenue B, Scottsbluff, NE 69361.	280061	08/08/2006	NE	ASMBS.
Mercy Medical Center, 1000 North Village Avenue, Rockville Centre, NY 11570.	N/A	08/10/2006	NY	ASMBS.
Brigham and Women's Hospital, 75 Francis Street, Boston, MA 02115–6195.	M20830	08/14/2006	MA	ACS.
St. Catherine of Sienna Medical Center, 48 Route 25A, Smithtown, NY 11787.	316495	08/28/2006	NY	ASMBS.
Highland Hospital, 1000 South Avenue, Rochester, NY 14620.	330164	08/30/2006	NY	ACS.
Inova Fair Oaks Hospital, 3600 Joseph Siewick Drive, Fairfax, VA 22033.	490101	08/31/2006	VA	ASMBS.
Our Lady of Lourdes Medical Center, 1600 Haddon Avenue, Camden, NJ 08104.	613039	08/31/2006	NJ	ASMBS.
FirstHealth Moore Regional Hospital, 155 Memorial Drive, Pinehurst, NC 27374.	340115	09/01/2006	NC	ASMBS.
Hamot Medical Center, 201 State Street, Erie, PA 16550	390063	09/01/2006	PA	ASMBS.
St. Alexius Hospital—NewStart, 3933 South Broadway Street, St. Louis, MO 63118.	260210	09/01/2006	MO	ASMBS.
St. Catherine of Siena Medical Center, 50 Route 25A, Smithtown, NY 11787.	316495	09/01/2006	NY	ASMBS.
Barnes Jewish Hospital, One Barnes-Jewish Hospital Plaza, St. Louis, MO 63110.	260032	09/06/2006	MO	ASMBS.
Baptist Memorial Hospital Memphis, 6025 Walnut Grove Road, Memphis, TN 38120.	440048	09/07/2006	TN	ASMBS.
Norwalk Hospital, 24 Stevens Street, Norwalk, CT 06856	070034	09/07/2006	CT	ASMBS.
North Shore University Hospital at Manhasset, 300 Community Drive, Manhasset, NY 11530.	330106	09/08/2006	NY	ASMBS.
St. Vincent's Medical Center, 2800 Main Street, Bridgeport, CT 06606.	070028	09/08/2006	CT	Level 3–Department of Surgery, ASMBS.
Faxton-St. Luke's Healthcare, 1656 Champlin Avenue, Utica, NY 13503.	330044	09/14/2006	NY	ASMBS.
St. Joseph's Hospital, 69 West Exchange, St. Paul, MN 55102.	N/A	09/14/2006	MN	ASMBS.
Johns Hopkins Bayview Medical Center, 4940 Eastern Avenue, Baltimore, MD 21224.	210029	09/15/2006	MD	ASMBS.
University Hospitals of Cleveland, 11100 Euclid Avenue, Cleveland, OH 44106.	N/A	09/15/2006	OH	ASMBS.
Yale-New Haven Hospital, 20 York Street, New Haven, CT 06510.	070022	09/20/2006	CT	ASMBS.
Avera McKennan Hospital, 800 East 21st Street, Box 5045, Sioux Falls, SD 57117–5045.	430016	09/25/2006	SD	ASMBS.
Memorial Hospital Jacksonville, 3625 University Boulevard South, Jacksonville, FL 32216.	100179	09/26/2006	FL	ASMBS.
Fountain Valley Regional Hospital, 17100 Euclid Street, Fountain Valley, CA 92708.	050570	09/27/2006	CA	ASMBS.
Sentara Norfolk General Hospital, 600 Gresham Drive, Norfolk, VA 23507.	4900073	09/29/2006	VA	ACS.
St. Mary's Medical Center, 450 Stanyan Street, San Francisco, CA 94117.	050457	10/02/2006	CA	ASMBS.
Trinity Medical Center, 800 Montclair Road, Birmingham, AL 35213.	010104	10/03/2006	AL	ASMBS.
MeritCare Health System, 720 4th Street North, Fargo, ND 58122.	350011	10/11/2006	ND	ASMBS.
St. Lukes's/Roosevelt, 1090 Amsterdam Avenue, New York, NY 10025.	330046	10/11/2006	NY	10th Floor, ACS.
Benefis Healthcare, 1101 26th Street South, Great Falls, MT 59405.	270012	10/13/2006	MT	ASMBS.
Mason General Hospital, 901 Mountain View Drive, Shelton, WA 98584.	501336	10/13/2006	WA	ASMBS.
Norton Hospital, 200 East Chestnut, Louisville, KY 40202.	180088	10/16/2006	KY	ASMBS.
Port Huron Hospital, 1221 Pine Grove Avenue, Port Huron, MI 48060.	230216	10/16/2006	MI	ASMBS.

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Harper University Hospital, 3990 John R. Street, Detroit, MI 48201.	230104	10/17/2006	MI	ASMBS.
St. Luke Hospital, 7380 Turfway Road, Florence, KY 41042.	180045	10/18/2006	KY	ASMBS.
Twelve Oaks Medical Center Hospital, 4200 Twelve Oaks Drive, Houston, TX 77027.	N/A	10/18/2006	TX	ASMBS.
Cleveland Clinic Florida, 3100 Weston Road, Weston, FL 33331–3602.	100289	10/19/2006	FL	ACS.
Grinnell Regional Medical Center, 210 Fourth Avenue, Grinnell, IA 50112.	N/A	10/19/2006	IA	Provider Numbers: Hospital: 160147, Surgical Group: 03108, ACS.
Conway Medical Services, 300 Singleton Ridge Road, Conway, SC 29528.	420049	10/11/2006	SC	ASMBS.
Alta Bates Medical Center, 350 Hawthorne Avenue, Oakland, CA 94609.	050043	10/23/2006	CA	ASMBS.
Massachusetts General Hospital, 55 Fruit Street, Boston, MA 02114–2696.	220071	10/23/2006	MA	ACS.
Mayo Clinic-Saint Mary's Hospital, 200 First Street SW., Rochester, MN 55905.	N/A	10/23/2006	MN	SMH: 24–0010, Part B General Medical: C01384, ACS.
Saint Francis Hospital, 6465 South Yale Avenue, #900, Tulsa, OK 74136.	372308	10/23/2006	OK	ACS.
Newton-Wellesley Hospital, 2014 Washington Street, Newton, MA 02462.	220101	10/26/2006	MA	ACS.
Mobile Infirmary Medical Center, 5 Mobile Infirmary Circle, Mobile, AL 36007.	010113	10/27/2006	AL	ASMBS.
Maine Medical Center, 22 Bramhall Street, Portland, ME 04102.	200009	11/06/2006	ME	ASMBS.
Magee Womens Hospital of UPMC, 3000 Halket Street, Pittsburgh, PA 15213.	390114	11/13/2006	PA	ASMBS.
Saint Francis Hospital and Medical Center, 114 Woodland Street, Hartford, CT 06105.	070002	11/15/2006	CT	ASMBS.
South Jersey Healthcare-Regional Medical Center, 1505 West Sherman Avenue, Vineland, NJ 08360.	310032	11/20/2006	NJ	ASMBS.
Overlook Hospital, 99 Beauvoir Avenue, Summit, NJ 07902.	310051	11/21/2006	NJ	Nursing Administration Office, ASMBS.
Cedars Medical Center, 1400 Northwest 12th Avenue, Miami, FL 33136.	100009	11/23/2006	FL	ASMBS.
Memorial Hermann Memorial City Hospital, 921 Gessner Road, Houston, TX 77024.	450610	11/27/2006	TX	ASMBS.
Tufts-New England Medical Center, 750 Washington Street, Boston, MA 02111.	220116	11/27/2006	MA	ASMBS.
Allegheny General Hospital, 320 East North Avenue, Pittsburgh, PA 15212.	390050	11/30/2006	PA	Fifth Floor, South Tower, ASMBS.
Northwest Medical Center, 2801 North State Road 7, Margate, FL 33063.	100189	11/30/2006	FL	ASMBS.
Potomac Hospital, 2300 Opitz Boulevard, Woodbridge, VA 22191.	490113	11/30/2006	VA	ASMBS.
Baptist Health Medical Center—Little Rock, 9601 I–630, Exit 7, Little Rock, AR 72205.	040114	12/01/2006	AR	ASMBS.
University of Washington Medical Center, 1959 NE. Pacific Street, P.O. Box 356151, Seattle, WA 98195–6151.	1326002049	12/05/2006	WA	ACS.
St. Luke's Regional Medical Center, 333 North 1st Street, Suite 120, Boise, ID 83702.	130006	12/06/2006	ID	ASMBS.
University of Alabama at Birmingham Hospital, 1530 3rd Avenue South, Kracke Building 404, Birmingham, AL 35294–0016.	010033	12/07/2006	AL	ACS.
Hackensack University Medical Center, 30 Prospect Avenue, Hackensack, NJ 07601.	310001	12/08/2006	NJ	ACS.
Hialeah Hospital, 651 East 25th Street, Hialeah, FL 33013.	100053	12/13/2006	FL	ASMBS.
Sts. Mary and Elizabeth Hospital, 1850 Bluegrass Avenue, Louisville, KY 40215.	180040	12/15/2006	KY	Bariatric Office, ASMBS.
Bon Secours Surgical Weight Loss-Maryview Medical Center, 3636 High Street, Portsmouth, VA 23707.	490017	12/18/2006	VA	ASMBS.
Pomerado Hospital, 15615 Pomerado Road, Poway, CA 92064.	050636	12/18/2006	CA	ASMBS.
Boston Medical Center, 88 E. Newton Street, D507–Department of Surgery, Boston, MA 02118.	220031	12/19/2006	MA	ACS.
Medcenter One, Inc., 300 North 7th Street, Bismarck, ND 58501.	350015	12/19/2006	ND	ASMBS.
Meriter Hospital, 202 South Park Street, Madison, WI 53715.	520089	12/19/2006	WI	ASMBS.

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University of Wisconsin Hospital & Clinics, 600 Highland Avenue, Madison, WI 53792.	520098	12/19/2006	WI	ASMBS.
Women and Children's Hospital, 4200 Nelson Road, Lake Charles, LA 70605.	190201	12/19/2006	LA	ASMBS.
Mount Carmel West Hospital, 793 West State Street, Columbus, OH 43222.	360035	12/20/2006	OH	ASMBS.
Southcoast Hospitals Group-Tobey Hospital, 43 High Street, Wareham, MA 02571.	220074	12/21/2006	MA	ASMBS.
Carilion Roanoke Memorial Hospital, 1906 Belleview Avenue, Roanoke, VA 24014.	N/A	12/26/2006	VA	ASMBS.
Mercy General Health Partners, 1500 Sherman Boulevard, Muskegon, MI 49444.	230004	12/26/2006	MI	ASMBS.
Mountainside Hospital, 1 Bay Avenue, Montclair, NJ 07042.	310054	12/26/2006	NJ	ASMBS.
Park Plaza Hospital, 1313 Hermann Drive, Houston, TX 77004.	450659	01/09/2007	TX	ASMBS.
Renaissance Hospital Houston, 2807 Little York, Houston, TX 77093.	450795	01/12/2007	TX	ASMBS.
Penn State Milton S. Hershey Medical Center, 500 University Drive, Hershey, PA 17033.	390256	01/18/2007	PA	ASMBS.
Shawnee Mission Medical Center, 9100 West 74th Street, Shawnee Mission, KS 66204.	170104	01/24/2007	KS	ASMBS.
Morristown Memorial Hospital, 100 Madison Avenue, Morristown, NJ 07962.	31–0015	01/25/2007	NJ	ACS.
Alvarado Hospital, 6655 Alvarado Road, San Diego, CA 92120.	050583	01/26/2007	CA	Alvarado Surgical Weight-Loss Program, ASMBS.
St. Francis Hospital, 7th and Clayton Streets, Wilmington, DE 19805.	080003	01/29/2007	DE	ASMBS.
Sacred Heart Medical Center, 101 West 8th Avenue, Spokane, WA 99220.	500054	02/05/2007	WA	ASMBS.
Ochsner Clinic Foundation, 1514 Jefferson Highway, New Orleans, LA 70121.	190036	02/06/2007	LA	ASMBS.
Northwest Specialty Hospital, 1593 East Polston Avenue, Post Falls, ID 83854.	130066	02/07/2007	ID	ASMBS.
Sacred Heart Hospital, 421 Chew Street, Allentown, PA 18102.	390197	02/07/2007	PA	ASMBS.
Rio Grande Regional Hospital, 101 East Ridge Road, McAllen, TX 78503.	450711	02/12/2007	TX	ASMBS.
Gundersen Lutheran Medical Center, 1900 South Avenue, La Crosse, WI 54601.	520087	02/13/2007	WI	ASMBS.
Kettering Medical Center, 3535 Southern Boulevard, Kettering, OH 45429.	360079	02/16/2007	OH	ASMBS.
Beth Israel Deaconess Medical Center, 330 Brookline Avenue, Boston, MA 02215.	N/A	02/17/2006	MA	ACS.
Shady Grove Adventist Hospital, 9901 Medical Center Drive, Rockville, MD 20850.	210057	02/19/2007	MD	ASMBS.
Pitt County Memorial Hospital, 2100 Stantonsburg Road, Greenville, NC 27835.	340040	02/20/2007	NC	ASMBS.
St. Cloud Hospital, 1406 Sixth Avenue, North, St. Cloud, MN 56303.	240036	02/23/2007	MN	ASMBS.
Virginia Mason Medical Center, 1100 Ninth Avenue, Seattle, WA 98101.	500005	03/01/2007	WA	ASMBS.
Southeast Georgia Health System, 2415 Parkwood Drive, Brunswick, GA 31520.	110025	03/06/2007	GA	ASMBS.
Baystate Medical Center, 759 Chestnut Street, Springfield, MA 01199.	220077	03/13/2007	MA	ACS.
PinnacleHealth Community Campus, 4300 Londonderry Road, c/o P.O. Box 8700, Harrisburg, PA 17109.	390067	03/29/2007	PA	ASMBS.
The Valley Hospital, 223 North Van Dien Avenue, Ridgewood, NJ 07450.	310012	03/30/2007	NJ	ASMBS.
Charleston Area Medical Center, 800 Pennsylvania Avenue, Charleston, WV 25302.	510022	04/16/2007	WV	ASMBS.
Presbyterian Hospital of Dallas, 8200 Walnut Hill Lane, Dallas, TX 75231.	450462	04/16/2007	TX	ASMBS.
Dekalb Medical Center, 2701 North Decatur Road, Decatur, GA 30033.	110076	04/26/2007	GA	ASMBS.
St. Francis Health Center, 1700 SW. 7th Street, Topeka, KS 66606.	170016	04/26/2007	KS	ASMBS.
St. Mark's Hospital, 1200 East 3900 South, Salt Lake City, UT 84124.	47007	04/26/2007	UT	ASMBS.
Faulkner Hospital, 1153 Centre Street, Boston, MA 02130.	220119	04/27/2007	MA	ACS.
George Washington University Hospital, 900 23rd Street NW., Washington, DC 20037.	090001	08/14/2006	DC	ASMBS.

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William Beaumont Hospital—Royal Oak, 3601 West Thirteen Mile Road, Royal Oak, MI 48073–6769.	230130	04/20/2007	MI	ACS.
University Medical Center at Princeton, 253 Witherspoon Street, Princeton, NJ 08542.	N/A	02/24/2006	NJ	ASMBS.
Del Sol Medical Center, 10201 Gateway West, Suite 130, El Paso, TX 79925.	45–0646	05/03/2007	TX	ACS
Winchester Hospital, 41 Highland Avenue, Winchester, MA 01890.	220105	05/31/2007	MA	ASMBS.
Lawrence Memorial Hospital—Hallmark Health System, 170 Governors Avenue, Medford, MA 02155.	220070	05/31/2007	MA	ASMBS.
The Methodist Hospital, 6565 Fannin, NB1–001, Houston, TX 77030.	450358	03/22/2007	TX	ACS
ValleyCare Health System, 1111 East Stanley Boulevard, Livermore, CA 94550.	050283	06/07/2007	CA	ASMBS.
The Presbyterian Hospital, 200 Hawthorne Lane, Charlotte, NC 28204.	340053	06/06/2007	NC	ASMBS.
Nix Hospital, 414 Navarro Street, San Antonio, TX 78205.	450130	06/08/2007	TX	ASMBS.
Huntsville Hospital, 101 Sivley Road, Huntsville, AL 35801.	010039	05/11/2007	AL	ASMBS.
The Jewish Hospital, 4777 Galbraith Road, Cincinnati, OH 45236.	360016	06/07/2007	OH	ASMBS.
UCI Medical Center, 101 The City Drive South, Orange, CA 92868.	050348	05/25/2007	CA	ACS.
Kaiser Permanente Medical Center Richmond, 901 Nevin Avenue, Richmond, CA 94801.	050075	05/24/2007	CA	ACS.
Green Hospital, 12395 El Camino Real, San Diego, CA 92130.	050424	06/21/2007	CA	ASMBS.
Sutter Roseville Medical Center, One Medical Plaza, Roseville, CA 95661.	050309	06/22/2007	CA	ASMBS.
Munroe Regional Medical Center, 1500 Southwest 1st Avenue, Ocala, FL 34471.	100062	06/05/2007	FL	ASMBS.
Enloe Medical Center, 251 Cohasset Road, Chico, CA 95926.	050039	06/11/2007	CA	ASMBS.
St. Francis Hospital & Health Centers, 1600 Albany Street, Beech Grove, IN 46107.	150033	06/15/2007	IN	ASMBS.
Southern Surgical Hospital, 1700 West Lindberg Drive, Slidell, LA 70458.	190270	06/21/2007	LA	ASMBS.
Creighton University Medical Center, 601 North 30th Street, Omaha, NE 68131.	280030	06/20/2007	NE	ASMBS.
Peninsula Regional Medical Center, 100 East Carroll Street, Salisbury, MD 21801.	210019	06/20/2007	MD	ASMBS.
Wadley Regional Medical Center, 1000 Pine Street, Texarkana, TX 75501.	450200	06/08/2007	TX	ASMBS.
Vista Medical Center Hospital, 4301 Vista Road, Pasadena, TX 77504.	450831	06/22/2007	TX	ASMBS.
St. David's Medical Center, 919 East 32nd Street, Austin, TX 78705.	450531	06/22/2007	TX	ASMBS.
Sanford USD Medical Center, 1305 West 18th Street, Sioux Falls, SD 57117.	430027	01/17/2006	SD	ASMBS.
Weight Loss Surgery Program at Baylor, 3600 Gaston Avenue, Suite 360 Wadley Tower, Dallas, TX 75246.	N/A	06/20/2007	TX	ASMBS.
Shelby Baptist Medical Center, 1000 First Street N., Alabaster, AL 35007.	010016	05/18/2007	AL	ACS.
Lehigh Valley Hospital and Health Network, Cedar Crest & I–78, P.O. Box 689, Allentown, PA 18105–1556.	390133	05/29/2007	PA	ACS.
West Hills Hospital, 7300 Medical Center Drive, West Hills, CA 91307.	050481	06/27/2007	CA	ASMBS.
Adirondack Medical Center, 2233 State Route 86, Saranack Lake, NY 12983.	330079	06/26/2007	NY	ASMBS.
Middletown Regional Hospital, 105 McKnight Drive, Middletown, OH 45044.	360076	06/25/2007	OH	ASMBS.
Kaleida Health, Buffalo General, 100 High Street, Buffalo, NY 14203.	300005	06/25/2007	NY	ASMBS.
Miami Valley Hospital, One Wyoming Street, Dayton, OH 45409.	N/A	06/25/2007	OH	ASMBS.
Minimally Invasive Surgery Hospital, 11217 Lakeview Avenue, Lenexa, KS 66219.	N/A	06/25/2007	KS	ASMBS.
Saint Agnes Medical Center, 1303 E. Herndon Avenue, Fresno, CA 93720.	05–0093	07/24/2007	CA	ASMBS.
Sartori Memorial Hospital, 515 College Street, Cedar Falls, IA 50613.	160040	07/17/2007	IA	ASMBS.
Maimonides Medical Center, 948 48th Street, 2nd floor, Brooklyn, NY 11219.	33–0194	07/10/2007	NY	ASMBS.

Facility name	Provider No.	Date approved	State	Other information
Westchester Medical Center, 95 Grasslands Road, Valhalla, NY 10595.	330234	07/17/2007	NY	ASMBS.
Deaconess Hospital, 311 Straight Street, Cincinnati, OH 45219.	36–0038	07/17/2007	OH	ASMBS.
Northern Ohio Bariatric Center at Parma Hospital, 6305 Powers Boulevard, Parma, OH 44129.	360041	07/10/2007	OH	ASMBS.
Einstein at Elkins Park, 60 E. Township Line Road, Elkins Park, PA 19027.	390142	07/10/2007	PA	ASMBS.
Lahey Clinic Medical Center, 41 Mall Road, Burlington, MA 01805.	220171	06/22/2007	MA	ACS.
St. Francis Hospital, 34515 Ninth Ave South, Federal Way, WA 98003.	500141	07/26/2007	WA	ACS.
California Foundation for Health, 1401 Garces Highway, Delano, CA 93215.	050608	07/10/2007	CA	d.b.a. Delano Regional Medical Center; ASMBS.
Northeast Alabama Regional Medical Center, 400 East 10th Street, Anniston, AL 36207.	010078	07/30/2007	AL	ASMBS.
Trinity Medical Center, 4343 N. Josey Lane, Carrollton, TX 75010.	45–0730	07/30/2007	TX	ASMBS.
Gratiot Medical Center, 300 E. Warwick Drive, Alma, MI 48801.	23–0030	07/30/2007	MI	ASMBS.
Cuyuna Regional Medical Center, 320 East Main Street, Crosby, MN 56441.	241353	08/20/2007	MN	ASMBS.
Valley Medical Center, 400 South 43rd Street, Renton, WA 98055.	500088	07/30/2007	WA	ASMBS.
Renaissance Hospital Dallas, 427 W. 20th Street, Suite 300, Houston, TX 77008.	670002	08/08/2007	TX	ASMBS.
UPMC Presbyterian Shadyside, 5230 Centre Avenue, Pittsburgh, PA 15232.	39–0114	08/20/2007	PA	ASMBS.
Clarian North Medical Center, 6625 Network Way, Suite 100, Indianapolis, IN 46202.	15–0161	08/20/2007	IN	ASMBS.
Genesis Medical Center, 1227 East Rusholme Street, Davenport, IA 52803.	160033	08/08/2007	IA	ASMBS.
University General Hospital, 7501 Fannin Street, Houston, TX 77054.	670019	08/08/2007	TX	ASMBS.
Ellis Hospital, 1101 Nott Street, Schenectaday, NY 12308.	330153	06/19/2007	NY	ASMBS.
University of Texas Medical Branch, 301 University Boulevard, Galveston, TX, 77555–1168.	450018	08/16/2007	TX	ACS.
UPMC Presbyterian Shadyside, 5230 Centre Avenue, Pittsburgh, PA 15232.	39–0114	08/20/2007	PA	ABMS.
Christiana Care Health Services, 4755 Ogletown—Stanton Road, Newark, DE 19718.	080001	08/29/2007	DE	ASMBS.
Stanford Hospital and Clinics, 300 Pasteur Drive, Stanford, CA 94305.	050441	09/13/2007	CA	ACS.
Summa Health Systems Hospital, 95 Arch Street, Suite 240, Akron, OH 44304.	360020	09/21/2007	OH	ASMBS.
Memorial Regional Hospital, 3500 Johnson Street, Hollywood, FL 33021.	100038	09/11/2007	FL	ASMBS.
Temple University Hospital, 3401 North Broad Street, Philadelphia, PA 19140.	390027	09/21/2007	PA	ASMBS.
Good Samaritan Hospital, 2425 Samaritan Drive, San Jose, CA 95124.	50380	09/21/2007	CA	ASMBS.
Johnson City Medical Center, 400 North State of Franklin Road, Johnson City, TN 37604.	HSP440063	09/27/2007	TN	ASMBS.
Providence Saint Joseph Medical Center, 201 South Buena Vista Street, Suite 425 , Burbank, CA 91505.	50235	N/A	CA	ASMBS—09/17/2007; ACS—09/05/2007.
Baptist Bariatric Center of Excellence, 1000 West Moreno Street, Pensacola, FL 32501.	10–0093	09/27/2007	FL	ASMBS.
Hillcrest Hospital, 2104 Woodruff Road, Greenville, SC 29607.	43–0037	10/10/2007	SC	ASMBS.
Fairway Medical, 67252 Industry Lane, Covington, LA 70433.	190267	10/10/2007	LA	ASMBS.
John T. Mather Memorial Hospital, 75 North Country Road, Port Jefferson, NY 11777.	JTM 33–0185	10/10/2007	NY	ASMBS.
Lenox Hill Hospital, 110 East 59th Street, Suite 8A, New York, NY 10022.	10003F8	10/10/2007	NY	ASMBS.
Easton Hospital, 250 South 21st Street, Easton, PA 18042.	390162	10/10/2007	PA	ASMBS.
Medical City Dallas Hospital, 7777 Forest Lane, Suite 240A, Dallas, TX 75230.	000340	10/10/2007	TX	ASMBS.
St Vincent's East, 50 Medical Park East Drive, Birmingham, AL 35235.	010011	10/10/2007	AL	ASMBS.
Northside Hospital, 1000 Johnson Ferry Road, Atlanta, GA 30342.	11–0161	10/10/2007	GA	ASMBS.

Facility name	Provider No.	Date approved	State	Other information
Missouri Bariatric Services, 1000 W. Nifong Boulevard, Building 2, Suite 210, Columbia, MO 65203.	000011108	10/10/2007	MO	ASMBS.
Presbyterian Hospital of Plano, 6200 West Parker Road, Plano, TX 75093.	45–0771	10/10/2007	TX	ASMBS.
Norton Suburban Hospital, 315 East Broadway, Louisville, KY 40202.	180088	10/10/2007	KY	ASMBS.
Sky Ridge Medical Center, 10101 RidgeGate Parkway, Lone Tree, CO 80124.	060112	10/30/2007	CO	ASMBS.
St. Mary Medical Center, 1050 Linden Avenue, Long Beach, CA 90813.	050191	10/30/2007	CA	ASMBS.
Scott and White Hospital, 2401 S. 31st Street, Temple, TX 76508.	450054	10/24/2007	TX	ACS.
The Methodist Hospitals, Inc., 303 East 89th Avenue, Merrillville, IN 46410.	150132	10/30/2007	IN	ASMBS.
Parkview Community Hospital, 3865 Jackson Street, Riverside, CA 92503.	050102	10/30/2007	CA	ASMBS.
Evergreen Hospital, 12040 NE. 128th Street, Kirkland, WA 98034.	500124	10/30/2007	WA	ASMBS.
University of Maryland, Medical Center, 22 South Greene Street, Baltimore, MD, 21201–1595.	21002	11/05/2007	MD	ACS.
Montefiore Medical Center, 111 East 210th Street, Bronx, NY 10467.	330059	11/07/2007	NY	Group #: 330059, Dr. Karen Gibbs #: 140341, Dr. Pratibha Vemulapalli #: 3097H1;, ACS.
Emory Crawford Long Hospital, 1364 Clifton Road, NE., Atlanta, GA 30322.	110078	11/13/2007	GA	ACS.
El Camino Hospital, 2500 Grant Road, Mountain View, CA 94039.	050308	11/19/2007	CA	ASMBS.
Northeast Baptist Hospital, 8811 Village Drive, San Antonio, TX 78217.	450058	11/19/2007	TX	ASMBS.
University of Iowa, Hospitals and Clinics, 4624 JCP Bariatric Surgery, Iowa City, IA 52242.	160058	11/19/2007	IA	ASMBS.
El Camino Hospital, 2500 Grant Road, Mountain View, CA, 94039.	050308	11/19/2007	CA	ASMBS.
Aspirus Wausau Hospital, 333 Pineridge Boulevard, Wausau, WI 54401.	52–0030	11/28/2007	WI	ASMBS.
Eastern Idaho Regional Medical Center, 2860 Channing Way, Suite 102, Idaho Falls, ID 83404.	13–0018	12/10/2007	ID	ASMBS.
Mount Sinai Medical Center, 4701 North Meridian Avenue, Miami Beach, FL 33140.	10–0034	12/11/2007	FL	ASMBS.
North Florida Regional Medical Center, 6400 Newberry Road Suite 106, Gainesville, FL 32605.	21536	12/27/2007	FL	ASMBS.
Baylor Regional Medical Center at Plano, 470 Alliance Boulevard, Plano, TX 75093.	45–0890	01/04/2008	TX	ASMBS.
Memorial Medical Center, 1800 Coffee Road, Suite 30, Modesto, CA 95350.	050557	01/04/2008	CA	ASMBS.
Pennsylvania Hospital, 800 Spruce Street, 2 Cathcart, Philadelphia, PA 19107.	39–0226	01/08/2008	PA	ASMBS.
Houston Northwest Medical Center, 710 FM 1960 Road West, Houston, TX 77090.	450638	01/08/2008	TX	ASMBS.
St. Bernadine Medical Center, 2101 North Waterman Avenue, San Bernadino, CA 92404.	05–0129	01/04/2008	CA	ASMBS.
UCLA Medical Center, 10833 Le Conte Avenue, CHS 72–236, Los Angeles, CA 90095.	050262	01/08/2008	CA	ASMBS.
Lourdes Medical Center Burlington County, 218–A Sunset Road, Willingboro, NJ 08046.	310061	01/30/2008	NJ	ASMBS.
Sacred Heart Medical Center, 1200 Hilyard Street, Suite S–570, Eugene, OR 97401.	380033	01/23/2008	OR	ASMBS.
Salt Lake Regional Medical Center, 1050 East South Temple, Salt Lake City, UT 84102.	460003	02/11/2008	UT	ASMBS.
Kaiser Permanente-South San Francisco, 1200 El Camino Real, South San Francisco, CA 94080.	050070	01/30/2008	CA	ASMBS.
Chilton Memorial Hospital , 97 West Parkway, Pompton Plains, NJ 07444.	310017	02/12/2008	NJ	ASMBS.
Mary Imogene Bassett Hospital, One Atwell Road, Cooperstown, NY 13326.	330136	02/12/2008	NY	ASMBS.
Sharp Memorial Hospital, 7901 Frost Street, 5 South/ ACC, San Diego, CA 92123.	0150100	02/11/2008	CA	ASMBS.
Doctors Hospital at White Rock Lake, 9440 Poppy Drive, Dallas, TX 75218.	450678	01/30/2008	TX	ASMBS.
Rhode Island Hospital, 2 Dudley Street, Suite 470, Providence, RI 02905.	410007	02/25/2008	RI	ASMBS.
Munson Medical Center, 1105 Sixth Street, Traverse City, MI 49684.	23–0097	02/19/2008	MI	ASMBS.

Facility name	Provider No.	Date approved	State	Other information
DayOne Health at 900 N. Michigan Surgical Center, 409 West Huron, Suite 300, Chicago, IL 60613.	538810	02/19/2008	IL	ASMBS.
USC University Hospital, 1500 San Pablo, Los Angeles, CA 90033.	05–0696	01/30/2008	CA	ASMBS.
Lexington Medical Center, 2720 Sunset Boulevard, West Columbia, SC 29169–4810.	*See* other information	01/14/2008	SC	ACS; NPI: Hospital Services 1356366314; Professional Services 1144248097.
Saint Clare's Hospital, 400 West Blackwell Street, Dover, NJ 07801.	310050	03/17/2008	NJ	ASMBS.
Hartford Hospital, 85 Seymour Street, Suite 415, Hartford, CT 06106.	07–0025	03/25/2008	CT	ASMBS.
Singing River Hospital, 2809 Denny Avenue, Pascagoula, MS 39581.	250040	03/17/2008	MS	ASMBS.
St. John's Regional Health Center, 1235 East Cherokee Street, Springfield, MO 65804.	260065	03/17/2008	MO	ASMBS.
Willis Knighton Health System, 2551 Greenwood Road, Suite 340, Shreveport, LA 71103.	190111	03/17/2008	LA	ASMBS.
Cottage Health System, P.O. Box 689 Pueblo at Bath Street, Santa Barbara, CA 93102–0689.	030596	02/25/2008	CA	ASMBS.
Syosset Hospital, 221 Jericho Turnpike, Syosset, NY 11791.	330106	02/19/2008	NY	ASMBS.
The Hospital of Central Connecticut, 1000 Grand Street, New Britain, CT 06050.	070035	03/11/2008	CT	ASMBS.
Stringfellow Memorial Hospital, 105 Windsor Lane, Rainbow City, AL 35906.	01–0038	03/11/2008	AL	ASMBS.
Providence Alaska Medical Center, 3200 Providence Drive, Anchorage, AK 99519–6604.	02–0001	03/17/2008	AK	ASMBS.
The Reading Hospital and Medical Center, 2603 Keiser Boulevard, Wyomissing, PA 19610.	390044	03/25/2008	PA	ASMBS.
Good Samaritan Hospital, 255 Lafayette Avenue, Suffern, NY 10901.	330158	03/25/2008	NY	ASMBS.
San Joaquin Community Hospital, 2819 H Street, Bakersfield, CA 93301.	04055	04/01/2008	CA	ASMBS.
Lowell General Hospital, 295 Varnum Avenue, Lowell, MA 01854.	N/A	02/22/2008	MA	Medicare: 220063; Medicaid Inpatientt #: 100228; Medicaid Outpatient #: 1201069; ACS
Memorial Health University Medical Center, 4700 Waters Avenue, Savannah, GA 31404.	11–0036	04/08/2008	GA	ASMBS.
Christiana Care Health Services, 3506 Kennett Pike, Wilmington, DE 19807.	080001	04/18/2008	DE	ACS.
Abington Memorial Hospital, 1235 Old York Road, Suite G–28, Abington, PA 19001.	390231	04/21/2008	PA	ASMBS.
Gateway Medical Center, 1771 Madison Street, Clarksville, TN 37043.	440035	04/21/2008	TN	ASMBS.
Westchester Medical Center, 95 Grasslands Road, Valhalla, NY 10595.	W94181	04/07/2008	NY	ACS.
High Point Regional Health System, 601 N. Elm Street, High Point, NC 27261.	34–0004	05/02/2008	NC	ACS.
Desert Regional Medical Center, 1150 North Indian Canyon Drive, Palm Springs, CA 92262.	05–0243	05/12/2008	CA	ASMBS.
Southwest General Hospital, 7400 Barlite Boulevard, San Antonio, TX 78224.	450697–A	05/22/2008	TX	ASMBS.
Muhlenberg Regional Medical Center, Park Avenue and Randolph Road, Plainfield, NJ 07061.	310063	06/02/2008	NJ	ASMBS.
St. Mary's Medical Center, 407 East 3rd Street, Duluth, MN 55805.	240002	06/09/2008	MN	ASMBS.
St. Charles Medical Center—Bend, 2500 NE. Neff Road, Bend, OR 97701.	380047	06/30/2008	OR	ASMBS.
Bay Area Hospital, 1775 Thompson Road, Coos Bay, OR 97420.	380090	06/30/2008	OR	ASMBS.
Saint Elizabeth Regional Medical Center, 555 South 70th Street, Lincoln, NE 68510.	280020	07/21/2008	NE	ASMBS, 6th Floor Surgical Unit.
Holston Valley Medical Center, 130 Ravine Street, Kingsport, TN 37660.	44–0017	07/29/2008	TN	ASMBS.
Holy Cross Hospital, 1500 Forest Glen Road, Silver Spring, MD 20910.	210004	07/29/2008	MD	ACS.
North Carolina Baptist Hospital, Medical Center Boulevard, Winston Salem, NC 27157.	340047	07/29/2008	NC	ASMBS.
Flagler Hospital, 400 Health Park Boulevard, St. Augustine, FL 32086.	100090	07/31/2008	FL	ASMBS.
Torrance Memorial Medical Center, 3330 Lomita Boulevard, Torrance, CA 90505.	05–0351	08/02/2008	CA	ASMBS.

Facility name	Provider No.	Date approved	State	Other information
St. John Macomb-Oakland Hospital, 27483 Dequindre Road, Madison Heights, MI 48701.	230195	08/07/2008	MI	ASMBS, Suite 204.
Nebraska Methodist Hospital, 10060 Regency Circle, Omaha, NE 68114.	280040	08/07/2008	NE	ASMBS.
Marquette General Hospital, 580 West College Avenue, Marquette, MI 49855.	23–0054	08/07/2008	MI	ASMBS.
Sacred Heart Hospital, 5149 North 9th Avenue, Suite G–32, Pensacola, FL 32504.	100025	08/19/2008	FL	ASMBS.
Central Mississippi Medical Center, 1850 Chadwick Drive, Jackson, MS 39204.	250072	08/26/2008	MS	ASMBS.
Vista Hospital of Dallas, 2696 West Walnut Street, Garland, TX 75042.	450315	08/26/2008	TX	ASMBS.
St. Alexius Medical Center, 1555 Barrington Road, Hoffman Estates, IL 60169.	14–0290	08/26/2008	IL	ASMBS.
Alexian Brothers Medical Center, 800 Biesterfield Road, Elk Grove Village, Illinois 60007.	14–0290	08/26/2008	IL	ASMBS, 6th Floor.
Alegent Health Immanuel Medical Center, 6828 North 72nd Street, Suite 5500, Omaha, NE 68122.	280081	08/29/2008	NE	ASMBS.
MountainView Hospital, 3100 North Tenya Way, Las Vegas, NV 89128.	290039	09/03/2008	NV	ASMBS.
Southwest Washington Medical Center, 400 NE. Mother Joseph Place, Vancouver, WA 98664.	500050	09/08/2008	WA	ASMBS.
JFK Medical Center, 5301 South Congress Avenue, Atlantis, FL 33462.	100080	09/18/2008	FL	ASMBS.
McLaren Regional Medical Center, 401 South Ballenger Highway, Flint, MI 48532.	230141	09/24/2008	MI	ASMBS.
Cheyenne Regional Medical Center, 2301 House Avenue, Suite 500, Cheyenne, WY 82001.	530014	09/24/2008	WY	ASMBS.
St. Mary Mercy Hospital, 14555 Levan Road, Suite 311, Livonia, MI 48154.	12200126	09/25/2008	MI	ASMBS.
Altru Health System, 1000 South Columbia Road, Grand Forks, ND 58206.	350019	09/25/2008	ND	ASMBS.
Lutheran Hospital of Indiana Bariatric Center, 7836 West Jefferson, Suite 101, Ft. Wayne, IN 46804.	150017	09/25/2008	IN	ASMBS.
Seton Medical Center, 1201 West 38th Street, Austin, TX 78705.	450056	09/25/2008	TX	ASMBS.
St. Elizabeth and St. Joseph Surgical, 452 Broadway Street, Youngstown, OH 44504.	36–0161	09/25/2008	OH	ASMBS.
Henry Ford Macomb Hospital—Warren Campus, 13355 East 10 Mile Road, Warren, MI 48089.	230204	10/07/2008	MI	ASMBS.
Saint Alphonsus Regional Medical Center, 1055 North Curtis Road, Boise, ID 83706.	130007	10/07/2008	ID	ASMBS.
Riverside Methodist Hospital, 3535 Olentangy River Road, Columbus, OH 43214.	36–0006	10/21/2008	OH	ASMBS.
Lawrence Hospital Center, 55 Palmer Avenue, Bronxville, NY 10708.	330061	11/05/2008	NY	ACS.
Winthrop University Hospital, 120 Mineola Boulevard, Suite 320, Mineola, NY 11501.	330167	11/10/2008	NY	ASMBS.
St. John's Regional Medical Center, 1700 North Rose Avenue, #380, Oxnard, CA 93030.	050082	12/02/2008	CA	ASMBS.
Floyd Medical Center, P.O. Box 233, Rome, GA 30162	110054	01/07/2009	GA	ASMBS.
Hazleton General Hospital, 700 East Broad Street, Hazleton, PA 18201.	390185	04/20/2009	PA	ASMBS.
Memorial Hermann Texas Medical Center, 6411 Fannin Street, Houston, TX 77030.	45–0068	01/29/2009	TX	ACS.
Mercy Medical Center, 1111 6th Avenue, Des Moines, IA 50314–9906.	160083	01/28/2009	IA	ASMBS.
Northwest Medical Center, 1980 W. Hospital Drive, Suite 200, Tucson, AZ 85741.	03–0085	04/06/2009	AZ	ASMBS.
Plaza Medical Center of Fort Worth, 900 8th Avenue, PAT–Bariatrics, Ft. Worth, TX 76104.	450672	03/20/2009	TX	ASMBS.
SUNY Upstate Medical University, 750 E. Adams Street, University Hospital, Syracuse, NY 13210.	NPI #: 1578554630	03/27/2009	NY	ACS; General Acute Care Hospital Number: 330241.
Winchester Medical Center Bariatric Program, 1840 Amherst Street, Winchester, VA 22601.	490005	03/20/2009	VA	ASMBS.
Vanderbilt University Medical Center, 1215 21st Avenue South, Nashville, TN 37232.	1952356065	05/05/2009	TN	ACS.
Mother Frances Regional Medical Center, 910 East Houston Street, Suite 550, Tyler, TX 75702.	450102	05/07/2009	TX	ASMBS.
Sparrow Health System, 2900 Hannah Boulevard, Suite B–107, East Lansing, MI 48823.	230230	05/15/2009	MI	ASMBS.
First Street Hospital, 4801 Bissonnet Street, Bellaire, TX 77401.	67009	05/18/2009	TX	ASMBS.

Facility name	Provider No.	Date approved	State	Other information
Good Samaritan Hospital Medical Center, 1000 Montauk Highway, West Islip, NY 11795.	330286	05/18/2009	NY	ASMBS.
St. Joseph Hospital, 1100 West Stewart Drive, Orange, CA 92868.	050069	05/18/2009	CA	ASMBS.
Borgess Medical Center, 1521 Gull Road, Kalamazoo, MI 49048.	23–0117	05/28/2009	MI	ASMBS.
UT Southwestern Medical Center, 5909 Harry Hines Boulevard, Dallas, TX 75235.	45–0044	05/28/2009	TX	ACS.
Brookdale University Hospital/Medical Center, 1 Brookdale Plaza, New York, NY 11212.	33–0233	06/05/2009	NY	ASMBS.
Des Peres Hospital, 2345 Dougherty Ferry Road, St. Louis, MO 63122.	75–269–5810	06/05/2009	MO	ASMBS.
Surgical Weight Loss Program at Eastern Maine, Medical Center, 905 Union Street, Suite 11, Bangor, ME 4401.	1790789147	06/10/2009	ME	ACS.
Baylor Medical Center at Frisco, 5601 Warren Parkway, Frisco, TX 75034.	450853	06/22/2009	TX	ASMBS.
Trinity Hospital of Augusta, 1500 Johns Road, Suite 3, Augusta, GA 30904.	110039	06/29/2009	GA	ASMBS.
The Nebraska Medical Center, 988142 Nebraska Medical Center, Omaha, NE 68198–8142.	28–0013	06/29/2009	NE	ASMBS.

Addendum XVI—FDG–PET for Dementia and Neurodegenerative Diseases Clinical Trials

In a National Coverage Determination for fluorodeoxyglucose positron emission tomography (FDG–PET) for Dementia and Neurodegenerative Diseases (220.6.13) we indicated that an FDG–PET scan is considered reasonable and necessary in patients with mild cognitive impairment or early dementia only in the context of an approved clinical trial that contains patient safeguards and protections to ensure proper administration, use, and evaluation of the FDG–PET scan.

Facility name	Provider No.	Date approved	State	Name of trial	Principal investigator
UCLA Medical Center, 10833 Le Conte Avenue, Los Angeles, CA 90095.	HW13029	06/07/2006	CA	Early and Long-Term Value of Imaging Brain Metabolism.	Dr. Daniel Silverman.
Santa Monica-UCLA Medical Center, 1245 16th Street, Suite 105, Santa Monica, CA 90404.	W11817A	01/12/2007	CA	N/A	N/A.
University of Buffalo, 3435 Main Street, Buffalo, NY 14214.	14414A	03/12/2007	NY	Metabolic Cerebral Imaging in Incipient Dementia (MCI–ID).	Dr. Daniel Silverman.
Center for Alzheimer's Care, Imaging and Research (University of Utah), 650 Komas Drive, Suite 106–A, Salt Lake City, UT 84108.	460009	02/17/2009	UT	Metabolic Cerebral Imaging in Incipient Dementia (MCI–ID).	Norman Foster, M.D.
Medical University of South Carolina, 169 Ashley Avenue, P.O. Box 250322, Charleston, SC 29425.	1073605879	02/17/2009	SC	N/A	Kenneth Spicer.

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Federal Register

Friday,
September 25, 2009

Part III

Postal Regulatory Commission

39 CFR Part 3055

Postal Service Performance and Customer Satisfaction Reporting; Proposed Rule

POSTAL REGULATORY COMMISSION

39 CFR Part 3055

[Docket No. RM2009–11; Order No. 292]

Postal Service Performance and Customer Satisfaction Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing rules to address Postal Service reporting on service performance measurement and customer satisfaction. This proposal implements new statutory provisions. Comments will assist the Commission in developing final rules.

DATES: Initial comments due October 26, 2009. Reply comments due November 24, 2009.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.*

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, 202–789–6820 and *stephen.sharfman@prc.gov.*

SUPPLEMENTARY INFORMATION:

Regulatory History

72 FR 72395 (December 20, 2007).
73 FR 39996 (July 11, 2008).
73 FR 73664 (December 2, 2008).
73 FR 39996 (July 11, 2008).

I. Introduction
II. Background
III. Statutory Provisions
IV. Service Performance Measurements Reporting
V. Special Services Measurement Systems
VI. Reporting of Customer Satisfaction
VII. Supporting Information
VIII. Designation of Public Representative
IX. Solicitation of Comments
X. Ordering Paragraphs

I. Introduction

This rulemaking is part of the series of rulemakings initiated by the Postal Regulatory Commission (Commission) to fulfill its responsibilities under the Postal Accountability and Enhancement Act (PAEA), Public Law 109–435, 120 Stat. 3218 (2006). The proposed rules described herein seek to establish reporting requirements for the measurements of level of service and degree of customer satisfaction afforded by the Postal Service in connection with each market dominant product. The reporting of level of service and customer satisfaction are required by 39 U.S.C. 3652(a)(2)(B) as part of the Postal Service's annual report to the Commission. This is a necessary part of the Commission's implementation of a modern system of rate regulation for market dominant products that ensures service is not impaired as a result of the greater flexibility provided to the Postal Service under the PAEA and the rate cap requirements, and it supports an important part of the Commission's reporting responsibilities. *See* 39 U.S.C. 3622 and 3651.

The Commission recognizes that these proposed rules are being published at a time when the Postal service is experiencing unprecedented fiscal challenges. The proposed rules are designed to maximize transparency using data sources that either exist now, or are in active development. The proposed reporting requirements are written with a long-term goal in mind, *i.e.,* to allow the Commission to perform its regulatory functions under the PAEA and to meet the statutory reporting requirements cited above, and are not necessarily based on the capabilities of existing measurement systems. The Commission recognizes the transitional needs of the Postal Service and accepts its request to develop and utilize internal measurement systems relying on barcode technology. Total compliance with the reporting requirements will not be possible until the Intelligent Mail barcode (IMb)-, Red Tag/DelTrak-, and Delivery Confirmation-based measurement systems provide reliable, representative data. In some instances, new or enhanced measurement capabilities may be required.

In the short term, the Commission accepts that the Postal Service cannot wholly comply with these reporting requirements because specific measurement systems have not been fully developed or deployed. As long as the indicators already in place demonstrate adequate service levels, the Commission will allow the Postal Service to proceed diligently to develop a plan for eventually being able to supply the required information, and periodically to demonstrate progress in implementing its plan. If a new requirement in these proposed rules is viewed by the Postal Service as particularly onerous, or involves costly new data collection that does not appear to add needed transparency, the Postal Service is requested to identify it and attempt to quantify its incremental cost.

To assist commenters to visualize the scope and extent of information required, illustrative data reporting charts are included as section VII—Supporting Information.

II. Background

The first part of this rulemaking addresses reporting of the level of service (or the service performance measurements) associated with each market dominant product. Development of the reporting requirements is the final step in a four-step process for incorporating measurements of level of service into the modern system of rate regulation for market dominant products. The previous steps established service standards, identified service performance measurement systems, and established performance goals.

The establishment of service standards is a direct result of the requirements of 39 U.S.C. 3691, which require the Postal Service, in consultation with the Postal Regulatory Commission, to establish by regulation a set of modern service standards for market dominant products. Initial consultations between the Commission and the Postal Service concluded on November 16, 2007, with the Commission providing the Postal Service with comments addressing the Postal Service's service standards proposals.[1] The Postal Service completed this task by publishing as a final rule Modern Service Standards for Market-Dominant Products, December 19, 2007 (Service Standards).[2]

In June 2008, the Postal Service identified service performance measurement systems by providing the Commission with a draft of its Service Performance Measurement plan (Plan).[3] The Plan presents the various measurement systems the Postal Service proposes to use to measure the standards presented in the Service Standards document identified above.[4]

[1] Comments of the Postal Regulatory Commission on Modern Service Standards for Market Dominant Products, November 16, 2007. The consultations are described as ''initial'' because of the ongoing nature of consultations that are necessary to transition from a set of standards to an operational measurement system encompassing performance goals (*see* uncodified § 302(b)(1) of the PAEA) and reporting mechanisms (*see* U.S.C. 3652).

[2] 72 FR 72216 (December 19, 2007) (to be codified at 39 CFR parts 121 and 122).

[3] The Commission published the Plan in Docket No. PI2008–1, Second Notice of Request for Comments on Service Performance Measurement Systems for Market Dominant Products, June 18, 2008 (Order No. 83). The draft published in Order No. 83 was the last draft in a series of drafts provided by the Postal Service to the Commission.

[4] An objective in designing service performance standards is for the Postal Service to provide ''a system of objective external performance measurements for each market-dominant product as a basis for measurement of Postal Service performance.'' 39 U.S.C. 3691(b)(1)(D). However, ''with the approval of the Postal Regulatory Commission an internal measurement system may be implemented instead of an external measurement system'' for individual products. 39 U.S.C. 3691(b)(2). In the Plan, the Postal Service proposes various internal, external, and hybrid (containing both internal and external elements) measurement systems to measure the performance of its mail products.

The Postal Service submitted the Plan for the Commission's ''review, feedback, and concurrence.'' [5] In response, the Commission initiated Docket No. PI2008–1 to consider the Postal Service's Plan and to solicit public comment. This process culminated with the Commission issuing PRC Order No. 140, Order Concerning Proposals for Internal Service Standards Measurement Systems, November 25, 2008 (Order No. 140). This order completed the second step in the process by approving the approaches that the Postal Service proposes to take in developing internal measurement systems for various classes of mail.[6]

The PAEA directed the Postal Service, in consultation with the Commission, to develop and submit to Congress a plan for meeting service standards. Congress directed, *inter alia,* that the plan establish performance goals. The Postal Service posted its FY 2009 targets on its Rapid Information Bulletin Board System (RIBBS) Web page at *http://ribbs.usps.gov/targets/documents/tech_guides/Targets.pdf.*

The Postal Service's Plan included proposals for both annual and quarterly reporting of service performance measurements. The Commission solicited comments on service performance reporting when it considered the Postal Service's proposals for measurement systems. However, in Order No. 140, the Commission limited its considerations of those comments in anticipation of the instant rulemaking, which specifically addresses reporting requirements.

The fourth and final step in the process, and the subject of this rulemaking, is for the Commission to issue rules specifying the reporting of service performance. The Commission incorporates many of the elements proposed by the Postal Service in its Plan and the ideas presented in the comments on reporting measurements into the rules now proposed. Interested persons are encouraged to take a fresh look at the proposals presented by the Commission in this rulemaking and provide comments. Interested persons are asked to reiterate and amplify their comments where specific areas identified in previous comments are not sufficiently addressed to assure that all relevant issues are adequately considered.[7]

The second part of this rulemaking concerns the reporting of customer satisfaction. This part introduces new material that previously has not been addressed by the Postal Service or the Commission. Interested persons also are asked to comment on this material.

In Order No. 140, the Commission identified areas within the Special Services measurement systems that required improvement. The Postal Service has submitted proposals for modifications to these measurement systems which are discussed separately in section V.—Special Services Measurement Systems of this Rulemaking.

III. Statutory Provisions

Section 3652(a)(2) of title 39 requires that the Postal Service include in an annual report to the Commission an analysis of the quality of service ''for each market-dominant product provided in such year'' by providing ''(B) measures of the quality of service afforded by the Postal Service in connection with such product, including—(i) the level of service (described in terms of speed of delivery and reliability) provided; and (ii) the degree of customer satisfaction with the service provided.'' In complying with this requirement, the Commission has authority to ''by regulation, prescribe the content and form of the public reports (and any nonpublic annex and supporting matter relating to the report) to be provided by the Postal Service * * *.'' 39 U.S.C. 3652(e)(1).[8] The Commission also is to have access to ''supporting matter'' in connection with any information submitted under this section. 39 U.S.C. 3652(d).

Section 3622 of title 39 provides that the Commission by regulation establish ''a modern system for regulating rates and classes for market-dominant products.'' The quality of service, and its reporting, forms an integral part of many of the objectives and factors set forth in this section. Reporting on quality of service allows assessment of whether the Postal Service is meeting the objective of maintaining the ''high quality service standards established under section 3691.'' 39 U.S.C. 3622(b)(3). It furthers the objective of increasing ''the transparency of the ratemaking process.'' 39 U.S.C. 3622(b)(6). It allows assessment of the factors addressing value of service, and by association with the proposed measurement systems, the value of intelligent mail. 39 U.S.C. 3622(c)(1), (8), and (13). Finally, it is important in relation to the rate cap requirements of 39 U.S.C. 3622(d)(1)(A) when analyzing whether quality of service is impacted in order to comply with rate cap requirements.

Section 3651(b)(1)(A) of title 39 requires that the Commission report to the President and Congress on an annual basis estimates of the costs incurred by the Postal Service in providing ''universal service.'' Describing the quality of service afforded a product, both anticipated and actual, is a necessary element in analyzing what service is being provided at a given cost. The Postal Service is to provide the Commission with such information that may, in the judgment of the Commission, be necessary in completing this report. 39 U.S.C. 3651(c).

IV. Service Performance Measurements Reporting

A. Overview

The Postal Service proposes in its Plan and the Commission adopts for this rulemaking a two level system for reporting service performance consisting of an Annual Report provided at a high level of aggregation and four Quarterly Reports which provide information at a more detailed level. As stated in the Postal Service's Plan at 12:

> In accordance with § 3652 of the Postal Accountability and Enhancement Act, the Postal Service is required to report measures of the quality of service on an annual basis. The Postal Service's proposal for service measurement goes far beyond annual reporting and will instead provide quarterly reporting for all market-dominant products, almost entirely at a district level.

Section 3652(a)(2) of title 39 requires, among other things, an annual analysis of the quality of service ''for each market-dominant product * * *.'' The Postal Service acknowledges this

[5] Letter from Thomas G. Day, Senior Vice President, United States Postal Service, to Dan G. Blair, Chairman, Postal Regulatory Commission, June 3, 2008.

[6] Approval was provided with the exception of the measurement systems for several Special Services where the Commission directed the Postal Service to propose a remedial plan by June 1, 2009. The Postal Service submitted remedial proposals on May 15, 2009. *See* Letter from Thomas G. Day, Senior Vice President, Intelligent Mail and Address Quality, United States Postal Service, to Dan G. Blair, Chairman, Postal Regulatory Commission, May 15, 2009 (May 15, 2009 Letter from Thomas G. Day).

[7] In Order No. 140 at 36–46, the Commission briefly reviewed the Postal Service's reporting proposals and the associated comments. The Commission indicated issues that would be appropriate for consideration in this rulemaking, and issues that appear beyond the scope of what the Commission would find necessary for its needs in reporting service performance measurements. Commenters are asked to review and consider this material prior to submitting comments in this docket.

[8] The Commission's authority is continuing as it has further authority to initiate proceedings to improve the quality, accuracy and completeness of data whenever it shall appear that ''the quality of service data has become significantly inaccurate or can be significantly improved.'' 39 U.S.C. 3652(e)(2)(B).

requirement and specifically states that it will go beyond what it perceives as the minimum requirement and provide quarterly reporting for all market dominant products. *See* Plan at 12. However, the specific data items identified in the Postal Service's Plan propose reporting at a higher level of aggregation, at the class level. This deviation from what appears to be required was challenged by many commenters in Docket No. PI2008–1.[9] This rulemaking proposes reporting requirements by product as urged in these comments, which also is consistent with the Commission's interpretation of the statutory requirements of § 3652(a)(2). To facilitate review of the proposed rules, the most recent market dominant product list appears in Table VII–1—Market Dominant Product List as of August 10, 2009 to this rulemaking.

The proposed rules intend to require reporting for all market dominant products, but also include exceptions for when reporting is not practicable. For example, in the area of negotiated service agreements, the rules allow the Postal Service to utilize exceptions to reporting on individual negotiated service agreements if the Postal Service can demonstrate that substantially all components of a specific agreement are already included in the measurement of other products.[10]

As discussed in Order No. 140, several mailers request some form of shape-based reporting.[11] The Postal Service opposed these suggestions contending that this is not required for the Commission to carry out its PAEA regulatory responsibilities. Although the Commission is not opposed to consideration of shape-based reporting if the need can be demonstrated at some future date, the rules proposed in this rulemaking do not reflect shape-based reporting, *per se.* However, by adhering to the statutory requirement to report by product, as discussed above, it should be noted that significant, although imperfect, shape-based reporting will be accomplished.

The Postal Service proposes in its Plan to report two types of measurements for First-Class Mail, Standard Mail, Periodicals and Package Services: (1) On-time service performance, and (2) service variance. On-time service performance represents the percentage of mailpieces delivered within the applicable service standard for those mailpieces. Service variance represents the cumulative percentage of mailpieces delivered within the applicable service standard plus 1 day, 2 days, or 3 days.[12] The Postal Service proposes to report on-time service performance both on an annual and a quarterly basis, and service variance only on a quarterly basis. The proposed rules adopt these reporting elements.

For Special Services, the Postal Service proposes an index to report as a single number the performance of all Special Services products, provided on an annual basis. It proposes providing additional performance detail on a quarterly basis. This rulemaking specifies reporting at the product level (or, in limited circumstances, down to a component of a product for products requiring increased visibility) as required by 39 U.S.C. 3652(a)(2).[13] The rules propose reporting the percentage of time that each product (or, in limited circumstances, a component of a product) meets or exceeds its applicable service standard.

The Postal Service proposes in its Plan reporting service performance on an annual basis at the National level.[14] On a quarterly basis, reporting for domestic First-Class Mail, Standard Mail, domestic Package Services, and Post Office Box Service within Special Services is proposed at the Postal Administrative Area and District levels, and reporting for international First-Class Mail, Periodicals, and international Package Services is proposed at the Postal Administrative Area level. This rulemaking generally adopts these reporting levels.[15]

Within the Standard Mail class only, the Postal Service proposes in its Plan separate quarterly reporting for Destination Entry and for End-to-End mail. The Commission notes that the Postal Service also specifies different service standards for End-to-End and for Destination Entry mail within the Periodicals and Package Services classes. *See* Service Standards. Because the Postal Service and the Commission recognize service performance differences between Destination Entry and End-to-End mail in all of the aforementioned classes, the Commission carries this distinction forward in the proposed reporting requirements. This rulemaking incorporates this distinction not only for Standard Mail, but also for the Outside County Periodicals, Bound Printed Matter Flats, Bound Printed Matter Parcels, and Media Mail/Library Mail products.

Depending upon the class of mail and whether the mail is Destination Entry or End-to-End mail, and based on consideration of the entry facility and the origination/destination ZIP Code pairs, among other factors, the Postal Service specifies a vast array of service standards. *See* Table IV–1.

TABLE IV–1—SERVICE STANDARDS

Mail class	Service standard ranges (days)	
	End-to-end	Destination entry
First-Class Mail	1–5	N/A
Periodicals	1–20	1–8
Standard Mail	3–22	2–10
Package Services	2–20	1–8

[9] *See* comments of Pitney Bowes, Discover Financial Services, Post/Com/DMA, McGraw-Hill, and Valpak summarized in Order No. 140 at 39–40.

[10] Nonpostal products are another category of products that may require special consideration. At this time, nonpostal products are not specifically addressed by this rulemaking other than reserving space for future use.

[11] *See* comments of BAC, DFS, MOAA, NPPC, PSA, PostCom/DMA, Time Warner, Publishers Clearing House, and Valpak and the response of the Postal Service summarized in Order No. 140 at 40–41.

[12] In Docket No. PI2008–1, several mailers expressed an interest in expanding service variance or ''tail-of-the-mail'' reporting. *See* Order No. 140 at 43–44. However, the Commission is not convinced that additional reporting was justified.

[13] The Commission is open to consideration of the use of an ''index'' at or below the product level if its use can be justified.

[14] It is unclear in the Plan, but assumed by the Commission, that the Postal Service contemplated providing National level information on a quarterly basis.

[15] The Postal Service proposed additional Administrative Area and District level reporting for certain electronic Special Services that will not be adopted at this time. The Commission recognizes that this level of reporting may be required in the future, but finds it prudent to await further development of the Special Services measurement systems.

For domestic First-Class Mail, the Postal Service proposes in its Plan to separately report overnight, 2-day, and a single aggregation of 3, 4, and 5-day mail. This rulemaking adopts the First-Class Mail overnight, 2-day, and 3/4/5-day reporting groups proposed by the Postal Service.

In Docket No. PI2008–1, the Commission received comments which suggest further disaggregation of the 3/4/5-day report group proposed by the Postal Service.[16] The proposal suggests two smaller groups, mail subject to the 3-day service standard and mail subject to the 4 through 5-day service standards. The intent appears to be to segregate mail that either only leaves, only enters, or that never transverses the contiguous United States. The 4/5-day service standard group theoretically then could be used as representing service performance for noncontiguous United States mail. This conceivably could provide increased visibility into the service performance of mail traveling, for example, between Alaska or Hawaii and the contiguous United States.

The Commission studied this suggestion, but decided against its adoption. The Commission notes that the 3-day service standard for First-Class Mail also is applicable to certain mail that is sent between the contiguous United States and certain ZIP Codes in Alaska, Hawaii, or Puerto Rico, *i.e.*, noncontiguous United States mail. Thus, disaggregating mail subject to the 4/5-day service standards from mail subject to the 3/4/5-day service standard group does not create a 4/5-day group that is representative of noncontiguous United States mail.

As displayed in Table IV–1, the domestic products within the Periodicals, Standard Mail, and Package Services classes are subject to a wide range of applicable service standard days. The Postal Service proposes in its Plan to aggregate all service standard days and report one measurement for the domestic products within each of these classes.[17]

The multitude of applicable service standards within the above classes raise issues concerning the appropriate level of aggregation/disaggregation of service standard days. Mail that is subject to shorter duration service standards is subject to different mail handling in terms of facilities encountered and transportation received than mail subject to longer duration service standards. Too high a level of aggregation results in lost visibility into service performance disparities between mail subject to different handling and service standards. Reporting by individual service standard day could be a solution, which would vastly improve visibility based on these differences. However, it also would raise measurement reliability issues due to the sparse volume of mail subject to certain longer service standards. Producing reliable measurements, providing sufficient visibility into service performance due to differences in handling and service standards, and the feasibility of implementing measurement systems at this time, all must be balanced when proposing reporting rules.

For annual reporting, this rulemaking adopts the Periodicals, Standard Mail, and Package Services reporting levels proposed by the Postal Service. The Commission balances this overview level of reporting by proposing expanded reporting requirements in certain areas to provide improved visibility within the quarterly reports. For quarterly reporting, this rulemaking adopts the Postal Service's proposed service standard aggregations for Periodicals, and the Bound Printed Matter Flats, Bound Printer Matter Parcels, and Media Mail/Library Mail products within Package Services. It proposes improvements in reporting visibility for all products within Standard Mail and the Single-Piece Parcel Post product within Package Services. For these products, the rules propose aggregating the multiple service standards for each product into two separate groups based on the mail facilities encountered and the transportation received. Specific proposals for aggregating service standard days appear within the discussion of the individual rules below.

B. Annual Reporting

1. General Considerations

This rulemaking proposes to incorporate the rules for annual reporting of service performance measurements (or achievements) into new subpart A—Annual Reporting of Service Performance Achievements of part 3055—Service Performance and Customer Satisfaction Reporting of the Commission's rules of practice and procedure. The rules proposed for incorporation into subpart A appear after the signature of this order. Table VII–2—Illustrative Annual Report Data Reporting Charts in section VII provides a visualization of the annual data reporting elements proposed by the rules through illustrative examples of data reporting charts. A rule-by-rule description of subpart A follows.

Section 3055.1 specifies the general requirement for the Postal Service to file a report on service performance measurements as part of its annual compliance report. *See* 39 U.S.C. 3652(a)(2)(B)(i).

Section 3055.2 describes the contents of the annual report of service performance achievements. Paragraph (b) of this section directs the reader to specific reporting requirements applicable to each product within a specific class or group. Paragraphs (c) through (g) of this section direct the Postal Service to describe the service standards, performance goals, measurement systems, and statistical methodologies for each product. In the first report produced, the Postal Service will create a baseline description of service performance measurement. The Commission recognizes that the initial report will require significant effort on the part of the Postal Service. However, subsequent annual reports will require the Postal Service only to replicate the previous report incorporating changes from year to year. Paragraph (h) of this section requires the identification of each product, or component of a product, granted an exception from reporting pursuant to § 3055.3, along with a certification that the rationale for originally granting the exception remains valid.

Particular attention should be focused on paragraphs (i) and (j) of § 3055.2. A significant amount of data will be produced pursuant to the annual and quarterly reporting rules. The data will be provided at various levels and forms of aggregation, and provided over different periods of time. Paragraphs (i) and (j) of this section in effect require the Postal Service to demonstrate how it performs each aggregation/disaggregation of data, both between and among the various reports, and over the various timeframes. The goal is to provide independent parties the information necessary to be able to replicate the aggregations/disaggregations made by the Postal Service between and among the various reports, and over the various timeframes. For example, this should include the ability to aggregate the data provided in the quarterly reports up to the level of data provided in the annual reports. It also should include the ability to aggregate data provided at the District level, to the Postal Administrative Area level, and to the National level. The Commission expects that data will be provided in electronic

[16] *See* Comments of PostCom/DMA summarized in Order No. 140 at 41.

[17] The Postal Service's proposal to separately report Destination Entry and End-to-End Standard Mail is recognized above.

format (Excel files are anticipated at this time), with electronic links and formulas that can be followed in order to duplicate the Postal Service's aggregation methodologies. This would include providing volumes and other weighting factors as necessary to perform the required calculations.[18]

For some products, the measurement of service performance may be cost prohibitive, or a measurement of service would not be meaningful because of the nature of the product. In other instances, the product might be in the form of a negotiated service agreement, which, in fact, is merely a grouping of other products already being measured. Section 3055.3 provides an avenue for the Postal Service to seek an exception from the general requirement to report on the service performance in these instances.

Section 3691(b)(1)(D) of title 39 has as an objective for the Postal Service ''[t]o provide a system of objective external performance measurements for each market-dominant product * * *.'' However, ''with the approval of the Postal Regulatory Commission an internal measurement system may be implemented * * *.'' 39 U.S.C. 3691(b)(2). Order No. 140 approved the approach that the Postal Service is undertaking to implement most of its measurement systems. This approval is subject to continuous review as the Postal Service's systems are developed and implemented to assure that robust measurement systems are eventually put into place. Section 3055.4 of the proposed rules implements the above title 39 requirements. It requires that the Postal Service obtain Commission approval prior to using internal (including hybrid) measurement systems to obtain data for the purpose of reporting service performance measurements. This requirement is applicable to both the annual and quarterly service performance measurement reports.

Section 3055.5 requires the Postal Service to apprise the Commission of all changes to measurement systems, service standards, service goals, and reporting methodologies. The Commission may institute a proceeding to consider change proposals if it appears that the changes might have a material impact on the accuracy, reliability, or utility of the reported measurement, or if the changes might have a material impact on the characteristics of the underlying product.

Section 3055.6 requires the Postal Service to include within its proposals for new or modified market dominant products, proposals for service performance measurement systems, service standards, service goals, data reporting elements, and data reporting methodologies.

Section 3055.7 directs the Postal Service to conduct a special study, every 2 years, to evaluate final delivery service performance in certain locations. The measurement systems that the Postal Service proposes do not appear to capture information on delivery performance; for example, from the processing facility in Anchorage, Alaska to the outer reaches of Alaska; from Honolulu to the neighbor islands of Hawaii; or from San Juan to more distant locations in the Caribbean district. A special study appears appropriate for providing visibility into these areas.

2. First-Class Mail

Section 3055.20 specifies the annual reporting requirements for all products within the First-Class Mail class. For the Single-Piece Letters/Postcards, Bulk Letters/Postcards, Flats, and Parcels products, reporting of on-time service performance is to be disaggregated by mail subject to the overnight, 2-day, and 3/4/5-day service standards as a percentage rounded to one decimal place.[19] For the Outbound Single-Piece First-Class Mail International and the Inbound Single-Piece First-Class Mail International products, on-time service performances are to be reported at the National level as a percentage rounded to one decimal place.

3. Standard Mail

Section 3055.21 specifies the annual reporting requirements for all products within the Standard Mail class. In all instances, on-time service performances are to be reported at the National level for each Standard Mail product as a percentage rounded to one decimal place.

4. Periodicals

Section 3055.22 specifies the annual reporting requirements for all products within the Periodicals class. In all instances, on-time service performances are to be reported at the National level for each Periodicals product as a percentage rounded to one decimal place.

5. Package Services

Section 3055.23 specifies the annual reporting requirements for all products within the Package Services class. In all instances, on-time service performances are to be reported at the National level for each Package Services product as a percentage rounded to one decimal place.

6. Special Services

Section 3055.24 specifies the annual reporting requirements for all products within the Special Services group. In all instances, the percentage of time that each product within Special Services meets or exceeds its performance objective is to be reported at the National level as a percentage rounded to one decimal place.

7. Nonpostal Products

Section 3055.25 is reserved for specific reporting requirements concerning nonpostal products once these products are added to the market dominant product list.

C. Quarterly Reports

1. General Considerations

This rulemaking proposes to incorporate the rules for quarterly reporting of service performance measurements into new subpart B—Periodic Reporting of Service Performance Achievements of Part 3055—Service Performance and Customer Satisfaction Reporting of the Commission's rules of practice and procedure. The rules proposed for incorporation into subpart B appear after the signature of this Order. Table VII–3—Illustrative Quarterly Report Data Reporting Charts provides a visualization of the annual data reporting elements proposed by the rules through illustrative examples of data reporting charts. A rule-by-rule description of subpart B follows.

Section 3055.30 specifies the general requirement for the Postal Service to file a quarterly report on service performance measurement within 40 days of the close of each fiscal quarter.

Section 3055.31 specifies the contents of each quarterly report. Paragraph (b) of this section directs the reader to specific reporting requirements applicable to each product within a specific class or group. Paragraph (c) of this section requires identification of each product, or component of a product, granted an exception from reporting pursuant to § 3055.3, along with a certification that the rationale for originally granting the exception remains valid. Finally,

[18] *See* comments of AMEE and MMA suggesting the inclusion of volume data, summarized in Order No. 140 at 42.

[19] The 3/4/5-day service standard is an aggregation of the 3-day, 4-day, and 5-day service standards. The Postal Service is required to demonstrate how it performs this aggregation, along with other similar aggregations appearing within other mail classes when describing its data reporting methodologies.

paragraphs (d) and (e) of this section direct the Postal Service to demonstrate how it aggregates/disaggregates data to different reporting levels.[20]

Section 3055.32 requires the Postal Service to independently report delivery factors when used in computing End-to-End service performance. The hybrid measurement system (proposed by the Postal Service for measuring a majority of Postal Service products by volume) measures End-to-End service performance in two steps. In the first step, a mail processing factor is developed, which measures the time from the start-the-clock event to the last recorded mail processing scan. In the second step, a delivery factor is developed which measures the time from the last recorded mail processing scan to actual delivery. The generation of delivery factors raises measurement and statistical issues that must be examined to understand the overall measurement results. Section 3055.32 provides visibility in this area.

2. First-Class Mail

Section 3055.45 specifies the quarterly reporting requirements for all products within the First-Class Mail class. In all instances, on-time service performances and service variances are to be individually reported for each First-Class Mail product as a percentage rounded to one decimal place.

For the Single-Piece Letters/Postcards, Bulk Letters/Postcards, Flats, and Parcels products, the rule proposes reporting at the District, Postal Administrative Area, and National levels. Reporting also is to be disaggregated by mail subject to the overnight, 2-day, and 3/4/5-day service standards.

For the Outbound Single-Piece First-Class Mail International and Inbound Single-Piece First-Class Mail International products, the rule proposes reporting at the Postal Administrative Area and National levels.

3. Standard Mail

Section 3055.50 specifies the quarterly reporting requirements for all products within the Standard Mail class. In all instances, on-time service performances and service variances are to be reported at the District, Postal Administrative Area, and National levels for each Standard Mail product as a percentage rounded to one decimal place.

Each Standard Mail product can be considered either Destination Entry or End-to-End mail. The Postal Service has established 2-day through 10-day service standards for Destination Entry mail. Destination Entry mail is separated into two groups for reporting purposes. The rule proposes reporting an aggregation of mail subject to the 2-day through 4-day service standards and an aggregation of mail subject to the 5-day through 10-day service standards.[21] The Postal Service has established 3-day through 22-day service standards for End-to-End mail. End-to-End mail also is separated into two groups for reporting purposes. The rule proposes reporting an aggregation of mail subject to the 3-day through 5-day service standards and an aggregation of mail subject to the 6-day through 22-day service standards.[22]

4. Periodicals

Section 3055.55 specifies the quarterly reporting requirements for all products within the Periodicals class. In all instances, on-time service performances and service variances are to be reported at the Postal Administrative Area and National levels for each Periodicals product as a percentage rounded to one decimal place.

The Postal Service has established 1-day through 8-day service standards for Periodicals mail. The proposed rule requires the reporting of an aggregated number representing mail subject to the 1-day through 8-day service standards for each of the Periodicals products.

Performance reporting for the Outside County Periodicals product is to be further disaggregated by Destination Entry and End-to-End mail.

5. Package Services

Section 3055.60 specifies the quarterly reporting requirements for all products within the Package Services class. In all instances, on-time service performances are to be reported for each Package Services product as a percentage rounded to one decimal place. For reporting purposes, the Package Services products are separated into three groups: (1) Single-Piece Parcel Post; (2) Bound Printed Matter Flats, Bound Printed Matter Parcels, and Media Mail/Library Mail; and (3) Inbound Surface Parcel Post (at UPU rates).

The Postal Service has established 2-day through 20-day service standards for the Single-Piece Parcel Post product.[23] The rule proposes dividing the multiple Single-Piece Parcel Post service standards into two groups. It requires the reporting of an aggregated number representing mail subject to the 2-day through 4-day service standards and an aggregated number representing mail subject to the 5-day through 20-day service standards.[24] Reporting is to be provided at the District, Postal Administrative Area, and National levels.

The Bound Printed Matter Flats, Bound Printed Matter Parcels, and Media Mail/Library Mail products can be considered either Destination Entry or End-to-End mail. The Postal Service has established 1-day through 8-day service standards for Destination Entry mail. The rule proposes reporting an aggregation of all Destination Entry mail subject to the 1-day through 8-day service standards. The Postal Service has established 2-day through 20-day service standards for End-to-End mail. The rule proposes reporting an aggregation of all End-to-End mail subject to the 2-day through 20-day service standards.

The rule proposes reporting a single service performance number for Inbound Surface Parcel Post (at UPU rates). Reporting is to be provided at the Postal Administrative Area and National levels.

6. Special Services

Section 3055.65 specifies the quarterly reporting requirements for all products within the Special Services group. In all instances, the percentage of time that each product within Special Services meets or exceeds its performance objective is to be reported at the National level as a percentage rounded to one decimal place.

Additional reporting is proposed for several of the 28 services that form a part of the Ancillary Services product to provide improved visibility. Separate reporting is proposed for Certified Mail and Return Receipt because of the importance of these services to customers and their substantial contribution to Ancillary Services'

[20] For further discussion on aggregation/disaggregation, *see* the discussion of § 3055.2, paragraphs (i) and (j) of this section above.

[21] Destination Entry 2-day through 4-day service standard mail roughly coincides with DDU and DSCF entered mail. Destination Entry 5-day through 10-day service standard mail roughly coincides with DBMC and BMC entered mail.

[22] End-to-End 3-day through 5-day service standard mail roughly coincides with SCF turnaround, ADC turnaround, and intra-BMC area mail. End-to-End 6-day through 22-day service standard mail roughly coincides with all other End-to-End mail subject to greater transportation needs.

[23] The Commission is assuming that Single-Piece Parcel Post mail is treated as End-to-End mail for the purpose of service standards.

[24] The 2-day through 4-day service standard mail roughly coincides with SCF turnaround and intra-BMC area mail. The 5-day through 20-day service standard mail roughly coincides with all other Single-Piece Parcel Post mail subject to greater transportation needs.

revenue. Separate reporting is proposed for Delivery Confirmation because of the Postal Service's reliance on this service as part of its measurement system for parcels. Separate reporting is proposed for Insurance because of consumer interest in the performance of this service.

Additional reporting also is proposed for the Post Office Box Service product. In addition to reporting at the National level, reporting also shall be provided at the District and Postal Administrative Area levels.

In Order No. 140, the Commission identified areas within the Special Services measurement systems that required improvement. In section V.—Special Services Measurement Systems that follows, the Commission analyzes the Postal Service's proposals for improving certain Special Services measurement systems and provides further detail on reporting requirements for these services.

7. Nonpostal Services

Section 3055.70 is reserved for specific reporting requirements concerning nonpostal products once these products are added to the market dominant product list.

V. Special Services Measurement Systems

In Order No. 140, the Commission reviewed the Postal Service's Plan to use various measurement systems for measuring service performance for market dominant products. The Commission generally agreed with the approach that the Postal Service proposed for most products, except for certain products that fell within Special Services.

On a general level, the Commission's recommendation for Special Services was ''that the Postal Service determine the attributes of each [special] service including the customer's reasonable expectations of what is being purchased, and then design measurement systems considering these parameters.'' Order No. 140 at 34–35.

The Commission specifically commented on Special Services that include a barcode scan. The proposed measurement systems for Special Services that include a barcode scan were limited to only measuring the time between when delivery information was collected to when information was made available to the customer. This did not appear to be representative of the services that a customer had purchased or would expect, when considering that the proposed measurement systems would not pick up failures such as not scanning a mailpiece at delivery or attempted delivery, or a failure of the scanning equipment itself.

The Commission used Delivery Confirmation to demonstrate its specific concerns with the various barcode scan measurement systems. The Commission concluded that ''[a]t a minimum, the Postal Service must incorporate into its proposed measurement systems for Delivery Confirmation and other similar electronic systems a factor for the volume of services purchased versus the volume of services successfully completed.'' (Footnote omitted.) *Id.* at 34. The expectation is for this recommendation to be incorporated into all applicable barcode scan-based systems.

The Commission also focused on Certified Mail, Post Office Boxes, and Return Receipt in part because they account for nearly 70 percent of overall Special Services revenue. *Id.* at 33. The concerns with Certified Mail paralleled the concerns for Delivery Confirmation as presented above. The measurement approach proposed for Post Office Boxes was found acceptable. *Id.* at 35. Finally, the Commission expressed concerns with the proposed measurement system for Return Receipt. The Postal Service proposed to only measure electronic Return Receipt by using the same measurement system as it proposed for Delivery Confirmation. However, the vast majority of Return Receipt service is provided through delivery of the green Return Receipt card, which the Postal Service did not propose to measure in any way.

Order No. 140 concluded by approving the measurement approaches for Post Office Box Service, Insurance claims processing, Postal Money Order inquiry processing, and Address List Services. However, because of the concerns summarized above, it directed the Postal Service to ''proceed with external measurement of service performance for Certified, Return Receipt, and Delivery Confirmation or develop an alternative internal measurement system by June 2009.'' *Id.*

The Postal Service responded to the Commission's concerns on May 15, 2009 in a letter from Thomas G. Day, Senior Vice President, Intelligent Mail and Address Quality, United States Postal Service, to Dan G. Blair, Chairman, Postal Regulatory Commission.

Because of the similarities of the proposed measurement systems for Certified Mail and Delivery Confirmation, the Postal Service address both systems together. The Postal Service proposes to modify the measurement systems as suggested by the Commission.

> Accordingly, the Postal Service has modified its methodology for calculating on-time delivery-related information availability for Certified Mail and Delivery Confirmation services. In the denominator for calculating the percentage of pieces for which delivery-related information was made available within the 24-hour service standard, the Postal Service will include all pieces for which the delivery information service was purchased, irrespective of whether there is a delivery-related scan corresponding to each acceptance scan. The numerator will include only those pieces for which there was both a delivery scan and availability of delivery information within 24 hours of that delivery scan. Thus, for the universe of pieces for which there is an acceptance scan, the service measurement performance score will reflect the percentage of such pieces for which delivery-related information is obtained, and then provided to the sender within 24 hours. A failure to obtain delivery scan will be regarded as a Certified Mail or Delivery Confirmation service failure.

See May 15, 2009 Letter from Thomas G. Day, Attachment at 3. (Emphasis omitted.)

The Commission finds that the Postal Service's modified approach to measuring Certified Mail and Delivery Confirmation service is an improvement over its original proposals and should produce results that more accurately measure the expectations of customers purchasing the services. The Commission reiterates its expectation that the proposed solutions for Certified Mail and Delivery Confirmation service are to be incorporated into all similar barcode scan-based systems, where applicable.

The Postal Service proposes two systems for measuring the hard-copy green card Return Receipt service. First, it proposes to undertake an annual special study by employing ''an external vendor to periodically test transit times from induction to delivery for hard copy Return Receipt cards, using anonymous dropper/reporters who would drop the cards in collection boxes and other induction points throughout the postal network to simulate the deposit of Return Receipt green cards being mailed back to senders.'' *Id.* at 6. Second, it ''proposes to qualitatively measure hard copy Return Receipt customers' experiences versus their expectations.'' *Id.* at 8. This is proposed to be done through modification of existing Postal Service customer surveys.

It is noted that the Postal Service expresses concerns with implementing a green card Return Receipt service measurement system. First, it cites significant costs associated with making adjustments to existing systems or to

developing external measurement systems. Second, the Postal Service examines the feasibility of applying barcodes to the green cards, but dismisses this idea because it might cause a fundamental change in the product with cost and fee implications. Third, it examines an EXFC-based approach, but determines that the approach that it eventually proposes is more streamlined and economical. Finally, it discusses problems with the potential lag times involved in providing the service, and the inability of the Postal Service to ensure that the green cards are properly completed.

The Commission still finds the Postal Service's proposals for measuring the green card Return Receipt service lacking by not measuring the service expectations of a customer purchasing the service. The proposal to measure green card transit times by dropping green cards into the system does little more than measure the transit time of a First-Class Mail card. This information is readily available. The Postal Service proposal to survey customer satisfaction with green card Return Receipt service is a measure of customer satisfaction and not service performance. Reporting of customer satisfaction is reported separately under the PAEA.

Two sections in the *Domestic Mail Manual* appear particularly applicable to the expectations of customers purchasing green card Return Receipt:

> The mailpiece may not be opened or given to the recipient before the recipient signs and legibly prints his or her name on the delivery receipt (and return receipt, if applicable) and returns the receipt(s) to the USPS employee.

DMM section 508.1.1.7(b).

> A notice is left for a mailpiece that cannot be delivered. If the piece is not called for or redelivery is not requested, the piece is returned to the sender after 15 days (5 days for Express Mail, 30 days for COD) unless the sender specifies fewer days on the piece.

DMM section 508.1.1.7(f).

Paragraph 508.1.1.7(b) specifies what action the purchaser of the service expects from the Postal Service when presenting a mailpiece to a potential recipient. Simplistically, the recipient does not obtain possession of the mailpiece prior to the Postal Service employee obtaining a signature on the green card. Paragraph 508.1.1.7(f) specifies what action the purchaser of the service expects from the Postal Service if a signature cannot be obtained. It also places time constraints (not including transit times) on the performance of the service that also can be used in a measurement system.

The Commission recommends that the Postal Service develop a measurement system taking the above into consideration. An EXFC-based system would appear appropriate. Outgoing EXFC mail could be seeded with green Return Receipt cards. After mailing, a Postal Service employee would present the mailpiece to the potential recipient for signature. If a signature is obtained, the Postal Service employee would deposit the green card into the mail system for return to the sender. The original sender would record return of the green card and verify that it has been signed, if and when the card is received. If a signature is not obtained within the applicable timeframe, the Postal Service employee would return the unsigned mailpiece to the original sender. The original sender would record return of the mailpiece, if and when the mailpiece is received. A 25- to 30-day time limit could be placed for all events to occur; otherwise, a service failure would be recorded. On a quarterly basis, the Postal Service could report: (1) The number of EXFC seed mailpieces sent; (2) the percentage of green cards properly completed and returned (passing); (3) the percentage of green cards not properly completed, but returned (failure); (4) the percentage of mailpieces returned without a green card signature (passing); and (5) the percentage of the time the service receives a passing grade. This would be with respect to the applicable time limits as discussed above. On an annual basis, the Postal Service would report the percentage of the time the service receives a passing grade as part of the Ancillary Services score.

Many variations of the Commission's suggestion are possible. The Postal Service is instructed to provide a response, or suggestions of its own, in its reply to this rulemaking.

VI. Reporting of Customer Satisfaction

A. General Considerations

This rulemaking proposes to incorporate the rules for reporting of customer satisfaction into new subpart C—Annual Reporting of Customer Satisfaction of Part 3055—Service Performance and Customer Satisfaction Reporting of the Commission's rules of practice and procedure. The rules proposed for incorporation into subpart C appear after the signature of this Order. Table VII–4—Illustrative Customer Satisfaction Data Reporting Charts provides a visualization of the annual data reporting elements proposed by the rules through illustrative examples of data reporting charts. A rule-by-rule description of subpart C follows.

Section 3055.90 specifies the general requirement for the Postal Service to file a report on customer satisfaction as part of its annual compliance report, unless more frequent reporting is specifically requested. *See* 39 U.S.C. 3652(a)(2)(B)(ii).

B. Section 3055.91—Customer Access to Postal Services

Measuring customer access to postal services is an important aspect of customer satisfaction and a critical aspect of evaluating universal service. Section 3055.91 requires providing information covering four areas of customer access. First, it requests information on the number and types of post offices servicing the public. This also includes information on the number of post offices closed and the number of post offices subject to emergency suspensions during the year. This information is to be disaggregated by the types of post offices as appearing in the Postal Service's Annual Report. Second, it seeks information pertaining to the number and type of delivery points accessed by the Postal Service. Third, it requests information pertaining to the number of collection boxes accessed by the Postal Service. Finally, it seeks information on customer wait time in line for retail services.[25]

The rules propose reporting of customer access to postal services on an annual basis. While this frequency of reporting may suffice given a long-term outlook, customer access is currently a high visibility issue. News reports appear almost daily concerning potential post office closings and the removal of collection boxes. This has generated significant consumer and congressional interest evident by frequent inquiries received by the Commission. As with any data reporting requirement, the Commission also is aware that reporting requirements impose costs on the postal system. Additional systems may have to be put in place to obtain and report the requested customer access data items if such systems do not already exist.

As a compromise to obtaining current information and limiting long-term costs, the Commission suggests that in the short term, the Postal Service provide customer access data items on a quarterly basis. Once the current decline in mail volume ebbs and the Postal Service reaches its new state of equilibrium, annual reports should

[25] Statistics on wait time in line are of general interest and are to be reported separately as required by this section. It is understood that these statistics may be obtained through the Mystery Shopper Program, or other similar surveys, and also reported elsewhere.

suffice. This compromise would provide the Commission with the immediate information that it needs to be responsive to consumers and Congress without imposing undue costs or unnecessary burden on the Postal Service in the long run. The Commission seeks comments from the Postal Service and others on how best to keep the Commission apprised of these issues such that the Commission can fulfill its responsibilities in a knowledgeable manner.

C. Section 3055.92—Customer Satisfaction Surveys

The Postal Service regularly solicits feedback from its customers through a series of customer satisfaction surveys. The Postal Service has asserted that it intends to redesign its Customer Satisfaction Measurement Survey to meet the requirements of the PAEA and to generate customer satisfaction data on a product-by-product basis.[26] Any enlightened business will find it good practice to stay current on its customers' preferences and needs, including how its customers perceive existing product offerings and services. Properly obtaining and analyzing information from customers will prove extremely valuable in evaluating customer satisfaction as required by the PAEA, and as a necessary good business practice. Because product offerings and services along with customer perceptions will change over time, the form and content of customer satisfaction surveys also must change over time. Given the Commission's independent perspective and its role in providing an alternative avenue of obtaining customer input on postal services, the Commission offers its assistance to ensure that future consumer surveys produce reliable and meaningful information. Participation in this process may provide insight into more appropriate ways to report on customer satisfaction. The Postal Service is invited to comment on any future role the Commission might consider in this area.

Section 3055.92 requires the Postal Service to file with the Commission a copy of each type of survey instrument used in the preceding fiscal year, and to report a summary of the information obtained, on an annual basis. Where the Postal Service solicits information through multiple choice questions, it is required to provide additional detail by providing the number of responses obtained for each possible response. The summary of information obtained also must include a description of the customer type targeted by each distinct type of survey instrument, and statistics on the number of surveys initiated and the number of surveys returned to the Postal Service.

D. Section 3055.93—Mystery Shopper Program

The Postal Service currently conducts a Mystery Shopper Program to evaluate the performance of its retail postal facilities. The Commission has been made aware that the information gathered from this program is summarized and reported quarterly to Postal Service management through a National Executive Summary Report.

The importance of the Postal Service obtaining information on how its services are being provided is no less important than obtaining information on customer perceptions as discussed above concerning the customer satisfaction surveys. The Commission is aware that the Mystery Shopper Program is a management tool for developing proprietary information. The Commission also is aware of the necessity that the ''mystery'' of the program be maintained. These factors suggest that confidential treatment consistent with 39 CFR part 3007 will be appropriate for certain information developed by this program.

Section 3055.93 seeks information obtained from the Mystery Shopper Program. It requires the Postal Service to file a copy of the National Executive Summary Reports on a quarterly basis, along with each type of survey instrument used in preparing each report. The Postal Service is invited to identify any alternative obtainable information on its performance at retail facilities relevant to customer satisfaction that might serve as a satisfactory substitute.

E. Future Data Reporting Item

In Docket No. N2009–1, the Postal Service provided information on alternative access channels for obtaining postage and certain postal services. The Postal Service's response to PR/USPS–T1–8 provides percentages of revenues obtained through various ''brick and mortar'' and alternative access channels.[27] The Postal Service's response to PR/USPS–T1–1 provides a comparison of products that can be purchased in brick and mortar facilities and products that can be purchased online.[28]

The Postal Service may find that reporting of this information will provide a more balanced view of the current status of customer access to postal services. Reporting also may provide another avenue to promote the use of alternative access channels. The Commission seeks comments on the benefits of reporting this aspect of customer access and any proposal that the Postal Service may have on what and how any related data items can be reported.

VII. Supporting Information

Table VII–1—Market Dominant Product List as of August 10, 2009

Organizational class or group	Products
First-Class Mail	Single-Piece Letters/Postcards.
	Bulk Letters/Postcards.
	Flats.
	Parcels.
	Outbound Single-Piece First-Class Mail International.
	Inbound Single-Piece First-Class Mail International.
Standard Mail (Regular and Nonprofit)	High Density and Saturation Letters.
	High Density and Saturation Flats/Parcels.
	Carrier Route.
	Letters.
	Flats.

[26] Docket No. PI2008–1, Reply Comments of the United States Postal Service, February 1, 2008, at 11.

[27] Responses of United States Postal Service Witness VanGorder to Public Representative Interrogatories PR/USPS–T1–1–5, and 7(c–d), 8, July 27, 2009.

[28] United States Postal Service Notice of Errata in Filing of Response of Witness VanGorder to Public Representative Interrogatory PR/USPS–T1–1(a) [Errata], July 28, 2009.

Organizational class or group	Products
	Not Flat-Machinables (NFMs)/Parcels.
Periodicals	Within County Periodicals.
	Outside County Periodicals.
Package Services	Single-Piece Parcel Post.
	Inbound Surface Parcel Post (at UPU rates).
	Bound Printed Matter Flats.
	Bound Printed Matter Parcels.
	Media Mail/Library Mail.
Special Services	Ancillary Services (Components of Ancillary Services below product level).
	Address Correction Service.
	Applications and Mailing Permits.
	Business Reply Mail.
	Bulk Parcel Return Service.
	Certified Mail.
	Certificate of Mailing.
	Collect on Delivery.
	Delivery Confirmation.
	Insurance.
	Merchandise Return Service.
	Parcel Airlift (PAL).
	Registered Mail.
	Return Receipt.
	Return Receipt for Merchandise.
	Restricted Delivery.
	Shipper-Paid Forwarding.
	Signature Confirmation Service.
	Special Handling.
	Stamped Envelopes.
	Stamped Cards.
	Premium Stamped Stationery.
	Premium Stamped Cards.
	International Ancillary Services (Components of International Ancillary Services below product level).
	International Certificate of Mailing.
	International Registered Mail.
	International Return Receipt.
	International Restricted Delivery.
	International Insurance *.
	Customs Clearance and Delivery Fee *.
	Address List Services.
	Caller Service.
	Change-of-Address Credit Card Authentication.
	Confirm.
	International Reply Coupon Service.
	International Business Reply Mail Service.
	Money Orders.
	Post Office Box Service.
Negotiated Service Agreements **	Standard Mail Declining Block Rates (Organizational Subgroup) *.
	The Bradford Group Negotiated Service Agreement (Product).
	Life Line Screening Negotiated Service Agreement (Product) *.
	Barcode Mail Preparation Enhancement (Organizational Subgroup) *.
	Bank of America Corporation Negotiated Service Agreement (Product).
	Inbound International (Organizational Subgroup).
	Canada Post—United States Postal Service Contractual Bilateral.
	Agreement for Inbound Market Dominant Services (Product).
Nonpostal Services *	TBD *

* Items marked with an asterisk (*) appear in the draft Mail Classification Schedule, but not in the product list published in the CFR and periodically updated through *Federal Register* notices.

** The HSBC North America Holdings Inc. Negotiated Service Agreement product has expired as of November 1, 2008 and is not included in the above product list. The Bookspan Negotiated Service Agreement product has expired as of June 1, 2009 and is not included in the above product list.

Table VII–2—Illustrative Annual Report Data Reporting Charts

A. First-Class Mail On-Time Service Performance

First-class mail	Target	Percent on-time
Single-Piece Letters/Postcards		
Overnight	xx.x	xx.x
2-day	xx.x	xx.x
3/4/5-day	xx.x	xx.x
Bulk Letters/Postcards		
Overnight	xx.x	xx.x
2-day	xx.x	xx.x
3/4/5-day	xx.x	xx.x
Flats		
Overnight	xx.x	xx.x
2-day	xx.x	xx.x
3/4/5-day	xx.x	xx.x
Parcels		
Overnight	xx.x	xx.x
2-day	xx.x	xx.x
3/4/5-day	xx.x	xx.x
Outbound Single-Piece First-Class Mail International	xx.x	xx.x
Inbound Single-Piece First-Class Mail International	xx.x	xx.x

B. Standard Mail On-Time Service Performance

Standard mail	Target	Percent on-time
High Density and Saturation Letters	xx.x	xx.x
High Density and Saturation Flats/Parcels	xx.x	xx.x
Carrier Route	xx.x	xx.x
Letters	xx.x	xx.x
Flats	xx.x	xx.x
Not Flat-Machinables (NFMs)/Parcels	xx.x	xx.x

C. Periodicals On-Time Service Performance

Periodicals	Target	Percent on-time
Within County Periodicals	xx.x	xx.x
Outside County Periodicals	xx.x	xx.x

D. Package Services On-Time Service Performance

Package services	Target	Percent on-time
Single-Piece Parcel Post	xx.x	xx.x
Bound Printed Matter Flats	xx.x	xx.x
Bound Printed Matter Parcels	xx.x	xx.x
Media Mail/Library Mail	xx.x	xx.x
Inbound Surface Parcel Post (at UPU rates)	xx.x	xx.x

E. Special Services Performance

Special services	Target	Percent meeting target
Ancillary Services	xx.x	xx.x
International Ancillary Services	xx.x	xx.x
Address List Services	xx.x	xx.x
Caller Services	xx.x	xx.x
Change of Address Credit Card Authentication	xx.x	xx.x
Confirm	xx.x	xx.x
International Reply Coupon Service	xx.x	xx.x
International Business Reply Mail Service	xx.x	xx.x

Special services	Target	Percent meeting target
Money Orders	xx.x	xx.x
Post Office Box Service	xx.x	xx.x
Customized Postage	xx.x	xx.x
Stamp Fulfillment Services	xx.x	xx.x

Table VII–3—Illustrative Quarterly Report Data Reporting Charts

A. First-Class Mail

1. On-Time Service Performance

First-class mail	Overnight percent on-time	2-day percent on-time	3/4/5-day percent on-time
Single-Piece Letters/Postcards			
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x
District a	xx.x	xx.x	xx.x
* * * * *	*	*	
District z	xx.x	xx.x	xx.x
* * * * *	*	*	
Postal Administrative Area Level n	xx.x	xx.x	xx.x
District aa	xx.x	xx.x	xx.x
* * * * *	*	*	
District zz	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x
Bulk Letters/Postcards			
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x
District a	xx.x	xx.x	xx.x
* * * * *	*	*	
District z	xx.x	xx.x	xx.x
* * * * *	*	*	
Postal Administrative Area Level n	xx.x	xx.x	xx.x
District aa	xx.x	xx.x	xx.x
* * * * *	*	*	
District zz	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x
Flats			
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x
District a	xx.x	xx.x	xx.x
* * * * *	*	*	
District z	xx.x	xx.x	xx.x
* * * * *	*	*	
Postal Administrative Area Level n	xx.x	xx.x	xx.x
District aa	xx.x	xx.x	xx.x
* * * * *	*	*	
District zz	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x
Parcels			
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x
District a	xx.x	xx.x	xx.x
* * * * *	*	*	
District z	xx.x	xx.x	xx.x
* * * * *	*	*	
Postal Administrative Area Level n	xx.x	xx.x	xx.x
District aa	xx.x	xx.x	xx.x
* * * * *	*	*	
District zz	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x

First-class mail	Composite percent on-time
Outbound Single-Piece First-Class Mail International	
Postal Administrative Area Level No. 1	xx.x
* * * * * * *	
Postal Administrative Area Level n	xx.x
National	xx.x
Inbound Single-Piece First-Class Mail International	
Postal Administrative Area Level No. 1	xx.x
* * * * * * *	
Postal Administrative Area Level n	xx.x
National	xx.x

2. Mail Service Variance

First-class mail	Overnight (%)			2-day (%)			3/4/5-day (%)		
	Within +1 day	Within +2 days	Within +3 days	Within +1 day	Within +2 days	Within +3 days	Within +1 day	Within +2 days	Within +3 days
Single-Piece Letters/Postcards									
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District a	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * * * * * *									
District z	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * * * * * *									
Postal Administrative Area Level n	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District aa	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * * * * * *									
District zz	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
Bulk Letters/Postcards									
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District a	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * * * * * *									
District z	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * * * * * *									
Postal Administrative Area Level n	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District aa	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * * * * * *									
District zz	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
Flats									
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District a	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * * * * * *									
District z	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * * * * * *									
Postal Administrative Area Level n	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District aa	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * * * * * *									
District zz	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x

2. Mail Service Variance

First-class mail	Overnight (%)			2-day (%)			3/4/5-day (%)		
	Within +1 day	Within +2 days	Within +3 days	Within +1 day	Within +2 days	Within +3 days	Within +1 day	Within +2 days	Within +3 days
Parcels									
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District a	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * * * * * *									
District z	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * * * * * *									
Postal Administrative Area Level n	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District aa	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * * * * * *									
District zz	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x

First-class mail	Composite (%)		
	Within +1 day	Within +2 days	Within +3 days
Outbound Single-Piece First-Class Mail International			
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x
* * * * * * *			
Postal Administrative Area Level n	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x
Inbound Single-Piece First-Class Mail International			
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x
* * * * * * *			
Postal Administrative Area Level n	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x

B. Standard Mail On-Time Service Performance

1. On-Time Service Performance

Standard mail	Destination entry		End-to-end	
	2-day through 4-day percent on-time	5-day through 10-day percent on-time	3-day through 5-day percent on-time	6-day through 22-day percent on-time
High Density and Saturation Letters				
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x	xx.x
District a	xx.x	xx.x	xx.x	xx.x
* * * * * * *				
District z	xx.x	xx.x	xx.x	xx.x
* * * * * * *				
Postal Administrative Area Level n	xx.x	xx.x	xx.x	xx.x
District aa	xx.x	xx.x	xx.x	xx.x
* * * * * * *				
District zz	xx.x	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x	xx.x
High Density and Saturation Flats/Parcels				
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x	xx.x
District a	xx.x	xx.x	xx.x	xx.x
* * * * * * *				
District z	xx.x	xx.x	xx.x	xx.x
* * * * * * *				
Postal Administrative Area Level n	xx.x	xx.x	xx.x	xx.x
District aa	xx.x	xx.x	xx.x	xx.x
* * * * * * *				
District zz	xx.x	xx.x	xx.x	xx.x

Standard mail	Destination entry		End-to-end	
	2-day through 4-day percent on-time	5-day through 10-day percent on-time	3-day through 5-day percent on-time	6-day through 22-day percent on-time
National	xx.x	xx.x	xx.x	xx.x
Carrier Route				
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x	xx.x
District a	xx.x	xx.x	xx.x	xx.x
* * * *	*	*		*
District z	xx.x	xx.x	xx.x	xx.x
* * * *	*	*		*
Postal Administrative Area Level n	xx.x	xx.x	xx.x	xx.x
District aa	xx.x	xx.x	xx.x	xx.x
* * * *	*	*		*
District zz	xx.x	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x	xx.x

Standard mail	Destination entry		End-to-end	
	2-day through 4-day percent on-time	5-day through 10-day percent on-time	3-day through 5-day percent on-time	6-day through 22-day percent on-time
Letters				
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x	xx.x
District a	xx.x	xx.x	xx.x	xx.x
* * * *	*	*		*
District z	xx.x	xx.x	xx.x	xx.x
* * * *	*	*		*
Postal Administrative Area Level n	xx.x	xx.x	xx.x	xx.x
District aa	xx.x	xx.x	xx.x	xx.x
* * * *	*	*		*
District zz	xx.x	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x	xx.x
Flats				
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x	xx.x
District a	xx.x	xx.x	xx.x	xx.x
* * * *	*	*		*
District z	xx.x	xx.x	xx.x	xx.x
* * * *	*	*		*
Postal Administrative Area Level n	xx.x	xx.x	xx.x	xx.x
District aa	xx.x	xx.x	xx.x	xx.x
* * * *	*	*		*
District zz	xx.x	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x	xx.x
Not Flat-Machinables (NFMs)/Parcels				
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x	xx.x
District a	xx.x	xx.x	xx.x	xx.x
* * * *	*	*		*
District z	xx.x	xx.x	xx.x	xx.x
* * * *	*	*		*
Postal Administrative Area Level n	xx.x	xx.x	xx.x	xx.x
District aa	xx.x	xx.x	xx.x	xx.x
* * * *	*	*		*
District zz	xx.x	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x	xx.x

2. Mail Service Variance

Standard mail	Destination entry (%)						End-to-end (%)					
	2-day through 4-day			5-day through 10-day			3-day through 5-day			6-day through 22-day		
	Within +1 day	Within +2 days	Within +3 days	Within +1 day	Within +2 days	Within +3 days	Within +1 day	Within +2 days	Within +3 days	Within +1 day	Within +2 days	Within +3 days
High Density and Saturation Letters												
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District a	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* *		*		*		*		*		*		
District z	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* *		*		*		*		*		*		
Postal Administrative Area Level n	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District aa	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* *		*		*		*		*		*		
District zz	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
High Density and Saturation Flats/Parcels												
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District a	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* *		*		*		*		*		*		
District z	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* *		*		*		*		*		*		
Postal Administrative Area Level n	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District aa	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* *		*		*		*		*		*		
District zz	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x

Standard mail	Destination entry (%)						End-to-end (%)					
	2-day through 4-day			5-day through 10-day			3-day through 5-day			6-day through 22-day		
	Within +1 day	Within +2 days	Within +3 days	Within +1 day	Within +2 days	Within +3 days	Within +1 day	Within +2 days	Within +3 days	Within +1 day	Within +2 days	Within +3 days
Carrier Route												
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District a	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* *		*		*		*		*		*		
District z	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* *		*		*		*		*		*		
Postal Administrative Area Level n	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District aa	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* *		*		*		*		*		*		
District zz	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
Letters												
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District a	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* *		*		*		*		*		*		
District z	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* *		*		*		*		*		*		
Postal Administrative Area Level n	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District aa	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* *		*		*		*		*		*		
District zz	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x

Standard mail	Destination entry (%)						End-to-end (%)					
	2-day through 4-day			5-day through 10-day			3-day through 5-day			6-day through 22-day		
	Within +1 day	Within +2 days	Within +3 days	Within +1 day	Within +2 days	Within +3 days	Within +1 day	Within +2 days	Within +3 days	Within +1 day	Within +2 days	Within +3 days
Flats												
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District a	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* *		*		*		*		*		*		
District z	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x

Standard mail	Destination entry (%)						End-to-end (%)					
	2-day through 4-day			5-day through 10-day			3-day through 5-day			6-day through 22-day		
	Within +1 day	Within +2 days	Within +3 days	Within +1 day	Within +2 days	Within +3 days	Within +1 day	Within +2 days	Within +3 days	Within +1 day	Within +2 days	Within +3 days
* * *		*		*		*		*		*		
Postal Administrative Area Level n	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District aa	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * *		*		*		*		*		*		
District zz	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
Not Flat-Machinables (NFMs)/Parcels												
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District a	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * *		*		*		*		*		*		
District z	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * *		*		*		*		*		*		
Postal Administrative Area Level n	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District aa	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * *		*		*		*		*		*		
District zz	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x

C. Periodicals

1. On-Time Service Performance

Periodicals	Composite percent on-time
Within County Periodicals	
Postal Administrative Area Level No. 1	xx.x
* * * * * * *	
Postal Administrative Area Level n	xx.x
National	xx.x

Periodicals	Destination entry percent on-time	End-to-end percent on-time
Outside County Periodicals		
Postal Administrative Area Level No. 1	xx.x	xx.x
* * * * * * *		
Postal Administrative Area Level n	xx.x	xx.x
National	xx.x	xx.x

2. Mail Service Variance

Periodicals	Composite (%)		
	Within +1 day	Within +2 days	Within +3 days
Within County Periodicals			
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x
* * * * * * *			
Postal Administrative Area Level n	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x

Periodicals	Destination entry (%)			End-to-end (%)		
	Within +1 day	Within +2 days	Within +3 days	Within +1 day	Within +2 days	Within +3 days
Outside County Periodicals						
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x

Periodicals	Destination entry (%)			End-to-end (%)		
	Within +1 day	Within +2 days	Within +3 days	Within +1 day	Within +2 days	Within +3 days
* * * * * * *						
Postal Administrative Area Level n	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x

D. Package Services On-Time Service Performance

1. On-Time Service Performance

Package services	2-day through 4-day percent on-time	5-day through 20-day percent on-time
Single-Piece Parcel Post		
Postal Administrative Area Level No. 1	xx.x	xx.x
District a	xx.x	xx.x
* * * * * * *		
District z	xx.x	xx.x
* * * * * * *		
Postal Administrative Area Level n	xx.x	xx.x
District aa	xx.x	xx.x
* * * * * * *		
District zz	xx.x	xx.x
National	xx.x	xx.x

Package services	Destination entry percent on-time	End-to-end percent on-time
Bound Printed Matter Flats		
Postal Administrative Area Level No. 1	xx.x	xx.x
District a	xx.x	xx.x
* * * * * * *		
District z	xx.x	xx.x
* * * * * * *		
Postal Administrative Area Level n	xx.x	xx.x
District aa	xx.x	xx.x
* * * * * * *		
District zz	xx.x	xx.x
National	xx.x	xx.x
Bound Printed Matter Parcels		
Postal Administrative Area Level No. 1	xx.x	xx.x
District a	xx.x	xx.x
* * * * * * *		
District z	xx.x	xx.x
* * * * * * *		
Postal Administrative Area Level n	xx.x	xx.x
District aa	xx.x	xx.x
* * * * * * *		
District zz	xx.x	xx.x
National	xx.x	xx.x
Media Mail/Library Mail		
Postal Administrative Area Level No. 1	xx.x	xx.x
District a	xx.x	xx.x
* * * * * * *		
District z	xx.x	xx.x
* * * * * * *		
Postal Administrative Area Level n	xx.x	xx.x
District aa	xx.x	xx.x

Package services	Destination entry percent on-time	End-to-end percent on-time
* * * * * * *		
District zz	xx.x	xx.x
National	xx.x	xx.x

Package services	Composite percent on-time
Inbound Surface Parcel Post (at UPU rates)	
Postal Administrative Area Level No. 1	xx.x
* * * * * * *	
Postal Administrative Area Level n	xx.x
National	xx.x

2. Mail Service Variance

Package services	2-day through 4-day (%)			5-day through 20-day (%)		
	Within +1 day	Within +2 days	Within +3 days	Within +1 day	Within +2 days	Within +3 days
Single-Piece Parcel Post						
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District a	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * * * * * *						
District z	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * * * * * *						
Postal Administrative Area Level n	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District aa	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * * * * * *						
District zz	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x

Package services	Destination entry (%)			End-to-end (%)		
	Within +1 day	Within +2 days	Within +3 days	Within +1 day	Within +2 days	Within +3 days
Bound Printed Matter Flats						
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District a	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * * * * * *						
District z	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * * * * * *						
Postal Administrative Area Level n	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District aa	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * * * * * *						
District zz	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
Bound Printed Matter Parcels						
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District a	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * * * * * *						
District z	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * * * * * *						
Postal Administrative Area Level n	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District aa	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * * * * * *						
District zz	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
Media Mail/Library Mail						
Postal Administrative Area Level 1	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District a	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x

Package services	Destination entry (%)			End-to-end (%)		
	Within +1 day	Within +2 days	Within +3 days	Within +1 day	Within +2 days	Within +3 days
* * *	*	*	*	*	*	*
District z	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * *	*	*	*	*	*	*
Postal Administrative Area Level n	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
District aa	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
* * *	*	*	*	*	*	*
District zz	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x	xx.x	xx.x	xx.x

2. Mail Service Variance

Package services	Composite (%)		
	Within +1 day	Within +2 days	Within +3 days
Inbound Surface Parcel Post (at UPU rates)			
Postal Administrative Area Level No. 1	xx.x	xx.x	xx.x
* * * * *	*	*	*
Postal Administrative Area Level n	xx.x	xx.x	xx.x
National	xx.x	xx.x	xx.x

E. Special Services Performance

Special services	% Meeting target [1]
Ancillary Services	xx.x
Certified Mail	xx.x
Return Receipt (electronic)	xx.x
Return Receipt (green card)	xx.x
Number of seed mailpieces	x (number of mailpieces)
Green cards properly completed and returned	xx.x (%)
Green cards not properly completed, but returned	xx.x (%)
Mailpieces returned without green card signature	xx.x (%)
Delivery Confirmation	xx.x
Insurance	xx.x
All other Ancillary Services combined	xx.x
International Ancillary Services	xx.x
Address List Services	xx.x
Caller Services	xx.x
Change of Address Credit Card Authentication	xx.x
Confirm	xx.x
International Reply Coupon Service	xx.x
International Business Reply Mail Service	xx.x
Money Orders	xx.x
Post Office Box Service	
Postal Administrative Area Level No. 1	xx.x
District a	x.xx
* * * * * *	*
District z	x.xx
* * * * * *	*
Postal Administrative Area Level n	x.xx
District aa	x.xx
* * * * * *	*
District z	x.xx
National	x.xx
Customized Postage	xx.x
Stamp Fulfillment Services	xx.x

[1] % Meeting Target except where noted.

Table VII–4—Illustrative Customer Satisfaction Data Reporting Charts

Post offices, stations and branches	Facilities (number)			Emergency suspensions (number)		
	Beginning of fiscal year	End of fiscal year	Closed during the fiscal year	In effect at beginning of fiscal year	In effect at end of fiscal year	Initiated during the fiscal year
Post Offices:						
Postal Administrative Area Level No. 1	x	x	x	x	x	x
* *	*	*	*	*	*	*
Postal Administrative Area Level n	x	x	x	x	x	x
National	x	x	x	x	x	x
Classified Stations, Branches, and Carrier Annexes:						
Postal Administrative Area Level No. 1	x	x	x	x	x	x
* *	*	*	*	*	*	*
Postal Administrative Area Level n	x	x	x	x	x	x
National	x	x	x	x	x	x
Contract Postal Units:						
Postal Administrative Area Level No. 1	x	x	x	x	x	x
* *	*	*	*	*	*	*
Postal Administrative Area Level n	x	x	x	x	x	x
National	x	x	x	x	x	x
Community Post Offices:						
Postal Administrative Area Level No. 1	x	x	x	x	x	x
* *	*	*	*	*	*	*
Postal Administrative Area Level n	x	x	x	x	x	x
National	x	x	x	x	x	x

Residential delivery points	Beginning of fiscal year (number)	End of fiscal year (number)
City Delivery:		
Postal Administrative Area Level No. 1	x	x
* * * * *	*	*
Postal Administrative Area Level n	x	x
National	x	x
Rural:		
Postal Administrative Area Level No. 1	x	x
* * * * *	*	*
Postal Administrative Area Level n	x	x
National	x	x
P.O. Box:		
Postal Administrative Area Level No. 1	x	x
* * * * *	*	*
Postal Administrative Area Level n	x	x
National	x	x
Highway Contract:		
Postal Administrative Area Level No. 1	x	x
* * * * *	*	*
Postal Administrative Area Level n	x	x
National	x	x

Business delivery points	Beginning of fiscal year (number)	End of fiscal year (number)
City Delivery:		
Postal Administrative Area Level No. 1	x	x

Business delivery points	Beginning of fiscal year (number)	End of fiscal year (number)
* * * * *	*	*
Postal Administrative Area Level n	x	x
National	x	x
Rural:		
Postal Administrative Area Level No. 1	x	x
* * * * *	*	*
Postal Administrative Area Level n	x	x
National	x	x
P.O. Box:		
Postal Administrative Area Level No. 1	x	x
* * * * *	*	*
Postal Administrative Area Level n	x	x
National	x	x
Highway Contract:		
Postal Administrative Area Level No. 1	x	x
* * * * *	*	*
Postal Administrative Area Level n	x	x
National	x	x

Collection boxes	Beginning of fiscal year (number)	End of fiscal year (number)	Removed during fiscal year (number)	Added during fiscal year (number)
Postal Administrative Area Level No. 1	x	x	x	x
* * * * *	*	*	*	*
Postal Administrative Area Level n	x	x	x	x
National	x	x	x	x

Wait time in line	Beginning of fiscal year (minutes)	End of first quarter (minutes)	End of second quarter (minutes)	End of third quarter (minutes)	End of fiscal year (minutes)
Postal Administrative Area Level No. 1	x	x	x	x	x
* * * * *	*	*	*	*	*
Postal Administrative Area Level n	x	x	x	x	x
National	x	x	x	x	x

VIII. Designation of Public Representatives

Pursuant to 39 U.S.C. 505, Emmett Rand Costich and James Callow are designated as the Public Representatives in this proceeding to represent the interests of the general public.

IX. Solicitation of Comments

Interested persons are invited to comment on the rules proposed in this rulemaking. Comments are due no later than 30 days after publication of this Order in the **Federal Register.** Reply comments are due no later than 60 days after publication of this Order in the **Federal Register.**

X. Ordering Paragraphs

It is ordered:

1. The Commission proposes to amend its rules of practice and procedure by adding new part 3055—Service Performance and Customer Satisfaction Reporting. This part is subdivided into Subpart A—Annual Reporting of Service Performance Achievements, Subpart B—Periodic Reporting of Service Performance Achievements, and Subpart C—Annual Reporting of Customer Satisfaction.

2. Docket No. RM2009–11 is established to consider the above changes to the Commission's rules of practice and procedure.

3. Interested persons may file initial comments no later than 30 days after publication of this order in the **Federal Register**.

4. Interested persons may file reply comments no later than 60 days after publication of this order in the **Federal Register**.

5. Pursuant to 39 U.S.C. 505, Emmett Rand Costich and James Callow are designated as the Public Representatives in this proceeding to represent the interests of the general public.

6. The Secretary shall arrange for publication of this order in the **Federal Register**.

List of Subjects in 39 CFR Part 3055

Administrative practice and procedure, Postal Service, Reporting and recordkeeping requirements.

By the Commission.

Shoshana M. Grove,

Secretary.

For the reasons stated in the preamble, under the authority at 39 U.S.C. 503, the Postal Regulatory Commission proposes to amend 39 CFR chapter III by adding part 3055 to read as follows:

PART 3055—SERVICE PERFORMANCE AND CUSTOMER SATISFACTION REPORTING

Sec.

3055.1 Annual reporting of service performance achievements.
3055.2 Contents of the annual report of service performance achievements.
3055.3 Reporting exceptions.
3055.4 Internal measurement systems.

3055.5 Changes to measurement systems, service standards, service goals or reporting methodologies.
3055.6 Addition of new market dominant products or changes to existing market dominant products.
3055.7 Special study.
3055.8 [Reserved]
3055.9 [Reserved]
3055.10 [Reserved]
3055.11 [Reserved]
3055.12 [Reserved]
3055.13 [Reserved]
3055.14 [Reserved]
3055.15 [Reserved]
3055.16 [Reserved]
3055.17 [Reserved]
3055.18 [Reserved]
3055.19 [Reserved]
3055.20 First-Class Mail.
3055.21 Standard Mail.
3055.22 Periodicals.
3055.23 Package Services.
3055.24 Special Services.
3055.25 Nonpostal products [Reserved]
3055.26 [Reserved]
3055.27 [Reserved]
3055.28 [Reserved]
3055.29 [Reserved]
3055.30 Periodic reporting of service performance achievements.
3055.31 Contents of the Quarterly Report of service performance achievements.
3055.32 Measurement systems using a delivery factor.
3055.33 [Reserved]
3055.34 [Reserved]
3055.35 [Reserved]
3055.36 [Reserved]
3055.37 [Reserved]
3055.38 [Reserved]
3055.39 [Reserved]
3055.40 [Reserved]
3055.41 [Reserved]
3055.42 [Reserved]
3055.43 [Reserved]
3055.44 [Reserved]
3055.45 First-Class Mail.
3055.46 [Reserved]
3055.47 [Reserved]
3055.48 [Reserved]
3055.49 [Reserved]
3055.50 Standard Mail.
3055.51 [Reserved]
3055.52 [Reserved]
3055.53 [Reserved]
3055.54 [Reserved]
3055.55 Periodicals.
3055.56 [Reserved]
3055.57 [Reserved]
3055.58 [Reserved]
3055.59 [Reserved]
3055.60 Package Services.
3055.61 [Reserved]
3055.62 [Reserved]
3055.63 [Reserved]
3055.64 [Reserved]
3055.65 Special Services.
3055.66 [Reserved]
3055.67 [Reserved]
3055.68 [Reserved]
3055.69 [Reserved]
3055.70 Nonpostal products [Reserved]
3055.71 [Reserved]
3055.72 [Reserved]
3055.73 [Reserved]
3055.74 [Reserved]
3055.75 [Reserved]
3055.76 [Reserved]
3055.77 [Reserved]
3055.78 [Reserved]
3055.79 [Reserved]
3055.80 [Reserved]
3055.81 [Reserved]
3055.82 [Reserved]
3055.83 [Reserved]
3055.84 [Reserved]
3055.85 [Reserved]
3055.86 [Reserved]
3055.87 [Reserved]
3055.88 [Reserved]
3055.89 [Reserved]
3055.90 Reporting of customer satisfaction.
3055.91 Consumer access to postal services.
3055.92 Customer Satisfaction Surveys.
3055.93 Mystery Shopper Program.

Authority: 39 U.S.C. 503; 3651, 3652.

PART 3055—SERVICE PERFORMANCE AND CUSTOMER SATISFACTION REPORTING

Subpart A—Annual Reporting of Service Performance Achievements

§ 3055.1 Annual reporting of service performance achievements.

For each market dominant product specified in the Mail Classification Schedule in part 3020, appendix A to subpart A of part 3020 of this chapter, the Postal Service shall file a report as part of the section 3652 report addressing service performance achievements for the preceding fiscal year.

§ 3055.2 Contents of the annual report of service performance achievements.

(a) The items in paragraphs (b) through (j) of this section shall be included in the annual report of service performance achievements.

(b) The class or group-specific reporting requirements specified in §§ 3055.20 through 3055.25.

(c) The applicable service standard(s) for each product.

(d) The applicable service goal(s) for each product.

(e) A description of the measurement system for each product, including:

(1) A description of what is being measured;

(2) A description of the system used to obtain each measurement;

(3) A description of the methodology used to develop reported data from measured data;

(4) A description of any changes to the measurement system or data reporting methodology implemented within the reported fiscal year; and

(5) Where proxies are used, a description of and justification for the use of each proxy.

(f) A description of the statistical validity and reliability of the results for each measured product.

(g) A description of how the sampled data represents the national geographic mail characteristics or behavior of the product.

(h) The identification of each product, or component of a product, granted an exception from reporting pursuant to § 3055.3, and a certification that the rationale for originally granting the exception remains valid.

(i) Documentation showing how data reported at a given level of aggregation were derived from data reported at the next level of aggregation. Such documentation shall be in electronic format with all data links preserved. It shall show all formulas used, including volumes and other weighting factors.

(j) For each product, documentation showing how the reports required by subpart A of this part were derived from the reports required by subpart B of this part. Such documentation shall be in electronic format with all data links preserved. It shall show all formulas used, including volumes and other weighting factors.

§ 3055.3 Reporting exceptions.

(a) The Postal Service may petition the Commission to request that a product, or component of a product, be excluded from reporting, provided the Postal Service demonstrates that:

(1) The cost of implementing a measurement system would be prohibitive in relation to the revenue generated by the product, or component of a product;

(2) The product, or component of a product, defies meaningful measurement; or

(3) The product, or component of a product, is in the form of a negotiated service agreement with substantially all components of the agreement included in the measurement of other products.

(b) The Postal Service shall identify each product or component of a product granted an exception in each report required under subparts A or B of this part, and certify that the rationale for originally granting the exception remains valid.

§ 3055.4 Internal measurement systems.

Service performance measurements obtained from internal measurement systems or hybrid measurement systems (which are defined as systems that rely on both an internal and an external measurement component) shall not be used to comply with any reporting requirement under subparts A or B of this part without prior Commission approval.

§ 3055.5 Changes to measurement systems, service standards, service goals or reporting methodologies.

The Postal Service shall file notice with the Commission describing all changes to measurement systems, service standards, service goals or reporting methodologies, including the use of proxies for reporting service performance, 30 days prior to planned implementation. The Commission may initiate a proceeding to consider such changes if it appears that the changes might have a material impact on the accuracy, reliability, or utility of the reported measurement, or if the changes might have a material impact on the characteristics of the underlying product.

§ 3055.6 Addition of new market dominant products or changes to existing market dominant products.

Whenever the Postal Service proposes the addition of a new market dominant product or a change to an existing market dominant product, it also shall propose new or revised (as necessary) service performance measurement systems, service standards, service goals, data reporting elements, and data reporting methodologies.

§ 3055.7 Special study.

Included in the second section 3652 report due after this rule becomes final, and every 2 years thereafter, the Postal Service shall provide a report, by class of mail, on delivery performance to remote areas of the Alaska, Caribbean, and Honolulu districts.

§ 3055.8 [Reserved]

§ 3055.9 [Reserved]

§ 3055.10 [Reserved]

§ 3055.11 [Reserved]

§ 3055.12 [Reserved]

§ 3055.13 [Reserved]

§ 3055.14 [Reserved]

§ 3055.15 [Reserved]

§ 3055.16 [Reserved]

§ 3055.17 [Reserved]

§ 3055.18 [Reserved]

§ 3055.19 [Reserved]

§ 3055.20 First-Class Mail.

(a) *Single-Piece Letters/Postcards, Bulk Letters/Postcards, Flats, and Parcels.* For each of the Single-Piece Letters/Postcards, Bulk Letters/Postcards, Flats, and Parcels products within the First-Class Mail class, report the on-time service performance (as a percentage rounded to one decimal place), disaggregated by mail subject to the overnight, 2-day, and 3/4/5-day service standards.

(b) *Outbound Single-Piece First-Class Mail International and Inbound Single-Piece First-Class Mail International.* For each of the Outbound Single-Piece First-Class Mail International and Inbound Single-Piece First-Class Mail International products within the First-Class Mail class, report the on-time service performance (as a percentage rounded to one decimal place).

§ 3055.21 Standard Mail.

For each product within the Standard Mail class, report the on-time service performance (as a percentage rounded to one decimal place).

§ 3055.22 Periodicals.

For each product within the Periodicals class, report the on-time service performance (as a percentage rounded to one decimal place).

§ 3055.23 Package Services.

For each product within the Package Services class, report the on-time service performance (as a percentage rounded to one decimal place).

§ 3055.24 Special Services.

For each product within the Special Services group, report the percentage of time (rounded to one decimal place) that each product meets or exceeds its service standard.

§ 3055.25 Nonpostal products [Reserved]

§ 3055.26 [Reserved]

§ 3055.27 [Reserved]

§ 3055.28 [Reserved]

§ 3055.29 [Reserved]

Subpart B—Periodic Reporting of Service Performance Achievements

§ 3055.30 Periodic reporting of service performance achievements.

For each market dominant product specified in the Mail Classification Schedule in part 3020, appendix A to subpart A of part 3020 of this chapter, the Postal Service shall file a Quarterly Report with the Commission addressing service performance achievements for the preceding fiscal quarter (within 40 days of the close of each fiscal quarter).

§ 3055.31 Contents of the Quarterly Report of service performance achievements.

(a) The items in paragraphs (b) through (e) of this section shall be included in the quarterly report of service performance achievements.

(b) The class or group-specific reporting items specified in §§ 3055.45 through 3055.70.

(c) The identification of each product, or component of a product, granted an exception from reporting pursuant to § 3055.3, and a certification that the rationale for originally granting the exception remains valid.

(d) Documentation showing how data reported at a given level of aggregation were derived from data reported at the next level of aggregation. Such documentation shall be in electronic format with all data links preserved. It shall show all formulas used, including volumes and other weighting factors.

(e) A year-to-date aggregation of each data item provided in each Quarterly Report due for the reported fiscal year, where applicable, including volumes and other weighting factors provided in electronic format, with formulas shown and data links preserved to allow traceability to individual Quarterly Reports.

§ 3055.32 Measurement systems using a delivery factor.

For measurements that include a delivery factor, the duration of the delivery factor also shall be presented independent of the total measurement.

§ 3055.33 [Reserved]

§ 3055.34 [Reserved]

§ 3055.35 [Reserved]

§ 3055.36 [Reserved]

§ 3055.37 [Reserved]

§ 3055.38 [Reserved]

§ 3055.39 [Reserved]

§ 3055.40 [Reserved]

§ 3055.41 [Reserved]

§ 3055.42 [Reserved]

§ 3055.43 [Reserved]

§ 3055.44 [Reserved]

§ 3055.45 First-Class Mail.

(a) *Single-Piece Letters/Postcards, Bulk Letters/Postcards, Flats, and Parcels.* For each of the Single-Piece Letters/Postcards, Bulk Letters/Postcards, Flats, and Parcels products within the First-Class Mail class, report the:

(1) On-time service performance (as a percentage rounded to one decimal place), disaggregated by mail subject to the overnight, 2-day, and 3/4/5-day service standards, provided at the District, Postal Administrative Area, and National levels; and

(2) Service variance (as a percentage rounded to one decimal place) for mail delivered within +1 day, +2 days, and +3 days of its applicable service standard, disaggregated by mail subject to the overnight, 2-day, and 3/4/5-day service standards, provided at the District, Postal Administrative Area, and National levels.

(b) *Outbound Single-Piece First-Class Mail International and Inbound Single-Piece First-Class Mail International.* For each of the Outbound Single-Piece First-Class Mail International and Inbound Single-Piece First-Class Mail International products within the First-Class Mail class, report the:

(1) On-time service performance (as a percentage rounded to one decimal place), provided at the Postal Administrative Area and National levels; and

(2) Service variance (as a percentage rounded to one decimal place) for mail delivered within +1 day, +2 days, and +3 days of its applicable service standard, provided at the Postal Administrative Area and National levels.

§ 3055.46 [Reserved]

§ 3055.47 [Reserved]

§ 3055.48 [Reserved]

§ 3055.49 [Reserved]

§ 3055.50 Standard Mail.

(a) For each product within the Standard Mail class, report the on-time service performance (as a percentage rounded to one decimal place), disaggregated by the Destination Entry (2-day through 4-day), Destination Entry (5-day through 10-day), End-to-End (3-day through 5-day), and End-to-End (6-day through 22-day) entry mail/service standards, provided at the District, Postal Administrative Area, and National levels.

(b) For each product within the Standard Mail class, report the service variance (as a percentage rounded to one decimal place) for mail delivered within +1 day, +2 days, and +3 days of its applicable service standard, disaggregated by the Destination Entry (2-day through 4-day), Destination Entry (5-day through 10-day), End-to-End (3-day through 5-day), and End-to-End (6-day through 22-day) entry mail/service standards, provided at the District, Postal Administrative Area, and National levels.

§ 3055.51 [Reserved]

§ 3055.52 [Reserved]

§ 3055.53 [Reserved]

§ 3055.54 [Reserved]

§ 3055.55 Periodicals.

(a) *Within County Periodicals.* For the Within County Periodicals product within the Periodicals class, report the:

(1) On-time service performance (as a percentage rounded to one decimal place), provided at the Postal Administrative Area and National levels; and

(2) Service variance (as a percentage rounded to one decimal place) for mail delivered within +1 day, +2 days, and +3 days of its applicable service standard, provided at the Postal Administrative Area and National levels.

(b) *Outside County Periodicals.* For the Outside County Periodicals product within the Periodicals class, report the:

(1) On-time service performance (as a percentage rounded to one decimal place), disaggregated by the Destination Entry and End-to-End entry mail, provided at the Postal Administrative Area and National levels; and

(2) Service variance (as a percentage rounded to one decimal place) for mail delivered within +1 day, +2 days, and +3 days of its applicable service standard, disaggregated by the Destination Entry and End-to-End entry mail, provided at the Postal Administrative Area and National levels.

§ 3055.56 [Reserved]

§ 3055.57 [Reserved]

§ 3055.58 [Reserved]

§ 3055.59 [Reserved]

§ 3055.60 Package Services.

(a) *Single-Piece Parcel Post.* For the Single-Piece Parcel Post product within the Package Services class, report the:

(1) On-time service performance (as a percentage rounded to one decimal place), disaggregated by mail subject to the 2-day through 4-day and 5-day through 20-day service standards, provided at the District, Postal Administrative Area, and National levels; and

(2) Service variance (as a percentage rounded to one decimal place) for mail delivered within +1 day, +2 days, and +3 days of its applicable service standard, disaggregated by mail subject to the 2-day through 4-day and 5-day through 20-day service standards, provided at the District, Postal Administrative Area, and National levels.

(b) *Bound Printed Matter Flats, Bound Printed Matter Parcels, and Media Mail/Library Mail.* For each of the Bound Printed Matter Flats, Bound Printed Matter Parcels, and Media Mail/Library Mail products within the Package Services class, report the:

(1) On-time service performance (as a percentage rounded to one decimal place), disaggregated by the Destination Entry and End-to-End entry mail, provided at the District, Postal Administrative Area, and National levels; and

(2) Service variance (as a percentage rounded to one decimal place) for mail delivered within +1 day, +2 days, and +3 days of its applicable service standard, disaggregated by the Destination Entry and End-to-End entry mail, provided at the District, Postal Administrative Area, and National levels.

(c) *Inbound Surface Parcel Post (at UPU rates).* For the Inbound Surface Parcel Post (at UPU rates) product within the Package Services class, report the:

(1) On-time service performance (as a percentage rounded to one decimal place), provided at the Postal Administrative Area and National levels; and

(2) Service variance (as a percentage rounded to one decimal place) for mail delivered within +1 day, +2 days, and +3 days of its applicable service standard, provided at the Postal Administrative Area and National levels.

§ 3055.61 [Reserved]

§ 3055.62 [Reserved]

§ 3055.63 [Reserved]

§ 3055.64 [Reserved]

§ 3055.65 Special Services.

(a) For each product within the Special Services group, report the percentage of time (rounded to one decimal place) that each product meets or exceeds its service standard, provided at the National level.

(b) *Additional reporting for Ancillary Services.* For the Certified Mail, electronic Return Receipt, Delivery Confirmation, Insurance, and an aggregation of all other services within the Ancillary Services product, individually report the percentage of time (rounded to one decimal place) that each service meets or exceeds its service standard. For green card Return Receipt report:

(1) The number of EXFC seed mailpieces sent;

(2) The percentage of green cards properly completed and returned;

(3) The percentage of green cards not properly completed, but returned;

(4) The percentage of mailpieces returned without a green card signature; and

(5) The percentage of the time the service meets or exceeds its overall service standard.

(c) *Additional reporting for Post Office Box Service.* For Post Office Box Service, report the percentage of time (rounded to one decimal place) that the product meets or exceeds its service standard, provided at the District and Postal Administrative Area levels.

§ 3055.66 [Reserved]

§ 3055.67 [Reserved]

§ 3055.68 [Reserved]

§ 3055.69 [Reserved]

§ 3055.70 Nonpostal products [Reserved]

§ 3055.71 [Reserved]

§ 3055.72 [Reserved]

§ 3055.73 [Reserved]

§ 3055.74 [Reserved]

§ 3055.75 [Reserved]

§ 3055.76 [Reserved]

§ 3055.77 [Reserved]

§ 3055.78 [Reserved]

§ 3055.79 [Reserved]

§ 3055.80 [Reserved]

§ 3055.81 [Reserved]

§ 3055.82 [Reserved]

§ 3055.83 [Reserved]

§ 3055.84 [Reserved]

§ 3055.85 [Reserved]

§ 3055.86 [Reserved]

§ 3055.87 [Reserved]

§ 3055.88 [Reserved]

§ 3055.89 [Reserved]

Subpart C—Reporting of Customer Satisfaction

§ 3055.90 Reporting of customer satisfaction.

For each market dominant product specified in the Mail Classification Schedule in part 3020, appendix A to subpart A of part 3020 of this chapter, the Postal Service shall file a report as part of the section 3652 report, unless a more frequent filing is specifically indicated, addressing customer satisfaction achievements for the preceding fiscal year. The report shall include, at a minimum, the specific reporting requirements presented in §§ 3055.91 through 3055.93.

§ 3055.91 Consumer access to postal services.

(a) The following information pertaining to post offices shall be reported, disaggregated by type of post office facility, and provided at the Postal Administrative Area and National levels:

(1) The number of post offices at the beginning of the reported fiscal year;

(2) The number of post offices at the end of the reported fiscal year;

(3) The number of post office closings in the reported fiscal year;

(4) The number of post office emergency suspensions in effect at the beginning of the reported fiscal year;

(5) The number of post office emergency suspensions in the reported fiscal year; and

(6) The number of post office emergency suspensions in effect at the end of the reported fiscal year.

(b) The following information pertaining to delivery points shall be reported, disaggregated by delivery point type, provided at the Postal Administrative Area and National levels:

(1) The number of residential delivery points at the beginning of the reported fiscal year;

(2) The number of residential delivery points at the end of the reported fiscal year;

(3) The number of business delivery points at the beginning of the reported fiscal year; and

(4) The number of business delivery points at the end of the reported fiscal year.

(c) The following information pertaining to collection boxes shall be reported, provided at the Postal Administrative Area and National levels:

(1) The number of collection boxes at the beginning of the reported fiscal year;

(2) The number of collection boxes at the end of the reported fiscal year;

(3) The number of collection boxes removed during the reported fiscal year; and

(4) The number of collection boxes added to new locations during the reported fiscal year.

(d) The average customer wait time in line for retail service shall be reported. Data shall be provided for the beginning of the reported fiscal year and for the close of each successive fiscal quarter at the Postal Administrative Area and National levels.

§ 3055.92 Customer Satisfaction Surveys.

(a) The report shall include a copy of each type of Customer Satisfaction Survey instrument used in the preceding fiscal year.

(b) The report shall include information obtained from each type of Customer Satisfaction Survey instrument, including:

(1) A description of the customer type targeted by the survey;

(2) The number of surveys initiated and the number of surveys received; and

(3) Where the question asked is subject to a multiple choice response, the number of responses received for each question, disaggregated by each of the possible responses.

§ 3055.93 Mystery Shopper Program.

(a) A copy of the National Executive Summary Report that summarizes the information obtained from the Mystery Shopper Program, or any similar report that may supersede the National Executive Summary Report, shall be filed with the Commission on a quarterly basis (within 30 days of the close of each fiscal quarter).

(b) A copy of each type of Mystery Shopper Program survey instrument used in preparing the report cited in paragraph (a) of this section shall be filed with each report.

[FR Doc. E9–22680 Filed 9–24–09; 8:45 am]

BILLING CODE 7710–FW–P

Federal Register

Friday,
September 25, 2009

Part IV

Department of Homeland Security

Coast Guard

46 CFR Parts 1, 2, 5, et al.

49 CFR Parts 450, 451, 452, et al.

Shipping; Transportation; Technical, Organizational, and Conforming Amendments; Final Rule

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 1, 2, 5, 6, 7, 8, 10, 11, 12, 15, 16, 25, 26, 27, 28, 30, 31, 32, 34, 35, 39, 44, 46, 50, 52, 53, 54, 56, 57, 58, 59, 61, 62, 63, 67, 68, 69, 70, 71, 76, 77, 78, 90, 91, 92, 95, 96, 97, 98, 105, 107, 108, 109, 110, 111, 114, 116, 125, 126, 127, 128, 130, 131, 133, 134, 147, 148, 150, 151, 153, 154, 159, 160, 161, 162, 164, 167, 169, 170, 172, 174, 175, 177, 188, 189, 193, 194, 195, 197, 199, and 401

49 CFR Parts 450, 451, 452, and 453

[Docket No. USCG–2009–0702]

RIN 1625–ZA24

Shipping; Transportation; Technical, Organizational, and Conforming Amendments

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: This rule makes non-substantive changes throughout Titles 46 and 49 of the Code of Federal Regulations. The purpose of this rule is to make conforming amendments and technical corrections to Coast Guard regulations. This rule will have no substantive effect on the regulated public. These changes are provided to coincide with the annual recodification of Titles 46 and 49 on October 1.

DATES: This final rule is effective September 25, 2009.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2009–0702 and are available for inspection or copying at the 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or e-mail Lieutenant Commander Reed Kohberger, CG–5232, Coast Guard, telephone 202–372–1471, e-mail *Reed.H.Kohberger@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Contents for Preamble

I. Regulatory History
II. Background
III. Discussion of Rule
IV. Regulatory Analyses
A. Regulatory Planning and Review
B. Small Entities
C. Collection of Information
D. Federalism
E. Unfunded Mandates Reform Act
F. Taking of Private Property
G. Civil Justice Reform
H. Protection of Children
I. Indian Tribal Governments
J. Energy Effects
K. Technical Standards
L. Environment

I. Regulatory History

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under both 5 U.S.C. 553(b)(A) and (b)(B), the Coast Guard finds this rule is exempt from notice and comment rulemaking requirements because these changes involve agency organization and practices. In addition, good cause exists for not publishing an NPRM for all revisions in the rule because they are all non-substantive changes. This rule consists only of corrections and editorial, organizational, and conforming amendments. These changes will have no substantive effect on the public; therefore, it is unnecessary to publish an NPRM. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that, for the same reasons, good cause exists for making this rule effective upon publication in the **Federal Register**.

II. Background

Each year the printed editions of Titles 46 and 49 of the Code of Federal Regulations are recodified on October 1. This rule, which becomes effective September 25, 2009, makes technical and editorial corrections throughout Titles 46 and 49. This rule does not create any substantive requirements.

III. Discussion of Rule

This rule updates various addresses for Coast Guard offices throughout Titles 46 and 49 of the Code of Federal Regulations in order to conform to new mailing addresses and mailing address formats that came into use June 15, 2009. This rule also updates internal Coast Guard office designators throughout Titles 46 and 49.

This rule amends incorporation by reference provisions at 46 CFR 15.105, 30.01–3, 34.01–15, 92.01–2, 95.01–2, 105.01–3, and 193.01–3 to conform to the format specified by the Office of the Federal Register.

Additional amendments to 46 CFR parts 1, 2, 7, 54, 67, 68, 150, 170, and 172 are as follows:

46 CFR 1.01–10. This rule updates § 1.01–10 to reflect changes to the organizational structure of the Coast Guard in recent years in relation to the marine safety functions governed by Title 46.

46 CFR 2.01–30. The Assistant Commandant for Marine Safety, Security, and Stewardship has delegated to the Coast Guard Officer in Charge, Marine Inspection, the authority to re-delegate to each Marine Safety Unit Commanding Officer under his or her command the authority to sign documents issued under 46 CFR Subpart 2.01. This re-delegation is in addition to the authority to re-delegate signature authority to one individual on his or her staff. The Coast Guard is updating § 2.01–30 to reflect this change.

46 CFR 7.55. Certain paragraphs of § 7.55 describe boundary lines marked by buoys. Although the boundary lines remain unchanged, the buoys have been moved for navigation purposes and no longer mark the boundary lines. To avoid confusion, the Coast Guard is removing parenthetical references to the buoys in these paragraphs.

46 CFR 54.15–25. The formula at § 54.15–25(c) was improperly printed in a technical amendment published on September 21, 2007 (72 FR 53965). In the erroneous version, the square root symbol does not extend over the fraction ZT/M. The Coast Guard is reinstating the correct formula, formatted so that the square root symbol extends over the fraction.

46 CFR Parts 67 and 68. The Coast Guard is updating Parts 67 and 68 to correct an inadvertent change introduced by a technical correction made in the Coast Guard Authorization Act of 1989 (Pub. L. 101–225). This error was remedied by Congress in the Coast Guard Authorization Act of 1996 (Pub. L. 104–324, sec. 1115(a)), which repealed what was then section 12107 of Title 46, United States Code. Specifically, in an associated House Report (104–854), Congress stated that the 1989 change ''unintentionally added all of the requirements of the U.S. coastwise trade (Jones Act) to all vessels operating on the Great Lakes, even those only trading between the United States and Canada.'' Therefore, in order to make the regulations consistent with the statutory intent, the Coast Guard will remove all references to the need for an endorsement on the Great Lakes.

46 CFR 150. In Table I to Part 150, Benzene is assigned to cargo group 32, footnote 2. Footnote 2 directs the reader

to Appendix I to Part 150–Exceptions to the Chart. However, Appendix I contains no exceptions for Benzene. Therefore, the Coast Guard is deleting the reference to footnote 2.

In the same Table I, Fluorosilicic acid is assigned to Group 1. In Table II to Part 150, Fluorosilicic acid appears in the lists for both Group 0 and Group 1. The appearance in Group 0 is an erroneous duplication. Therefore, the Coast Guard is deleting Fluorosilicic acid from the list for Group 0 in Table II to Part 150.

46 CFR 170.160 and 172.080. In a 1989 final rule, the Coast Guard removed 46 CFR Table 151.01–10(b) and replaced references to it in Part 151 with references to 46 CFR Table 151.05 (54 FR 40029). However, certain references outside Part 151 were not changed. Sections 170.160(c)(1) and 172.080 still refer to Table 151.01–10(b), which no longer exists. In accordance with the intent of the 1989 final rule, the Coast Guard is replacing these references with references to Table 151.05.

IV. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below, we summarize our analyses based on 13 of these statutes or executive orders.

A. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. Because this rule involves nonsubstantive changes and internal agency practices and procedures, it will not impose any costs on the public.

B. Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This rule does not require a general notice of proposed rulemaking and, therefore, is exempt from the requirements of the Regulatory Flexibility Act. However, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

C. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

G. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

H. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

I. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

J. Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

K. Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

L. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. Therefore, this rule is categorically excluded under section 2.B.2, figure 2–1, paragraphs (34)(a) and (b) of the Instruction. This rule involves editorial, procedural, and internal agency functions. An environmental analysis checklist and a categorical exclusion determination are available in

the docket where indicated under the **ADDRESSES**.

List of Subjects

46 CFR Part 1

Administrative practice and procedure, Organization and functions (Government agencies), Reporting and recordkeeping requirements.

46 CFR Parts 2, 170 and 174

Marine safety, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 5

Administrative practice and procedure, Alcohol abuse, Drug abuse, Investigations, Seamen.

46 CFR Part 6

Navigation (water), Reporting and recordkeeping requirements, Vessels.

46 CFR Part 7

Law enforcement, Vessels.

46 CFR Part 8

Administrative practice and procedure, Organizations and functions (Government agencies), Reporting and recordkeeping requirements, Vessels.

46 CFR Part 10

Penalties, Incorporation by reference, Reporting and recordkeeping requirements, Schools, Seamen.

46 CFR Parts 11 and 12

Penalties, Reporting and recordkeeping requirements, Schools, Seamen.

46 CFR Part 15

Incorporation by reference, Reporting and recordkeeping requirements, Seamen, Vessels.

46 CFR Part 16

Drug testing, Marine safety, Reporting and recordkeeping requirements, Safety, Transportation.

46 CFR Parts 25, 161, and 164

Fire prevention, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 26

Marine safety, Penalties, Reporting and recordkeeping requirements.

46 CFR Part 27

Fire Prevention, Marine safety, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 28

Alaska, Fire prevention, Fishing vessels, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 30

Cargo vessels, Foreign relations, Hazardous materials transportation, Incorporation by reference, Penalties, Reporting and recordkeeping requirements, Seamen.

46 CFR Parts 31, 91, 126, and 133

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 32

Cargo vessels, Fire prevention, Marine safety, Navigation (water), Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 34

Cargo vessels, Fire prevention, Incorporation by reference, Marine safety.

46 CFR Part 35

Cargo vessels, Marine safety, Navigation (water), Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 39

Cargo vessels, Fire prevention, Hazardous materials transportation, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements.

46 CFR Parts 44, 50, 52, 53, 54, 56, 57, 58, 59, 61, 62, 63, 67, and 110

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 46

Passenger vessels, Penalties, Reporting and recordkeeping requirements.

46 CFR Part 68

Oil pollution, Vessels.

46 CFR Part 69

Measurement standards, Penalties, Reporting and recordkeeping requirements, Vessels.

46 CFR Parts 70, 71, 114, 175 and 177

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 76

Fire prevention, Marine safety, Passenger vessels.

46 CFR Part 77

Marine safety, Navigation (water), Passenger vessels.

46 CFR Part 78

Marine safety, Navigation (water), Passenger vessels, Penalties, Reporting and recordkeeping requirements.

46 CFR Part 90

Cargo vessels, Marine safety.

46 CFR Part 92

Cargo vessels, Fire prevention, Incorporation by reference, Marine safety, Occupational safety and health, Seamen.

46 CFR Part 95

Cargo vessels, Fire prevention, Incorporation by reference, Marine safety.

46 CFR Part 96

Cargo vessels, Marine safety, Navigation (water).

46 CFR Parts 97 and 130

Cargo vessels, Marine safety, Navigation (water), Reporting and recordkeeping requirements.

46 CFR Parts 98 and 151

Cargo vessels, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements, Water pollution control.

46 CFR Part 105

Cargo vessels, Fishing vessels, Hazardous materials transportation, Incorporation by reference, Marine safety, Petroleum, Seamen.

46 CFR Part 107

Marine safety, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 108

Fire prevention, Marine safety, Occupational safety and health, Oil and gas exploration, Vessels.

46 CFR Part 109

Marine safety, Occupational safety and health, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 111

Vessels.

46 CFR Part 116

Fire prevention, Marine safety, Passenger vessels, Seamen.

46 CFR Part 125

Administrative practice and procedure, Cargo vessels, Hazardous materials transportation, Marine safety, Seamen.

46 CFR Part 127

Cargo vessels, Fire prevention, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 128

Cargo vessels, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 131

Cargo vessels, Fire prevention, Marine safety, Navigation (water), Occupational safety and health, Reporting and recordkeeping requirements.

46 CFR Part 134

Cargo vessels, Hazardous materials transportation, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 147

Hazardous materials transportation, Labeling, Marine safety, Packaging and containers, Reporting and recordkeeping requirements.

46 CFR Parts 148 and 172

Cargo vessels, Hazardous materials transportation, Marine safety.

46 CFR Part 150

Hazardous materials transportation, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements.

46 CFR Part 153

Administrative practice and procedure, Cargo vessels, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements, Water pollution control.

46 CFR Part 154

Cargo vessels, Gases, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 159

Business and industry, Laboratories, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 160

Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 162

Fire prevention, Marine safety, Oil pollution, Reporting and recordkeeping requirements.

46 CFR Part 167

Fire prevention, Marine safety, Reporting and recordkeeping requirements, Schools, Seamen, Vessels.

46 CFR Part 169

Fire prevention, Marine safety, Reporting and recordkeeping requirements, Schools, Vessels.

46 CFR Part 188

Marine safety, Oceanographic research vessels.

46 CFR Part 189

Marine safety, Oceanographic research vessels, Reporting and recordkeeping requirements.

46 CFR Part 193

Fire prevention, Marine safety, Oceanographic research vessels.

46 CFR Part 194

Explosives, Hazardous materials transportation, Marine safety, Oceanographic research vessels.

46 CFR Part 195

Marine safety, Navigation (water), Oceanographic research vessels.

46 CFR Part 197

Benzene, Diving, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 199

Cargo vessels, Marine safety, Oil and gas exploration, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 401

Administration practice and procedure, Great Lakes, Navigation (water), Penalties, Reporting and recordkeeping requirements, Seamen.

49 CFR Parts 450 and 452

Freight, Packaging and containers, Reporting and recordkeeping requirements, Safety.

49 CFR Part 451

Freight, Packaging and containers, Safety.

49 CFR Part 453

Administrative practice and procedure, Freight, Packaging and containers, Safety.

■ For the reasons discussed in the preamble, the Coast Guard amends 46 CFR parts 1, 2, 5, 6, 7, 8, 10, 11, 12, 15, 16, 25, 26, 27, 28, 30, 31, 32, 34, 35, 39, 44, 46, 50, 52, 53, 54, 56, 57, 58, 59, 61, 62, 63, 67, 68, 69, 70, 71, 76, 77, 78, 90, 91, 92, 95, 96, 97, 98, 105, 107, 108, 109, 110, 111, 114, 116, 125, 126, 127, 128, 130, 131, 133, 134, 147, 148, 150, 151, 153, 154, 159, 160, 161, 162, 164, 167, 169, 170, 172, 174, 175, 177, 188, 189, 193, 194, 195, 197, 199, and 401, and 49 CFR parts 450, 451, 452, and 453, as follows:

Title 46—Shipping

PART 1—ORGANIZATION, GENERAL COURSE AND METHODS GOVERNING MARINE SAFETY FUNCTIONS

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

Authority: 5 U.S.C. 552; 14 U.S.C. 633; 46 U.S.C. 7701; 46 U.S.C. Chapter 93; Pub. L. 107–296, 116 Stat. 2135; Department of Homeland Security Delegation No. 0170.1; § 1.01–35 also issued under the authority of 44 U.S.C. 3507.

■ 2. Revise § 1.01–10 (b)(1) and (2) to read as follows:

§ 1.01–10 Organization.

* * * * *

(b) * * *

(1) The Assistant Commandant for Marine Safety, Security, and Stewardship (CG–5), under the general direction of the Commandant, directs, supervises, and coordinates the activities of: The Assessment, Integration and Risk Management Directorate (CG–51); the Commercial Regulations and Standards Directorate (CG–52), consisting of the Office of Design and Engineering Standards (CG–521), the Office of Operating and Environmental Standards (CG–522), and the Office of Standards Evaluation and Development (CG–523); the Response Policy Directorate (CG–53), consisting of the Office of Law Enforcement (CG–531), the Office of Counterterrorism and Defense Operations (CG–532), the Office of Incident Management and Preparedness (CG–533), the Office of Search and Rescue (CG–534), and the Office of Contingency Exercises (CG–535); and the Prevention Policy Directorate (CG–54), consisting of the Office of Waterways Management (CG–541), the Office of Auxiliary and Boating Safety (CG–542), the Office of Vessel Activities (CG–543), the Office of Port and Facility Activities (CG–544), the Office of Investigations and Analysis (CG–545), and the Office of Quality Assurance and Traveling Inspections (CG–546). The Deputy Commandant for Operations (CG–DCO), under the general direction of the Commandant, directs, supervises, and coordinates the activities of the Operations Resource Management Directorate (CG–DCO–R), consisting of the Office of Workforce Management (CG–DCO–R–1), the Office

of Budget Development (CG–DCO–R–2), the Office of Budget Execution (CG–DCO–R–3), and the Office of Information Resources (CG–DCO–R–6). The Port Safety and Security programs administered by the Chief, Office of Vessel Activities (CG–543), and the Marine Environmental Response programs administered by the Chief, Office of Incident Management and Preparedness (CG–533), are guided by regulations contained in 33 CFR chapter I. The Assistant Commandant for Marine Safety, Security, and Stewardship (CG–5) exercises technical control over the Commanding Officer, National Maritime Center (NMC), and, through the District Commander, supervises the administration of the Marine Safety Division of District Offices and Officers in Charge, Marine Inspection.

(i) The Director of Commercial Regulations and Standards (CG–52), under the general direction and supervision of the Assistant Commandant for Marine Safety, Security, and Stewardship (CG–5), establishes federal policies for development of marine safety, security, and environmental protection treaties, laws, and regulations; develops safety, security, and environmental protection standards for the maritime industry; integrates all marine safety, security, and environmental protection regulatory programs; prepares legislation, regulations, and industry guidance for new safety and environmental protection programs; and maintains an active program for development of third party consensus industry standards.

(A) The Chief, Office of Design and Engineering Standards (CG–521), at Headquarters, under the direction of the Assistant Commandant for Marine Safety, Security, and Stewardship (CG–5) and the Director of Commercial Regulations and Standards (CG–52), manages the program for defining the overall regulatory approach for vessels, offshore structures, and other marine systems incorporating safety considerations regarding the role of the human element; develops policies and regulations on load line matters and supervises classification societies authorized to assign load lines on behalf of the Coast Guard; oversees the development and maintenance of programs that incorporate risk-based methods in making safety determinations and policies; and oversees technical research and development for safety and environmental protection associated with marine vessels, structures and facilities.

(B) The Chief, Office of Operating and Environmental Standards (CG–522), at Headquarters, under the direction of the Assistant Commandant for Marine Safety, Security, and Stewardship (CG–5) and the Director of Commercial Regulations and Standards (CG–52), coordinates and integrates program standards for personnel qualification, vessel manning, vessel and facility operations, cargo systems and handling, and environmental protection; develops and maintains standards, regulations, and industry guidance for maritime industry operations to prevent deaths, injuries, property damage, and environmental harm; develops and maintains safety standards and regulations for commercial fishing industry vessels and uninspected commercial vessels; and develops and maintains health and safety standards and regulations for U.S.-inspected vessels.

(C) The Chief, Office of Standards Evaluation and Development (CG–523), at Headquarters, under the Direction of the Assistant Commandant for Marine Safety, Security, and Stewardship (CG–5) and the Director of Commercial Regulations and Standards (CG–52), coordinates the development of new standards, programs, and regulations across all technical and operational areas of marine safety and environmental protection; provides comprehensive analytical support for all standards assessment and development efforts; coordinates development of measures of effectiveness for assessing regulatory programs and consensus standards; and oversees the Coast Guard's rulemaking development program.

(D) The Commanding Officer, Marine Safety Center, under the Direction of the Assistant Commandant for Marine Safety, Security, and Stewardship (CG–5) and the Director of Commercial Regulations and Standards (CG–52), conducts reviews and approvals of plans, calculations, and other materials concerning the design, construction, alterations, and repair of commercial vessels to determine conformance with the marine inspection laws, regulations, and implementing directions, and administers the U.S. Tonnage Measurement program.

(ii) The Director of Prevention Policy (CG–54), under the general direction and supervision of the Assistant Commandant for Marine Safety, Security, and Stewardship (CG–5), acts as Program Manager for the Marine Safety, Security, and Environmental Protection Programs; directs, coordinates, and integrates the Coast Guard's marine safety and environmental protection compliance programs, contingency planning, response operations, and investigations programs; establishes and coordinates field implementation policies and priorities for all marine safety commands and units; serves as the focal point for field support and technical guidance; and provides oversight of marine documentation and marine personnel administration matters.

(A) The Chief, Office of Vessel Activities (CG–543), at Headquarters, under the direction of the Assistant Commandant for Marine Safety, Security, and Stewardship (CG–5) and the Director of Prevention Policy (CG–54), administers and balances all marine safety and environmental protection compliance programs, including direction of Coast Guard activities and oversight of third parties and industry programs; develops, publishes, and maintains program policies for vessel compliance, interprets standards and regulations, and provides field guidance for execution and enforcement; administers the marine inspection program, commercial fishing vessel examination program, and foreign vessel boarding program for the enforcement of commercial vessel material and operational safety standards; and supervises the administration of the manning of U.S. vessels and credentialing of U.S. mariners.

(B) The Chief, Office of Incident Management and Preparedness (CG–533), at Headquarters, under the Direction of the Assistant Commandant for Marine Safety, Security, and Stewardship (CG–5) and the Director of Response Policy (CG–53), coordinates and integrates field planning, preparedness, and response operations for pollution incidents, natural disasters, marine accidents, terrorism, and other threats to public safety, the marine environment, or marine transportation and commerce; develops, publishes, and maintains program policies for preparedness and response, interprets laws and regulations, and provides field guidance for execution; provides guidance regarding emergency authorities of the Captain of the Port (COTP); and administers Office programs for ports and waterway management, bridging compliance, and response efforts with an active presence in the marine environment.

(C) The Chief, Office of Investigations and Analyses (CG–545), at Headquarters, under the direction of the Assistant Commandant for Marine Safety, Security, and Stewardship (CG–5) and the Director of Prevention Policy (CG–54), reviews investigations of marine casualties; manages, develops

policy for and evaluates domestic and international programs and processes associated with investigations of marine casualties and injuries; manages analysis of casualties and casualty data, civil penalties and other remedial programs (including proceedings to suspend or revoke Coast Guard credentials held by mariners); and manages marine employer drug and alcohol testing programs.

(D) The Commanding Officer, Coast Guard National Maritime Center (NMC), under technical control of the Assistant Commandant for Marine Safety, Security, and Stewardship (CG–5), administers the mariner credentialing program; evaluates merchant mariners for suitability for service; issues merchant mariner credentials; evaluates and conducts oversight of approved courses; and exercises operational and administrative control over the 17 Regional Examination Centers.

(iii) The Chief, Office of Waterways Management (CG–541), under the general direction and supervision of the Director of Prevention Policy (CG–54), is the principle advisor to the Assistant Commandant for Marine Safety, Security, and Stewardship (CG–5) on waterways management objectives, goals, strategies, and policy. As such, the Chief of the Office of Waterways Management coordinates waterways management issues with other Coast Guard offices; and represents the Coast Guard with other Federal, State, and international governmental organizations on matters concerning waterways management and the Marine Transportation System (MTS). In coordination with the Director of Prevention Policy (CG–54), the Chief of the Office of Waterways Management represents Coast Guard interests on the Committee on the Marine Transportation System and administers the Navigation Safety Advisory Council.

(iv) The Director of Operations Resource Management (CG–DCO–R), under the general direction and supervision of the Deputy Commandant for Operations (CG–DCO), serves as Facility Manager for the marine safety programs; coordinates and integrates financial, informational, and human resources; plans, acquires, develops, and allocates resources for development and execution of the Coast Guard's marine safety programs; provides the focal point for all resource issues in support of the Standards and Operations Directorates; and oversees the development and management of the Coast Guard's direct user fee program.

(2) The Judge Advocate General and Chief Counsel of the Coast Guard (CG–094), under the general direction of and in coordination with the General Counsel, Department of Homeland Security, is the senior legal advisor to the Commandant, Vice Commandant, and senior staff officers. The Judge Advocate General advises on all cases and controversies arising under the various authorities of the Coast Guard involving alleged violations of international, maritime, navigation, and vessel inspection laws, or regulations prescribed there under and published in this chapter or in 33 CFR chapter I, and reviews appeals to the Commandant from actions derived from these authorities. On completion of such a review, the Judge Advocate General prepares a proposed action for the Commandant's consideration or, in appropriate cases, takes final action on behalf of, and as directed by, the Commandant.

§ 1.03–15 [Amended]

■ 3. In § 1.03–15(h)(3), remove the phrase ''Second St., SW, Washington, DC 20593'' and add, in its place, the phrase ''2nd St. SW., Stop 7581, Washington, DC 20593–7581''.

PART 2—VESSEL INSPECTIONS

■ 4. The authority citation for Part 2 continues to read as follows:

Authority: 33 U.S.C. 1903; 43 U.S.C. 1333; 46 U.S.C. 2110, 3103, 3205, 3306, 3307, 3703; 46 U.S.C. Chapter 701; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1. Subpart 2.45 also issued under the Act Dec. 27, 1950, Ch. 1155, secs. 1, 2, 64 Stat. 120 (see 46 U.S.C. App. Note prec. 1).

PART 2—[AMENDED]

■ 5. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears, and add in its place the text indicated in the right column:

Section	Remove	Add
2.01–45(b)	G–M	CG–54.
2.10–10	G–MRP	CG–DCO–R–3.
2.10–20(e)	G–MRP	CG–DCO–R–3.
2.10–20(e)	Second Street, S.W., Washington, DC 20593–0001	2nd St., SW., Stop 7681, Washington, DC 20593–7681.
2.10–105(b)	G–MRP	CG–DCO–R–3.
2.10–115(b)	G–MRP	CG–DCO–R–3.
2.75–1(d)	G–MSE	CG–521.
2.75–10(b)	(G–MSE), U.S. Coast Guard, Washington, DC 20593–0001	(CG–521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
2.75–15(a)	G–MSE	CG–521.
2.75–25(c)(1)	G–M	CG–52.
2.75–50(c)	Assistant Commandant for Marine Safety, Security and Environmental Protection (G–M).	Director of Commercial Regulations & Standards (CG–52).

■ 6. Revise § 2.01–30 to read as follows:

§ 2.01–30 Delegation of OCMI signature authority.

The Officer in Charge, Marine Inspection, may redelegate signature authority for documents issued under this subpart to: one individual on his or her staff; and each Marine Safety Unit Commanding Officer within his or her Sector.

PART 5—MARINE INVESTIGATION REGULATIONS—PERSONNEL ACTION

■ 7. The authority citation for Part 5 continues to read as follows:

Authority: 46 U.S.C. 2103, 7101, 7301, 7701; Department of Homeland Security Delegation No. 0170.1.

PART 5—[AMENDED]

■ 8. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears, and add in its place the text indicated in the right column:

Section	Remove	Add
5.713(b)	G–L	CG–094.
5.713(b)	SW., Washington, DC 20593	SW., Stop 7121, Washington, DC 20593–7121.
5.903(b)	SW., Washington, DC 20593	SW., Stop 7000, Washington, DC 20593–7000.

PART 6—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

■ 9. The authority citation for Part 6 continues to read as follows:

Authority: Act Dec. 27, 1950, Ch. 1155, secs. 1, 2, 64 Stat. 1120 (see 46 U.S.C. App. note prec. 1); Department of Homeland Security Delegation No. 0170.1.

§ 6.06 [Amended]

■ 10. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears, and add in its place the text indicated in the right column:

Section	Remove	Add
6.06(b)	Washington, DC 20593–0001	2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581.
6.06(b), (d)	G–MOC	CG–543.

PART 7—BOUNDARY LINES

■ 11. The authority citation for Part 7 continues to read as follows:

Authority: 14 U.S.C. 633; 33 U.S.C. 151, 1222; Department of Homeland Security Delegation No. 0170.1.

§ 7.55 [Amended]

■ 12. In § 7.55—

■ a. In paragraph (b), remove the parenthetical phrase ''(Oregon Inlet Approach Lighted Whistle Buoy ''OI'')'';

■ b. In paragraph (f), remove the parenthetical phrase ''(Beaufort Inlet Lighted Bell Buoy ''2BI'')'';

■ c. In paragraph (g), remove the parenthetical phrase ''(Masonboro Inlet Lighted Whistle Buoy ''A'')''.

PART 8—VESSEL INSPECTION ALTERNATIVES

■ 13. The authority citation for Part 8 continues to read as follows:

Authority: 46 U.S.C. 3103, 3306, 3316, 3703; Department of Homeland Security Delegation No. 0170.1.

PART 8—[AMENDED]

■ 14. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears, and add in its place the text indicated in the right column:

Section	Remove	Add
8.110(a)	2100 Second St. SW., Washington, DC 20593–0001	(CG–521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126.
8.130(a)(5)	G–MOC	CG–543.
8.130(a)(6)	G–MOC	CG–543.
8.130(a)(7)	G–MOC	CG–543.
8.130(a)(11)	G–MOC	CG–543.
8.130(a)(11)	G–MSE	CG–521.
8.130(a)(13)	G–MOC	CG–543.
8.130(a)(19)	G–M	CG–5.
8.130(a)(20)	G–M	CG–52.
8.130(a)(21)	G–M	CG–5.
8.240(a)	G–MSE	CG–521.
8.430	G–MSE	CG–521.
8.440(d)(3)	G–MOC	CG–543.
8.440(d)(3)	Second St. SW., Washington, DC 20593–0001	2nd St. SW., Stop 7581 Washington, DC 20593–7581.

PART 10—MERCHANT MARINER CREDENTIAL

■ 15. The authority citation for Part 10 continues to read as follows:

Authority: 14 U.S.C. 633; 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110; 46 U.S.C. chapter 71; 46 U.S.C. chapter 72; 46 U.S.C. chapter 75; 46 U.S.C. 7701, 8906 and 70105; Executive Order 10173; Department of Homeland Security Delegation No. 0170.1.

§ 10.103 [Amended]

■ 16. In § 10.103, remove the phrase ''Second Street SW., Washington, DC 20593–0001'' from paragraph (a) and add in its place the phrase ''2nd St. SW., Stop 7126, Washington, DC 20593–7126''.

PART 11—REQUIREMENTS FOR OFFICER ENDORSEMENTS

■ 17. The authority citation for Part 11 continues to read as follows:

Authority: 14 U.S.C. 633; 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, and 2110; 46 U.S.C. chapter 71; 46 U.S.C. 7502, 7505, 7701, 8906, and 70105; Executive Order 10173; Department of Homeland Security Delegation No. 0170.1. Section 11.107 is also issued under the authority of 44 U.S.C. 3507.

§ 11.102 [Amended]

■ 18. In § 11.102, remove the phrase ''Second Street, SW., Washington, DC 20593–0001'' from paragraph (a) and add in its place the phrase ''2nd St. SW., Stop 7126, Washington, DC 20593–7126''.

PART 12—REQUIREMENTS FOR RATING ENDORSEMENTS

■ 19. The authority citation for Part 12 continues to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110, 7301, 7302, 7503, 7505, 7701, and 70105; Department of Homeland Security Delegation No. 0170.1.

§ 12.01–3 [Amended]

■ 20. In § 12.01–3, remove the phrase ''Second Street, SW., Washington, DC 20593–0001'' from paragraph (a) and add in its place the phrase ''2nd St. SW., Stop 7126, Washington, DC 20593–7126''.

PART 15—MANNING REQUIREMENTS

■ 21. The authority citation for Part 15 continues to read as follows:

Authority: 46 U.S.C. 2101, 2103, 3306, 3703, 8101, 8102, 8104, 8105, 8301, 8304, 8502, 8503, 8701, 8702, 8901, 8902, 8903, 8904, 8905(b), 8906, 9102, and 70105; and Department of Homeland Security Delegation No. 0170.1.

■ 22. Revise § 15.105 to read as follows:

§ 15.105 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*. Also, it is available for inspection at the Coast Guard, Office of Operating and Environmental Standards (CG–522), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126, 202–372–1405, and is available from the sources indicated below.

(b) International Maritime Organization (IMO), 4 Albert Embankment, London, SE1 7SR United Kingdom, telephone +44(0)20 7735 7611, *http://www.imo.org*.

(1) STCW—The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended 1995, (STCW Convention), incorporation by reference approved for §§ 15.103; 15.1101; 15.1103; 15.1105; 15.1109.

(2) Seafarer's Training, Certification and Watchkeeping Code, as amended 1995 (STCW Code), incorporation by reference approved for §§ 15.1101; 15.1109.

PART 16—CHEMICAL TESTING

■ 23. The authority citation for Part 16 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 7101, 7301, and 7701; Department of Homeland Security Delegation No. 0170.1.

PART 16—[AMENDED]

■ 24. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears, and add in its place the text indicated in the right column:

Section	Remove	Add
16.107(a)	G–MOA	CG–545.
16.107(b)	G–MOA	CG–545.
16.205(b)	G–MOA	CG–545.
16.500(b)(1)	G–MOA	CG–545.
16.500(b)(1)	Second Street, SW, Washington, DC 20593–0001	2nd St. SW., Stop 7581, Washington, DC 20593–7581.

PART 25—REQUIREMENTS

■ 25. The authority citation for Part 25 continues to read as follows:

Authority: 33 U.S.C. 1903(b); 46 U.S.C. 3306, 4102, 4302; Department of Homeland Security Delegation No. 0170.1.

PART 25—[AMENDED]

■ 26. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears, and add, in its place, the text indicated in the right column:

Section	Remove	Add
25.01–3(a)	G–MOC	CG–543.
25.01–3(a)	Second Street SW, Washington, DC 20593–0001	2nd St. SW., Stop 7581, Washington, DC 20593–7581.
25.30–15(a)	G–MSE	CG–521.
25.45–1(a)	G–MSE	CG–521.
25.45–2(a)	G–MSE	CG–521.

PART 26—OPERATIONS

■ 27. The authority citation for Part 26 continues to read as follows:

Authority: 46 U.S.C. 3306, 4104, 6101, 8105; Pub. L. 103–206, 107 Stat. 2439; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

§ 26.03–8 [Amended]

■ 28. In § 26.03–8, remove the parenthetical phrase ''(G–MOC)'' from paragraph (a) and add in its place the parenthetical phrase ''(CG–543)''.

PART 27—TOWING VESSELS

■ 29. The authority citation for Part 27 continues to read as follows:

Authority: 46 U.S.C. 3306, 4102 (as amended by Pub. L. 104–324, 110 Stat. 3901); Department of Homeland Security Delegation No. 0170.1.

PART 27—[AMENDED]

■ 30. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears, and add in its place the text indicated in the right column:

Section	Remove	Add
27.102(a)	G–MSE	CG–521.
27.102(a)	Second Street SW., Washington, DC 20593–0001	2nd St. SW., Stop 7126, Washington, DC 20593–7126.
27.211(c)	G–MSE	CG–521.

PART 28—REQUIREMENTS FOR COMMERCIAL FISHING INDUSTRY VESSELS

■ 31. The authority citation for Part 28 continues to read as follows:

Authority: 46 U.S.C. 3316, 4502, 4505, 4506, 6104, 10603; Department of Homeland Security Delegation No. 0170.1.

PART 28—[AMENDED]

■ 32. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears and add in its place the text indicated in the right column:

Section	Remove	Add
28.40(a)	G–MSE	CG–521.
28.40(a)	Second Street SW., Washington, DC 20593–0001	2nd St. SW., Stop 7126, Washington, DC 20593–7126.
28.50 (Coast Guard representative).	Second Street S.W., Washington, DC 20593–0001	2nd St. SW., Stop 7581, Washington, DC 20593–7581.

PART 30—GENERAL PROVISIONS

■ 33. The authority citation for Part 30 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703; Pub. L. 103–206, 107 Stat. 2439; 49 U.S.C. 5103, 5106; Department of Homeland Security Delegation No. 0170.1; Section 30.01–2 also issued under the authority of 44 U.S.C. 3507; Section 30.01–05 also issued under the authority of Sec. 4109, Pub. L. 101–380, 104 Stat. 515.

■ 34. Revise § 30.01–3 to read as follows:

§ 30.01–3 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*. Also, it is available for inspection at the Coast Guard, Office of Design and Engineering Standards (CG–521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126, 202–372–1405, and is available from the sources listed below.

(b) American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959, telephone 610–832–9585, *http://www.astm.org*.

(1) ASTM D 323–94, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method), incorporation by reference approved for §§ 30.10–22; 30.10–59.

(2) [Reserved]

§ 30.30–5 [Amended]

■ 35. In § 30.30–5(a), remove the words ''(G–MOC), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593'' and add, in their place, the words ''(CG–543), 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581''.

PART 31—INSPECTION AND CERTIFICATION

■ 36. The authority citation for Part 31 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3205, 3306, 3307, 3703; 46 U.S.C. Chapter 701; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1. Section 31.10–21 also issued under the authority of Sect. 4109, Pub. L. 101–380, 104 Stat. 515.

PART 31—[AMENDED]

■ 37. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears, and add in its place the text indicated in the right column:

Section	Remove	Add
31.01–3(b)	G–MSE	CG–521.
31.01–3(b)	Second St., SW., Washington, DC 20593–0001	2nd St. SW., Stop 7126, Washington, DC 20593–7126.
31.10–1(b)	G–M	CG–52.
31.10–1(b)	Washington, DC 20593–0001	2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126.
31.10–5(a)	1900 Half Street, SW., Suite 1000, Room 525, Washington, DC 20024.	2100 2nd St. SW., Stop 7102, Washington, DC 20593–7102.
31.10–21(e)(1)	G–MOC	CG–543.
31.10–21(e)(3)	G–MOC	CG–543.
31.10–21(g)	G–MOC	CG–543.

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

■ 38. The authority citation for Part 32 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703, 3719; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1; Subpart 32.59 also issued under the authority of Sec. 4109, Pub. L. 101–380, 104 Stat. 515.

PART 32—[AMENDED]

■ 39. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears, and add in its place the text indicated in the right column:

Section	Remove	Add
32.01–1(a)	G–MSE	CG–521.
32.01–1(a)	Second Street SW., Washington, DC 20593–0001	2nd St. SW., Stop 7126, Washington, DC 20593–7126.
32.15–15(e)	G–PSE–3	CG–5213.
32.15–15(e)	Second Street, SW., Washington, DC 20593–0001	2nd St. SW., Stop 7126, Washington, DC 20593–7126.
32.53–3(b)	G–MSO	CG–522.
32.53–3(b)	Washington, DC 20593–0001	2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126.

PART 34—FIREFIGHTING EQUIPMENT

■ 40. The authority citation for Part 34 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

■ 41. Revise § 34.01–15 to read as follows:

§ 34.01–15 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*. Also, it is available for inspection at the Coast Guard, Office of Design and Engineering Standards (CG–521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126, 202–372–1405, and is available from the sources listed below.

(b) American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959, telephone 610–832–9585, *http://www.astm.org*.

(1) ASTM F 1121–87 (Reapproved 1993), Standard Specification for International Shore Connections for Marine Fire Applications, 1987, incorporation by reference approved for § 34.10–15.

(2) [Reserved]

(c) National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02269–9101, telephone 800–344–3555, *http://www.nfpa.org*.

(1) NFPA 13–1996, Standard for the Installation of Sprinkler Systems, incorporation by reference approved for § 34.30–1.

(2) [Reserved]

PART 35—OPERATIONS

■ 42. The authority citation for Part 35 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 3703, 6101; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1.

§ 35.01–3 [Amended]

■ 43. In § 35.01–3, remove the phrase ''2100 Second Street SW, Washington, DC 20593–0001'' from paragraph (a) and add in its place the phrase ''(CG–522), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126''.

PART 39—VAPOR CONTROL SYSTEMS

■ 44. The authority citation for Part 39 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. 3306, 3703, 3715(b); 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

PART 39—[AMENDED]

■ 45. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears, and add in its place the text indicated in the right column:

Section	Remove	Add
39.10–1(b)	G–MSO	CG–522.
39.10–3 (*Marine Safety Center*).	JR10–0525, 2100 2nd Street, SW., Washington, DC 20593	2100 2nd St. SW., Stop 7102, Washington, DC 20593–7102.
39.10–5(a)	G–MSO	CG–522.
39.10–5(a)	Second Street, SW., Washington, DC 20593–0001	2nd St. SW., Stop 7126, Washington, DC 20593–7126.
39.10–9	G–MSO	CG–522.
39.20–1(a)(1)	G–MSO	CG–522.
39.20–9(d)	G–MSO	CG–522.
39.40–1(b)	G–MSO	CG–522.
39.40–1(c)	G–MSO	CG–522.
39.40–1(e)	G–MSO	CG–522.

PART 44—SPECIAL SERVICE LIMITED DOMESTIC VOYAGES

■ 46. The authority citation for Part 44 continues to read as follows:

Authority: 46 U.S.C. 5101–5116; Department of Homeland Security Delegation No. 0170.1.

§ 44.320 [Amended]

■ 47. In § 44.320, remove the phrase ''JR10–0525, 2100 2nd Street, SW., Washington, DC 20593'' from paragraph (a) and add in its place the phrase ''2100 2nd St. SW., Stop 7102, Washington, DC 20593–7102''.

PART 46—SUBDIVISION LOAD LINES FOR PASSENGER VESSELS

■ 48. The authority citation for Part 46 continues to read as follows:

Authority: 46 U.S.C. 3306; 46 U.S.C. 5101–5116; E.O. 12234, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

§ 46.10–10 [Amended]

■ 49. In § 46.10–10, in paragraph (d) remove the phrase ''Commandant (G–M) U.S. Coast Guard, Washington, DC 20593–0001,'' and add, in its place, the phrase ''cognizant Officer in Charge, Marine Inspection, U.S. Coast Guard''.

PART 50—GENERAL PROVISIONS

■ 50. The authority citation for Part 50 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1; Section 50.01–20 also issued under the authority of 44 U.S.C. 3507.

§ 50.10–23 [Amended]

■ 51. In § 50.10–23, remove the phrase ''JR10–0525, 2100 2nd Street, SW., Washington, DC 20593'' and add, in its place, the phrase ''2100 2nd St. SW., Stop 7102, Washington, DC 20593–7102''.

PART 52—POWER BOILERS

■ 52. The authority citation for Part 52 continues to read as follows:

Authority: 46 U.S.C. 3306, 3307, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

§ 52.01–1 [Amended]

■ 53. In § 52.01–1, remove the phrase ''Second Street, SW., Washington, DC 20593–0001'' from paragraph (a) and add in its place the phrase ''2nd St., SW., Stop 7126, Washington, DC 20593–7126''.

PART 53—HEATING BOILERS

■ 54. The authority citation for Part 53 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

§ 53.01–1 [Amended]

■ 55. In § 53.01–1, remove the phrase ''Second Street, SW., Washington, DC 20593–0001'' from paragraph (a) and, add in its place, the phrase ''2nd St. SW., Stop 7126, Washington, DC 20593–7126''.

PART 54—PRESSURE VESSELS

■ 56. The authority citation for Part 54 continues to read as follows:

Authority: 33 U.S.C. 1509; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

PART 54—[AMENDED]

■ 57. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section, and add, in its place, the text indicated in the right column:

Section	Remove	Add
54.01–1(a)	Second Street, SW., Washington, DC 20593–0001	2nd St. SW., Stop 7126, Washington, DC 20593–7126.
54.05–30(b)	G–MSE	CG–521.
54.05–30(c)	G–MSE	CG–521.
54.15–25(c-1)	G–MSE	CG–521.

§ 54.15–25 [Amended]

■ 58. In § 54.15–25(c), remove the formula

$$\text{"}G = [(177/LC)(\sqrt{ZT}/M)] \quad \text{SI units}$$

$$G = [(633,000/LC)(\sqrt{ZT}/M)] \quad \text{English units"}$$

and add, in its place, the formula

$$\text{"}G = [(177/LC)(\sqrt{ZT/M})] \quad \text{SI units}$$

$$G = [(633,000/LC)(\sqrt{ZT/M})] \quad \text{English units"}$$

PART 56—PIPING SYSTEMS AND APPURTENANCES

■ 59. The authority citation for Part 56 continues to read as follows:

Authority: 33 U.S.C. 1321(j), 1509; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1.

PART 56—[AMENDED]

■ 60. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section,

and add, in its place, the text indicated in the right column:

Section	Remove	Add
56.01–2(a)	Second Street, SW., Washington, DC 20593–0001	2nd St., SW., Stop 7126, Washington, DC 20593–7126.
56.50–105 (footnote 3 to Table 56.50–105).	G–MSE	CG–521.

PART 57—WELDING AND BRAZING

■ 61. The authority citation for Part 57 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 57.02–1 [Amended]

■ 62. In § 57.02–1, in paragraph (a), remove the phrase ''(G–MSE), 2100 Second Street SW., Washington, DC 20593–0001'' and add, in its place, the phrase ''(CG–521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126''.

PART 58—MAIN AND AUXILIARY MACHINERY AND RELATED SYSTEMS

■ 63. The authority citation for Part 58 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

§ 58.03–1 [Amended]

■ 64. In § 58.03–1, in paragraph (a), remove the phrase ''Second Street, SW., Washington, DC 20593–0001'' and add, in its place, the phrase ''2nd St. SW., Stop 7126, Washington, DC 20593–7126''.

PART 59—REPAIRS TO BOILERS, PRESSURE VESSELS AND APPURTENANCES

■ 65. The authority citation for Part 59 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 227; Department of Homeland Security Delegation No. 0170.1.

§ 59.01–2 [Amended]

■ 66. In § 59.01–2, in paragraph (a), remove the phrase ''Second Street, SW., Washington, DC 20593–0001'' and add in its place the phrase ''2nd St., SW., Stop 7126, Washington, DC 20593–7126''.

PART 61—PERIODIC TESTS AND INSPECTIONS

■ 67. The authority citation for Part 61 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 2103, 3306, 3307, 3703; E.O. 12234, 45 FR 58801, 3 CFR 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

PART 61—[AMENDED]

■ 68. In the table below, for each section indicated in the left column, remove the text indicated in the middle column, and add, in its place, the text indicated in the right column:

Section	Remove	Add
61.03–1(a)	(G–MSE), 2100 Second Street, SW., Washington, DC 20593–0001.	(CG–521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
61.20–17(f)(2)	G–MOC	CG–543.
61.20–21	G–MOC	CG–543.
61.40–10(b)	G–MSE	CG–521.

PART 62—VITAL SYSTEM AUTOMATION

■ 69. The authority citation for Part 62 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, 8105; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

PART 62—[AMENDED]

■ 70. In the table below, for each section indicated in the left column, remove the text indicated in the middle column and add, in its place, the text indicated in the right column:

Section	Remove	Add
62.05–1(a)	Second Street, SW., Washington, DC 20593–0001	2nd St., SW., Stop 7126, Washington, DC 20593–7126.
62.35–40(b)	G–MSE	CG–521.

PART 63—AUTOMATIC AUXILIARY BOILERS

■ 71. The authority citation for Part 63 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

PART 63—[AMENDED]

■ 72. In the table below, for each section indicated in the left column, remove the text indicated in the middle column and add in its place the text indicated in the right column:

Section	Remove	Add
63.05–1(a)	Washington, DC 20593–0001	Stop 7126, Washington, DC 20593–7126.
63.10–1	JR10–0525, 2100 2nd Street, SW., Washington, DC 20593	2100 2nd St., SW., Stop 7102, Washington, DC 20593–7102.
63.25–9(a)	1900 Half Street, SW., Suite 1000, Room 525, Washington, DC 20593.	2100 2nd St., SW., Stop 7102, Washington, DC 20593–7102.

PART 67—DOCUMENTATION OF VESSELS

■ 73. The authority citation for Part 67 continues to read as follows:

Authority: 14 U.S.C. 664; 31 U.S.C. 9701; 42 U.S.C. 9118; 46 U.S.C. 2103, 2107, 2110, 12106, 12120, 12122; 46 U.S.C. app. 841a, 876; Department of Homeland Security Delegation No. 0170.1.

§ 67.7 [Amended]

■ 74. In § 67.7, remove the text ''Great Lakes trade,''.

§ 67.15 [Amended]

■ 75. In § 67.15(b), remove the text ''Great Lakes,''.

§ 67.17 [Amended]

■ 76. In § 67.17(a), remove the text, ''Great Lakes,''.

§ 67.19 [Amended]

■ 77. Amend § 67.19 as follows:
■ a. Remove the words ''or Great Lakes'' from the section heading;
■ b. In paragraph (a), remove the comma immediately after ''registry'' and add, in its place, the word ''or'', and remove the text '', or Great Lakes'';
■ c. Remove paragraph (b) and redesignate paragraphs (c), (d), (e), and (f) as paragraphs (b), (c), (d), and (e) respectively;
■ d. In the newly designated paragraph (b), remove the words ''or Great Lakes'' after ''coastwise'', remove the words ''paragraph (d) or (e)'' and add, in their place, the words ''paragraph (c) or (d)'', and remove the words ''or Great Lakes'' and ''or both'' before and after the word ''endorsement'', respectively;
■ e. In the newly designated paragraph (c), remove the words ''or Great Lakes'', and remove the words ''paragraph (c)'' and add, in their place, the words ''paragraph (b)'';
■ f. In the newly designated paragraph (d), remove the words ''or Great Lakes'', and remove the words ''paragraph (c)'' and ''paragraph (f)'' and add, in their places, ''paragraph (b)'' and ''paragraph (e)'', respectively; and
■ g. In the newly designated paragraph (e), remove the words ''paragraph (e)(2)'' and add, in its place, the words ''paragraph (d)(2)''.

§ 67.21 [Amended]

■ 78. In § 67.21(a), remove the comma following ''registry'' and add, in its place, the word ''or'', and remove the words '', or Great Lakes''.

§§ 67.35 [Amended]

■ 79. In § 67.35(c), remove the words ''or Great Lakes'' and ''or both''.

§ 67.36 [Amended]

■ 80. In § 67.36(c), remove the words ''or Great Lake'' and ''or both''.

§ 67.39 [Amended]

■ 81. In § 67.39(c), remove the words ''or Great Lakes'' and ''or both''.

§ 67.50 [Amended]

■ 82. In § 67.50(a), remove the words ''or a Great Lakes''.

§ 67.57 [Amended]

■ 83. Amend § 67.57 as follows:
■ a. In paragraph (a)(1) remove the words ''or Great Lakes''; and
■ b. In paragraph (b)(1) remove the words ''or a Great Lakes''.

§ 67.59 [Amended]

■ 84. In § 67.59(c), remove the words ''or Great Lakes'' wherever they appear in the paragraph.

§ 67.61 [Amended]

■ 85. In § 67.61, amend the Note paragraph as follows:
■ a. Add the word ''a'' before ''coastwise''; and
■ b. Remove the words ''or Great Lakes endorsement'' and add, in its place, the word ''endorsement''.

§ 67.63 [Amended]

■ 86. In § 67.63(a) and (b)(1), remove the words ''or Great Lakes''.

§ 67.95 [Amended]

■ 87. In § 67.95 remove the text '', Great Lakes,''.

§ 67.132 [Amended]

■ 88. In § 67.132 (a), remove the text '', Great Lakes trade,''.

§ 67.177 [Amended]

■ 89. In 67.177, in paragraphs (e) and (f), remove the text '', Great Lakes,'' wherever it appears.

§ 67.211 [Amended]

■ 90. In § 67.211, in the Note paragraph, remove the words ''or Great Lakes''.

§ 67.323 [Amended]

■ 91. In § 67.323, remove the text '', the Great Lakes trade,''.

§ 67.511 [Amended]

■ 92. In § 67.511 (a), remove the words ''or Great Lakes'', ''or a Great Lakes'', and ''or both,''.

§ 67.523 [Amended]

■ 93. In § 67.523, remove the text '', Great Lakes,''.

§ 67.550 [Amended]

■ 94. In § 67.550, in the Fee Table, remove the entire ''Great Lakes endorsement'' row.

PART 68—DOCUMENTATION OF VESSELS: EXCEPTIONS TO COASTWISE QUALIFICATION

■ 95. The authority citation for Part 68 continues to read as follows:

Authority: 14 U.S.C. 664; 31 U.S.C. 9701; 42 U.S.C. 9118; 46 U.S.C. 2103, 2110; 46 U.S.C. app. 876; Department of Homeland Security Delegation No. 0170.1.

§ 68.33 [Amended]

■ 96. In § 68.33(b), remove the comma before ''fishery'' and add, in its place, the word ''or'', and remove the text '', or Great Lakes''.

PART 69—MEASUREMENT OF VESSELS

■ 97. The authority citation for Part 69 continues to read as follows:

Authority: 46 U.S.C. 2301, 14103; Department of Homeland Security Delegation No. 0170.1.

PART 69—[AMENDED]

■ 98. In the table below, for each section indicated in the left column, remove the text indicated in the middle column and add in its place the text indicated in the right column:

Section	Remove	Add
69.9 (Commandant)	JR10–0525, 2100 2nd Street, SW., Washington, DC 20593	2100 2nd St., SW., Stop 7102, Washington, DC 20024–7102.
69.15(a)	JR10–0525, 2100 2nd Street, SW., Washington, DC 20593	2100 2nd St., SW., Stop 7102, Washington, DC 20593–7102.

PART 70—GENERAL PROVISIONS

■ 99. The authority citation for Part 70 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; Pub. L. 103–206, 107 Stat. 2439; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1; Section 70.01–15 also issued under the authority of 44 U.S.C. 3507.

§ 70.35–5 [Amended]

■ 100. In § 70.35–5(a), remove the words ''(M), U.S. Coast Guard, Washington, DC 20593–0001'' and add, in their place, the words ''(CG–52), 2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126''.

PART 71—INSPECTION AND CERTIFICATION

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

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2113, 3205, 3306, 3307; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1.

PART 71—[AMENDED]

■ 102. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears, and add, in its place, the text indicated in the right column:

Section	Remove	Add
71.15–5(b)	G–MSE	CG–521.
71.15–5(b)	Second St., SW., Washington, DC 20593–0001	2nd St. SW., Stop 7126, Washington, DC 20593–7126.
71.50–3(g)	G–MOC	CG–543.
71.65–15(a)(2)	JR10–0525, 2100 2nd Street, SW., Washington, DC 20593	2100 2nd St. SW., Stop 7102, Washington, DC 20593–7102.

PART 76—FIRE PROTECTION EQUIPMENT

■ 103. The authority citation for Part 76 continues to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

§ 76.01–2 [Amended]

■ 104. In § 76.01–2, remove the phrase ''Second Street SW., Washington, DC 20593–0001'' from paragraph (a) and add, in its place, the phrase ''2nd St., SW., Stop 7126, Washington, DC 20593–7126''.

PART 77—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

■ 105. The authority citation for Part 77 continues to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

§ 77.01–3 [Amended]

■ 106. In § 77.01–3, remove the phrase ''(G–MSE), 2100 Second Street SW., Washington, DC 20593–0001'' from paragraph (a) and add, in its place, the phrase ''(CG–521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126''.

PART 78—OPERATIONS

■ 107. The authority citation for Part 78 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3306, 6101; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1.

§ 78.01–2 [Amended]

■ 108. In § 78.01–2, remove the phrase ''(G–MSE–4), 2100 Second Street SW., Washington, DC 20593–0001'' from paragraph (a) and add, in its place, the phrase ''(CG–5214), 2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126''.

PART 90—GENERAL PROVISIONS

■ 109. The authority citation for Part 90 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; Pub. L. 103–206, 107 Stat. 2439; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

§ 90.35–5 [Amended]

■ 110. In § 90.35–5, remove the phrase ''(G–M), U.S. Coast Guard, Washington, DC 20593–0001'' from paragraph (a) and add, in its place, the phrase ''(CG–52), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126''.

PART 91—INSPECTION AND CERTIFICATION

■ 111. The authority citation for Part 91 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3205, 3306, 3307; 46 U.S.C. Chapter 701; Executive Order 12234; 45 FR 58801; 3 CFR, 1980 Comp., p. 277; Executive Order 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1.

PART 91—[AMENDED]

■ 112. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section, and add in its place the text indicated in the right column:

Section	Remove	Add
91.15–5(b)	G–MSE	CG–521.
91.15–5(b)	Second St., SW., Washington, DC 20593–0001	2nd St., SW., Stop 7126, Washington, DC 20593–7126.

Section	Remove	Add
91.40–3	G–MOC	CG–543.
91.55–15(a)(2)	G–MSE	CG–521.
91.55–15(a)(2)	Washington, DC 20593–0001	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
91.55–15(a)(3)	JR10–0525, 2100 2nd Street, SW., Washington, DC 20593	2100 2nd St., SW., Stop 7102, Washington, DC 20593–7102.

PART 92—CONSTRUCTION AND ARRANGEMENT

■ 113. The authority citation for part 92 is revised to read as follows:

Authority: 46 U.S.C. 3306; E.0. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

■ 114. Revise § 92.01–2 to read as follows:

§ 92.01–2 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.* The material is also available for inspection at the Coast Guard, Office of Design and Engineering Standards, (CG–521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126, and is available from the sources listed below.

(b) International Maritime Organization (IMO), Publications Section, 4 Albert Embankment, London. SE1 7SR, United Kingdom, telephone +44 (0)20 7735 7611, *http://www.imo.org.*

(1) International Convention for the Safety of Life at Sea (SOLAS), Consolidated Text of the International Convention for the Safety of Life at Sea, 1974, and its Protocol of 1988: Article, Annexes and Certificates. (Incorporating all Amendments in Effect from January 2001) (2001) (''IMO SOLAS 74''), incorporation by reference approved for § 92.07–1.

(2) [Reserved]

PART 95—FIRE PROTECTION EQUIPMENT

■ 115. The authority citation for Part 95 continues to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

■ 116. Revise § 95.01–2 to read as follows:

§ 95.01–2 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.* Also, it is available for inspection at the Coast Guard, Office of Design and Engineering Standards (CG–521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126, 202–372–1405, and is available from the sources listed below.

(b) American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959, telephone 610–832–9585, *http://www.astm.org.*

(1) ASTM F 1121–87 (1993), Standard Specification for International Shore Connections for Marine Fire Applications, incorporation by reference approved for § 95.10–10.

(2) [Reserved]

(c) National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02269–9101, telephone 800–344–3555, *http://www.nfpa.org.*

(1) NFPA 13–1996, Standard for the Installation of Sprinkler Systems, incorporation by reference approved for § 95.30–1.

(2) [Reserved]

PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

■ 117. The authority citation for Part 96 continues to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

§ 96.01–3 [Amended]

■ 118. In § 96.01–3, remove the phrase ''(G–MSE), 2100 Second Street SW., Washington, DC 20593–0001'' from paragraph (a) and add in its place the phrase ''(CG–521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126''.

PART 97—OPERATIONS

■ 119. The authority citation for Part 97 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3306, 6101; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757; 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1.

§ 97.01–2 [Amended]

■ 120. In § 97.01–2, remove the phrase ''(G–MSE–4), 2100 Second Street SW., Washington, DC 20593–0001'' from paragraph (a) and add in its place the phrase ''(CG–5214), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126''.

PART 98—SPECIAL CONSTRUCTION, ARRANGEMENT, AND OTHER PROVISIONS FOR CERTAIN DANGEROUS CARGOES IN BULK

■ 121. The authority citation for Part 98 continues to read as follows:

Authority: 33 U.S.C. 1903; 46 U.S.C. 3306, 3307, 3703; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

PART 98—[AMENDED]

■ 122. In Part 98, remove the parenthetical phrase ''(G–MSO)'' wherever it appears, and add, in its place, the parenthetical phrase ''(CG–522)''.

PART 105—COMMERCIAL FISHING VESSELS DISPENSING PETROLEUM PRODUCTS

■ 123. The authority citation for Part 105 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 3703, 4502; 49 U.S.C. App. 1804; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp., p. 793; Department of Homeland Security Delegation No. 0170.1.

■ 124. Revise § 105.01–3 to read as follows:

§ 105.01–3 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.* Also, it is available for inspection at the Coast Guard, Office of Design and Engineering Standards (CG–521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126, 202–372–1405, and is available from the sources listed below.

(b) American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959, telephone 610–832–9585, *http://www.astm.org.*

(1) ASTM D 323–94, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method), incorporation by reference approved for § 105.10–15.

(2) [Reserved]

PART 107—INSPECTION AND CERTIFICATION

■ 125. The authority citation for Part 107 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 3307; 46 U.S.C. 3316; Department of Homeland Security Delegation No. 0170.1; § 107.05 also issued under the authority of 44 U.S.C. 3507.

PART 107—[AMENDED]

■ 126. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears, and add, in its place, the text indicated in the right column:

Section	Remove	Add
107.117(a)	G–MOC	CG–543.
107.117(a)	Washington, DC 20593–0001	2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581.
107.117(b)	G–MSE	CG–521.
107.117(b)	Washington, DC 20593–0001	2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126.
107.205(b)	G–MSE	CG–521.
107.205(b)	Second St., SW., Washington, D.C. 20593–0001	2nd St. SW., Stop 7126, Washington, DC 20593–7126.
107.265(a)(2)	G–MOC	CG–543.
107.267(a)(2)	G–MOC	CG–543.
107.317(b)	JR10–0525, 2100 2nd Street, SW., Washington, DC 20593	2100 2nd St. SW., Stop 7102, Washington, DC 20593–7102.
107.413	G–MOC	CG–543.

PART 108—DESIGN AND EQUIPMENT

■ 127. The authority citation for Part 108 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3102, 3306; Department of Homeland Security Delegation No. 0170.1.

PART 108—[AMENDED]

■ 128. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section, and add in its place the text indicated in the right column:

Section	Remove	Add
108.101(a)	G–MSE	CG–521.
108.101(a)	Second Street SW., Washington, DC 20593–0001	2nd St. SW., Stop 7126, Washington, DC 20593–7126.
108.105	G–MSE	CG–521.
108.105(d)	G–MSC	Marine Safety Center.
108.201(a)	G–MSO	CG–522.

PART 109—OPERATIONS

■ 129. The authority citation for Part 109 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 6101, 10104; Department of Homeland Security Delegation No. 0170.1.

PART 109—[AMENDED]

■ 130. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section, and add, in its place, the text indicated in the right column:

Section	Remove	Add
109.105(a)	G–MSE	CG–521.
109.105(a)	Second Street SW., Washington, DC 20593–0001	2nd St. SW., Stop 7126, Washington, DC 20593–7126.

Section	Remove	Add
Appendix A to Part 109, 4.f.	G–MOC	CG–543.

PART 110—GENERAL PROVISIONS

■ 131. The authority citation for Part 110 continues to read as follows:

Authority: 33 U.S.C. 1509; 43 U.S.C 1333; 46 U.S.C. 3306, 3307, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1; § 110.01–2 also issued under 44 U.S.C. 3507.

PART 110—[AMENDED]

■ 132. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section, and add, in its place, the text indicated in the right column:

Section	Remove	Add
110.10–1(a)	Second Street, SW., Washington, DC 20593–0001	2nd St. SW., Stop 7126, Washington, DC 20593–7126.
110.25–3(a)(1)	JR10–0525, 2100 2nd Street, SW., Washington, DC 20593	2100 2nd St. SW., Stop 7102, Washington, DC 20593–7102.

PART 111—ELECTRIC SYSTEMS—GENERAL REQUIREMENTS

■ 133. The authority citation for Part 111 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; Department of Homeland Security Delegation No. 0170.1.

§ 111.105–32 [Amended]

■ 134. In § 111.105–32, remove the parenthetical phrase ''(G–MSE)'' from paragraph (c) and add, in its place, the parenthetical phrase ''(CG–521)''.

PART 114—GENERAL PROVISIONS

■ 135. The authority citation for Part 114 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703; Pub. L. 103–206, 107 Stat. 2439; 49 U.S.C. App. 1804; Department of Homeland Security No. 0170.1; § 114.900 also issued under 44 U.S.C. 3507.

§ 114.600 [Amended]

■ 136. In § 114.600, remove the phrase ''(G–MSO), 2100 Second Street SW., Washington, DC 20593–0001'' from paragraph (a) and add, in its place, the phrase ''(CG–522), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126''.

PART 116—CONSTRUCTION AND ARRANGEMENT

■ 137. The authority citation for Part 116 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277, Department of Homeland Security Delegation No. 0170.1.

§ 116.202 [Amended]

■ 138. In § 116.202, remove the phrase ''JR10–0525, 2100 2nd Street, SW., Washington, DC 20593'' from paragraph (a) and add in its place the phrase ''2100 2nd St. SW., Stop 7102, Washington, DC 20593–7102''.

PART 125—GENERAL

■ 139. The authority citation for Part 125 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3307; 49 U.S.C. App. 1804; Department of Homeland Security Delegation No. 0170.1.

PART 125—[AMENDED]

■ 140. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section, and add, in its place, the text indicated in the right column:

Section	Remove	Add
125.110(a)	G–MSO	CG–522.
125.120(a)	G–MSO	CG–522.
125.180(a)	2100 Second St. SW., Washington, DC 20593–0001	(CG–522) 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126.

PART 126—INSPECTION AND CERTIFICATION

■ 141. The authority citation for Part 126 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3205, 3306, 3307; 46 U.S.C. Chapter 701; Executive Order 111735, 38 FR 21243, 3 CFR 1971–1975 Comp., p. 793; Department of Homeland Security Delegation No. 0170.1.

PART 126—[AMENDED]

■ 142. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section, and add, in its place, the text indicated in the right column:

Section	Remove	Add
126.140	G–MOC	CG–543.
126.235(b)	G–PSE–2	CG–5212.
126.235(b)	Second St., SW., Washington, DC 20593–0001	2nd St. SW., Stop 7126, Washington, DC 20593–7126.

PART 127—CONSTRUCTION AND ARRANGEMENTS

■ 143. The authority citation for Part 127 continues to read as follows:

Authority: 46 U.S.C. 3306; Department of Homeland Security Delegation No. 0170.1.

PART 127—[AMENDED]

■ 144. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section, and add, in its place, the text indicated in the right column:

Section	Remove	Add
127.120(b)	JR10–0525, 2100 2nd Street, SW., Washington, DC 20593	2100 2nd St. SW., Stop 7102, Washington, DC 20593–7102.
127.210(b)	G–MSE	CG–521.

PART 128—MARINE ENGINEERING: EQUIPMENT AND SYSTEMS

■ 145. The authority citation for Part 128 continues to read as follows:

Authority: 46 U.S.C. 3306; Department of Homeland Security Delegation No. 0170.1.

§ 128.310 [Amended]

■ 146. In § 128.310, remove the parenthetical phrase ''(G–MSE)'' from paragraph (b) and add in its place the parenthetical phrase ''(CG–521)''.

PART 130—VESSEL CONTROL, AND MISCELLANEOUS EQUIPMENT AND SYSTEMS

■ 147. The authority citation for Part 130 continues to read as follows:

Authority: 46 U.S.C. 3306; Department of Homeland Security Delegation No. 0170.1.

§ 130.470 [Amended]

■ 148. In § 130.470, remove the parenthetical phrase ''(G–MSE)'' from paragraph (a) and add in its place the parenthetical phrase ''(CG–521)''.

PART 131—OPERATIONS

■ 149. The authority citation for Part 131 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 6101, 10104; E.O. 12234, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1.

PART 131—[AMENDED]

■ 150. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section, and add, in its place, the text indicated in the right column:

Section	Remove	Add
131.530(b)(1)	G–MOC	CG–543.
131.535(b)	G–MOC	CG–543.
131.580(e)	G–MSE	CG–521.

PART 133—LIFESAVING SYSTEMS

■ 151. The authority citation for Part 133 continues to read as follows:

Authority: 46 U.S.C. 3306, 3307; Department of Homeland Security Delegation No. 0170.1.

PART 133—[AMENDED]

■ 152. Amend Part 133 as follows:

■ a. Remove the parenthetical phrase ''(G–MSE)'' wherever it appears and add in its place the parenthetical phrase ''(CG–521)''; and

■ b. Remove the parenthetical phrase ''(G–MSC)'' from wherever it appears and add in its place the parenthetical phrase ''(Marine Safety Center)''.

PART 134—ADDED PROVISIONS FOR LIFTBOATS

■ 153. The authority citation for Part 134 continues to read as follows:

Authority: 46 U.S.C. 3306, 3307; Department of Homeland Security Delegation No. 0170.1.

§ 134.140 [Amended]

■ 154. In § 134.140, remove the parenthetical phrase ''(G–MSE)'' from paragraphs (a)(3) and (b) and add, in its place, the parenthetical phrase ''(CG–521)''.

PART 147—HAZARDOUS SHIPS' STORES

■ 155. The authority citation for Part 147 continues to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

PART 147—[AMENDED]

■ 156. Amend Part 147 as follows:

■ a. Remove the parenthetical phrase ''(G–MSE)'' from wherever it appears and add in its place the parenthetical phrase ''(CG–521)''; and

■ b. Remove the parenthetical phrase ''(G–MSO)'' from wherever it appears and add in its place the parenthetical phrase ''(CG–522)''.

§ 147.5 [Amended]

■ 157. In 147.5, remove the phrase ''Washington, DC 20593–0001'' and add in its place the phrase ''2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126''.

PART 148—CARRIAGE OF SOLID HAZARDOUS MATERIALS IN BULK

■ 158. The authority citation for Part 148 continues to read as follows:

Authority: 49 U.S.C. 5103; Department of Homeland Security Delegation No. 0170.1.

PART 148—[AMENDED]

■ 159. In Part 148, remove the parenthetical phrase ''(G–MSO)'' from wherever it appears and add, in its place, the parenthetical phrase ''(CG–522)''.

§ 148.01–9 [Amended]

■ 160. In § 148.01–9(a), remove the phrase ''Washington, DC 20593'' and add in its place the phrase ''2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126''.

§ 148.01–11 [Amended]

■ 160A. In § 148.01–11(b)(2), remove the phrase ''Washington, DC 20593'' and add in its place the phrase ''2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126''.

PART 150—COMPATIBILITY OF CARGOES

■ 161. The authority citation for Part 150 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; Department of Homeland Security Delegation No. 0170.1. Section 150.105 issued under 44 U.S.C. 3507; Department of Homeland Security Delegation No. 0170.1.

Table I to Part 150—[Amended]

■ 162. In Table I to Part 150—Alphabetical List of Cargoes, amend the row corresponding to Benzene by removing the number 2 from the footnote column.

Table II to Part 150—[Amended]

■ 163. Amend Table II to Part 150—Grouping of Cargoes by removing the words ''Fluorosilicic acid'' from the list titled ''0. Unassigned Cargoes.''

PART 151—BARGES CARRYING BULK LIQUID HAZARDOUS MATERIAL CARGOES

■ 164. The authority citation for Part 151 continues to read as follows:

Authority: 33 U.S.C. 1903; 46 U.S.C. 3703; Department of Homeland Security Delegation No. 0170.1.

PART 151—[AMENDED]

■ 165. In Part 151, remove the parenthetical phrase ''(G–MSO)'' wherever it appears, and add, in its place, the parenthetical phrase ''(CG–522)''.

PART 153—SHIPS CARRYING BULK LIQUID, LIQUEFIED GAS, OR COMPRESSED GAS HAZARDOUS MATERIALS

■ 166. The authority citation for Part 153 continues to read as follows:

Authority: 46 U.S.C. 3703; Department of Homeland Security Delegation No. 0170.1. Section 153.40 issued under 49 U.S.C. 5103. Sections 153.470 through 153.491, 153.1100 through 153.1132, and 153.1600 through 153.1608 also issued under 33 U.S.C. 1903 (b).

PART 153—[AMENDED]

■ 167. In Part 153, remove the parenthetical phrase ''(G–MSO)'' wherever it appears, and add, in its place, the parenthetical phrase ''(CG–522)''.

■ 168. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section, and add, in its place, the text indicated in the right column:

Section	Remove	Add
153.4(a)	Second Street, SW., Washington, DC 20593–0001	2nd St., SW., Stop 7126, Washington, DC 20593–7126.
153.9(b)	JR10–0525, 2100 2nd Street, SW., Washington, DC 20593	2100 2nd St. SW., Stop 7102, Washington, DC 20593–7102.

PART 154—SAFETY STANDARDS FOR SELF–PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES

■ 169. The authority citation for Part 154 continues to read as follows:

Authority: 46 U.S.C. 3703, 9101; Department of Homeland Security Delegation No. 0170.1.

PART 154—[AMENDED]

■ 170. In Part 154, remove the parenthetical phrase ''(G–MSO)'' wherever it appears, and add, in its place, the parenthetical phrase ''(CG–522)''; and

■ 171. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section, and add, in its place, the text indicated in the right column:

Section	Remove	Add
154.1(a)	Second Street, SW., Washington, DC 20593	2nd St., SW., Stop 7126, Washington, DC 20593–7126.
154.22(a)	JR10–0525, 2100 2nd Street, SW., Washington, DC 20593	2100 2nd St., SW., Stop 7102, Washington, DC 20593–7102.
154.34	Second Street, SW., Washington, DC 20593–0001	2nd St., SW., Stop 7126, Washington, DC 20593–7126.

PART 159—APPROVAL OF EQUIPMENT AND MATERIALS

■ 172. The authority citation for Part 159 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 49 CFR 1.45, 1.46; Section 159.001–9 also issued under the authority of 44 U.S.C. 3507.

PART 159—[AMENDED]

■ 173. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section, and add the text indicated in the right column:

Section	Remove	Add
159.001–2	G–M	CG–5.
159.001–4(a)	G–MSE–4	CG–5214.
159.001–4(a)	Second Street, SW., Washington, DC 20593–0001	2nd St., SW., Stop 7126, Washington, DC 20593–7126.
159.001–5	G–PSE–4	CG–5214.
159.001–5	Second Street, SW., Washington, DC 20593–0001	2nd St., SW., Stop 7126, Washington, DC 20593–7126.

PART 160—LIFESAVING EQUIPMENT

■ 174. The authority citation for Part 160 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703 and 4302; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

PART 160—[AMENDED]

■ 175. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section, and add in its place the text indicated in the right column:

Section	Remove	Add
160.002–1(c)	G–MSE	CG–521.
160.002–1(c)	Washington, DC 20593–0001	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
160.010–1(a)	G–MSE–4	CG–5214.
160.010–1(a)	Washington, DC 20593	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
160.010–2	G–MSE–4	CG–5214.
160.010–5(b)	G–MSE	CG–521.
160.010–5(c)(2)	G–MSE	CG–521.
160.010–5(c)(3)	G–MSE	CG–521.
160.010–7(a)	G–MSE	CG–521.
160.022–1(c)	G–MSE	CG–521.
160.022–1(c)	Washington, DC 20593–0001	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
160.033–1(b)	G–MSE	CG–521.
160.033–1(b)	Washington, DC 20593–0001	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
160.035–8(b)(1)	G–MSE	CG–521.
160.037–1(c)	G–MSE	CG–521.
160.037–1(c)	Washington, DC 20593–0001	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
160.047–1(c)(1)	G–MSE	CG–521.
160.047–1(c)(1)	Washington, DC 20593–0001	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
160.052–1(c)(1)	G–MSE	CG–521.
160.052–1(c)(1)	Washington, DC 20593–0001	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
160.054–1(b)	G–MSE	CG–521.
160.054–1(b)	Washington, DC 20593–0001	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
160.055–1(c)	G–MSE	CG–521.
160.055–1(c)	Washington, DC 20593–0001	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
160.057–1(c)	G–MSE	CG–521.
160.057–1(c)	Washington, DC 20593–0001	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
160.060–1(c)(1)	G–MSE	CG–521.
160.060–1(c)(1)	Washington, DC 20593–0001	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
160.072–09(a)	G–MSE	CG–521.
160.072–09(a)	Washington, DC 20591	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
160.073–5(b)	G–MSE	CG–521.
160.073–5(b)	Washington, DC 20593–0001	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
160.076–5 *Commandant*).	G–PSE–4	CG–5214.
160.076–5 *Commandant*).	Second St., SW., Washington, DC 20593–0001	2nd St., SW., Stop 7126, Washington, DC 20593–7126.
160.076–11(a)	G–MSE–4	CG–5214.
160.076–11(a)	Second Street, SW., Washington, DC 20593–0001	2nd St., SW., Stop 7126, Washington, DC 20593–7126.
160.077–2(a)	G–MSE–4	CG–5214.
160.077–2(a)	Second Street, SW., Washington, DC 20593–0001	2nd St., SW., Stop 7126, Washington, DC 20593–7126.
160.077–5(a)	G–MSE–4	CG–5214.
160.077–5(a)	Washington, DC 20593	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
160.151–3 *Commandant*).	G–MSE	CG–521.
160.151–3 *Commandant*.	Second Street, SW., Washington, DC 20593–0001	2nd St., SW., Stop 7126, Washington, DC 20593–7126.
160.151–5(a)	G–MSE	CG–521.
160.151–5(a)	Washington, DC 20593–0001	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
160.171–3(a)	G–MSE–4	CG–5214.
160.171–3(a)	Washington, DC 20593	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.

Section	Remove	Add
160.174–3(a)	G–MSE–4	CG–5214.
160.174–3(a)	Washington, DC 20593	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
160.176–3(a)	G–MSE–4	CG–5214.
160.176–3(a)	Second St., SW., Washington, DC 20593–0001	2nd St., SW., Stop 7126, Washington, DC 20593–7126.
160.176–4(a)	G–MSE–4	CG–5214.
160.176–4(a)	Second St., SW., Washington, DC 20593–0001	2nd St., SW., Stop 7126, Washington, DC 20593–7126.

PART 161—ELECTRICAL EQUIPMENT

■ 176. The authority citation for Part 161 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, 4302; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

PART 161—[AMENDED]

■ 177. Amend Part 161 as follows:

■ a. Remove the phrase ''Second Street SW., Washington, DC 20593–0001'' from wherever it appears and add, in its place, the phrase ''2nd St., SW., Stop 7126, Washington, DC 20593–7126''; and

■ b. Remove the parenthetical phrase ''(G–MSE)'' from wherever it appears and add, in its place, the parenthetical phrase ''(CG–521)''.

§ 161.010–4 [Amended]

■ 178. In 161.010–4(a), remove the phrase ''JR10–0525, 2100 2nd Street, SW., Washington, DC 20593'' and add in its place the phrase ''2100 2nd St., SW., Stop 7102, Washington, DC 20593–7102''.

§§ 161.012–5, 161.013–11, and 161.013–17 [Amended]

■ 179. In §§ 161.012–5(a), 161.013–11(c)(1), and 161.013–17, remove the phrase ''Washington, DC 20593–0001'' and add in its place the phrase ''2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126''.

PART 162—ENGINEERING EQUIPMENT

■ 180. The authority citation for Part 162 continues to read as follows:

Authority: 33 U.S.C. 1321(j), 1903; 46 U.S.C. 3306, 3703, 4104, 4302; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1.

PART 162—[AMENDED]

■ 181. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section, and add, in its place, the text indicated in the right column:

Section	Remove	Add
162.017–1(a)	Second Street, SW., Washington, DC 20593–0001	2nd St., SW., Stop 7126, Washington, DC 20593–7126.
162.017–6(a)	JR10–0525, 2100 2nd Street, SW., Washington, DC 20593	2100 2nd St., SW., Stop 7102, Washington, DC 20593–7102.
162.017–6(c)	G–MSE	CG–521.
162.018–8(a)	JR10–0525, 2100 2nd Street, SW., Washington, DC 20593	2100 2nd St., SW., Stop 7102, Washington, DC 20593–7102.
162.027–1(a)	G–MSE	CG–521.
162.027–1(a)	Second Street SW., Washington, DC 20593–0001	2nd St., SW., Stop 7126, Washington, DC 20593–7126.
162.027–2(b)	G–MSE	CG–521.
162.050–4(a)	Second Street, SW., Washington, DC 20593–0001	2nd St., SW., Stop 7126, Washington, DC 20593–7126.
162.050–7(a)	JR10–0525, 2100 2nd Street, SW., Washington, DC 20593	2100 2nd St., SW., Stop 7102, Washington, DC 20593–7102.
162.050–15(a), (e), (h).	Commanding Officer, U.S. Coast Guard Marine Safety Center, Engineering Division.	Commandant (CG–5213), Systems Engineering Division.
162.050–15(a), (e), (h).	2100 2nd St., SW., Washington, DC 20593–0001	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.

PART 164—MATERIALS

■ 182. The authority citation for Part 164 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, 4302; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

PART 164—[AMENDED]

■ 183. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section, and add, in its place, the text indicated in the right column:

Section	Remove	Add
164.007–1(c)(1)	G–MSE	CG–521.
164.007–1(c)(1)	Washington, DC 20593–0001	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
164.008–1(c)(1)	G–MSE	CG–521.
164.008–1(c)(1)	Washington, DC 20593–0001	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
164.009–9(d)	G–MSE	CG–521.
164.009–11(a)	G–MSE	CG–521.
164.012–1(b)	G–MSE	CG–521.

Section	Remove	Add
164.012–1(b)	Washington, DC 20593–0001	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
164.013–2(a)	G–MSE–4	CG–5214.
164.013–2(a)	Washington, DC 20593–0001	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
164.018–7(a)	G–MSE	CG–521.
164.018–7(a)	Washington, DC 20593–0001	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
164.019–3	G–MSE	CG–521.
164.019–3	2100 Second St., SW., Washington, DC 20593–0001	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
164.023–3(a)	G–MSE–4	CG–5214.
164.023–3(a)	Washington, DC 20593–0001	2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

■ 184. The authority citation for Part 167 continues to read as follows:

Authority: 46 U.S.C. 3306, 3307, 6101, 8105; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

§ 167.15–30 [Amended]

■ 185. In § 167.15–30, remove the parenthetical phrase ''(G–MOC)'' from paragraph (e) and add, in its place, the parenthetical phrase ''(CG–543)''.

PART 169—SAILING SCHOOL VESSELS

■ 186. The authority citation for Part 169 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 6101; Pub. L. 103–206, 107 Stat. 2439; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp., p. 793; Department of Homeland Security Delegation No. 0170.1; § 169.117 also issued under the authority of 44 U.S.C. 3507.

PART 169—[AMENDED]

■ 187. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section, and, in its place, add the text indicated in the right column:

Section	Remove	Add
169.115(b)	Washington, DC 20593	(CG–521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.
169.229(e)	G–MOC	CG–543.

PART 170—STABILITY REQUIREMENTS FOR ALL INSPECTED VESSELS

■ 188. The authority citation for Part 170 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 2103, 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

PART 170—[AMENDED]

■ 189. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section, and add, in its place, the text indicated in the right column:

Section	Remove	Add
170.010	JR10–0525, 2100 2nd Street, SW., Washington, DC 20593	2100 2nd St., SW., Stop 7102, Washington, DC 20593–7102.
170.015(a)	Second Street, SW., Washington, D.C. 20593–0001	2nd St., SW., Stop 7126, Washington, DC 20593–7126.
170.100(b)	JR10–0525, 2100 2nd Street, SW., Washington, DC 20593	2100 2nd St., SW., Stop 7102, Washington, DC 20593–7102.

§ 170.160 [Amended]

■ 190. In § 170.160 (c)(1), remove the words ''Table 151.01–10(b)'' and add, in their place, the words ''Table 151.05''.

PART 172—SPECIAL RULES PERTAINING TO BULK CARGOES

■ 191. The authority citation for Part 172 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, 5115; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

§ 172.020 [Amended]

■ 192. In § 172.020, remove the phrase ''2100 Second Street, SW., Washington, DC 20593–0001'' from paragraph (a) and add, in its place, the phrase ''(CG–521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126 ''.

§ 172.080 [Amended]

■ 193. In § 172.080, remove the words ''Table 151.01–10(b)'' and add, in their place, the words ''Table 151.05''.

PART 174—SPECIAL RULES PERTAINING TO SPECIFIC VESSEL TYPES

■ 194. The authority citation for Part 174 continues to read as follows:

Authority: 42 U.S.C. 9118, 9119, 9153; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

§ 174.007 [Amended]

■ 195. In § 174.007, remove the phrase ''(G–MSE), 2100 Second Street, SW., Washington, DC 20593–0001'' from paragraph (a) and add in its place the phrase ''(CG–521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126''.

PART 175—GENERAL PROVISIONS

■ 196. The authority citation for Part 175 continues to read as follows:

Authority: 46 U.S.C. 2103, 3205, 3306, 3307, 3703; Pub. L. 103–206, 107 Stat. 2439; 49 U.S.C. App. 1804; Department of Homeland Security Delegation No. 0170.1; 175.900 also issued under authority of 44 U.S.C. 3507.

§ 175.540 [Amended]

■ 197. In § 175.540, remove the parenthetical phrase ''(G–MOC)'' from paragraph (d) and add, in its place, the parenthetical phrase ''(CG–543)''.

§ 175.600 [Amended]

■ 198. In § 175.600, remove the phrase ''Second Street, SW., Washington, DC 20593–0001'' from paragraph (a) and add, in its place, the phrase ''2nd St., SW., Stop 7126, Washington, DC 20593–7126''.

PART 177—CONSTRUCTION AND ARRANGEMENT

■ 199. The authority citation for Part 177 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

PART 177—[AMENDED]

■ 200. In Part 177, remove the phrase ''JR10–0525, 2100 2nd Street, SW., Washington, DC 20593'' from wherever it appears and add in its place the phrase ''2100 2nd St., SW., Stop 7102, Washington, DC 20593–7102''.

PART 188—GENERAL PROVISIONS

■ 201. The authority citation for Part 188 continues to read as follows:

Authority: 46 U.S.C. 2113, 3306; Pub. L 103–206, 107 Stat. 2439; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

§ 188.10–33 [Amended]

■ 202. In § 188.10–33, remove the phrase ''Washington, DC 20593–0001'' and add in its place the phrase ''2100 2nd St., SW., Stop 7000, Washington, DC 20593–7000''.

§ 188.35–5 [Amended]

■ 203. Amend § 188.35–5(b) as follows:

■ a. Remove the parenthetical phrase ''(G–MOC)'' and add in its place the parenthetical phrase ''(CG–543)''; and

■ b. Remove the phrase ''Washington, DC 20593–0001'' and add in its place the phrase ''2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581''.

PART 189—INSPECTION AND CERTIFICATION

■ 204. The authority citation for Part 189 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2113, 3306, 3307; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1.

PART 189—[AMENDED]

■ 205. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section, and add, in its place, the text indicated in the right column:

Section	Remove	Add
189.15–5(b)	Second St., SW., Washington, DC 20593–0001	2nd St., SW., Stop 7126, Washington, DC 20593–7126.
189.40–3	G–MOC	CG–543.
189.55–15(a)(2)	JR10–0525, 2100 2nd Street, SW., Washington, DC 20593	2100 2nd St., SW., Stop 7102, Washington, DC 20593–7102.

PART 193—FIRE PROTECTION EQUIPMENT

■ 206. The authority citation for Part 193 continues to read as follows:

Authority: 46 U.S.C. 2213, 3102, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

■ 207. Revise § 193.01–3 to read as follows:

§ 193.01–3 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.* Also, it is available for inspection at the Coast Guard, Office of Design and Engineering Standards (CG–521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126, 202–372–1405, and is available from the sources listed below.

(b) American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959, telephone 610–832–9585, *http://www.astm.org.*

(1) ASTM F 1121–87 (1993), Standard Specification for International Shore Connections for Marine Fire Applications, incorporation by reference approved for § 193.10–10.

(2) [Reserved]

(c) National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02269–9101, telephone 800–344–3555, *http://www.nfpa.org.*

(1) NFPA 13–1996, Standard for the Installation of Sprinkler Systems, incorporation by reference approved for § 193.30–1.

(2) [Reserved]

PART 194—HANDLING, USE, AND CONTROL OF EXPLOSIVES AND OTHER HAZARDOUS MATERIALS

■ 208. The authority citation for Part 194 continues to read as follows:

Authority: 46 U.S.C. 2103, 2113, 3306; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

§ 194.05–3 [Amended]

■ 209. In § 194.05–3, remove the parenthetical phrase ''(G–MSO)'' from paragraph (b) and add in its place the parenthetical phrase ''(CG–522)''.

PART 195—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

■ 210. The authority citation for Part 195 continues to read as follows:

Authority: 46 U.S.C. 2113, 3306, 3307; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

§ 195.01–3 [Amended]

■ 211. In § 195.01–3, remove the phrase ''2100 Second Street, SW., Washington, DC 20593–0001'' from paragraph (a) and add in its place the phrase ''(CG–521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126''.

PART 197—GENERAL PROVISIONS

■ 212. The authority citation for Part 197 continues to read as follows:

Authority: 33 U.S.C. 1509; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703, 6101; Department of Homeland Security Delegation No. 0170.1.

§ 197.510 [Amended]

■ 213. In § 197.510, remove the phrase ''(G–MSO), 2100 Second Street, SW., Washington, DC 20593–0001'' from paragraph (a) and add in its place the phrase ''(CG–522), 2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126''.

PART 199—LIFESAVING SYSTEMS FOR CERTAIN INSPECTED VESSELS

■ 214. The authority citation for Part 199 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; Pub. L. 103–206, 107 Stat. 2439; Department of Homeland Security Delegation No. 0170.1.

PART 199—[AMENDED]

■ 215. In the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section, and add the text indicated in the right column:

Section	Remove	Add
199.05(a)	G–MSE–4	CG–5214.
199.05(a)	Second Street, SW., Washington, DC 20593–0001	2nd St., SW., Stop 7126, Washington, DC 20593–7126.
199.09	G–MSE	CG–521.
199.20	G–MOC	CG–543.
199.30 (Major character).	G–MOC	CG–543.
199.40(c)	G–MSE	CG–521.
199.40(d)	G–MSC	Marine Safety Center.

PART 401—GREAT LAKES PILOTAGE REGULATIONS

■ 216. The authority citation for Part 401 continues to read as follows:

Authority: 46 U.S.C. 2104(a), 6101, 7701, 8105, 9303, 9304; Department of Homeland Security Delegation No. 0170.1; 46 CFR 401.105 also issued under the authority of 44 U.S.C. 3507.

§ 401.110 [Amended]

■ 217. Amend § 401.110 as follows:

■ a. Remove the phrase ''Washington, DC 20593–0001'' from paragraph (a)(2) and add in its place the phrase ''2100 2nd St., SW., Stop 7000, Washington, DC 20593–7000''; and

■ b. Remove the phrase ''Second Street, SW., Washington, DC 20593–0001,'' from paragraph (a)(9) and add in its place the phrase ''2nd St., SW., Stop 7581, Washington, DC 20593–7581,''.

Title 49—Transportation

PART 450—GENERAL

■ 218. The authority citation for Part 450 continues to read as follows:

Authority: Sec. 4, 91 Stat. 1475 (46 U.S.C. 1503); Department of Homeland Security Delegation No. 0170.1.

PART 450—[AMENDED]

■ 219. Remove the parenthetical phrase ''(G–MSO)'' from wherever it appears and add in its place the phrase ''(CG–522)''.

§ 450.11 [Amended]

■ 220. In § 450.11, remove the words ''Washington, DC 20593'' from paragraph (a) and add, in their place, the words ''2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126''.

PART 451—TESTING AND APPROVAL OF CONTAINERS

■ 221. The authority citation for Part 451 continues to read as follows:

Authority: Sec. 4, 91 Stat 1475 (46 U.S.C. 1503); Department of Homeland Security Delegation No. 0170.1.

PART 451—[AMENDED]

■ 222. In Part 451, remove the parenthetical phrase ''(G–MSO)'' from wherever it appears and add, in its place, the phrase ''(CG–522)''.

§ 451.1 [Amended]

■ 223. In § 451.1, remove the phrase ''Washington, DC 20593'' from paragraph (a) and add in its place the phrase ''2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126''.

PART 452—EXAMINATION OF CONTAINERS

■ 224. The authority citation for Part 452 continues to read as follows:

Authority: Sec. 4, 91 Stat 1475 (46 U.S.C. 1503); Department of Homeland Security Delegation No. 0170.1.

§ 452.7 [Amended]

■ 225. Amend § 452.7(a) as follows:

■ a. Remove the parenthetical phrase ''(G–MSO)'' and add in its place the phrase ''(CG–522)''; and

■ b. Remove the words ''Second Street, SW., Washington, DC 20593'' and add in their place the words ''2nd St. SW., Stop 7126, Washington, DC 20593–7126''.

PART 453—CONTROL AND ENFORCEMENT

■ 226. The authority citation for Part 453 continues to read as follows:

Authority: Sec. 4, 91 Stat 1475 (46 U.S.C. 1503); Department of Homeland Security Delegation No. 0170.1.

PART 453—[AMENDED]

■ 227. Remove the parenthetical phrase ''(G–MSO)'' from wherever it appears and add, in its place, the phrase ''(CG–522)''.

Dated: September 1, 2009.

Stefan G. Venckus,

Chief, Office of Regulations and Administrative Law, United States Coast Guard.

[FR Doc. E9–21588 Filed 9–24–09; 8:45 am]

BILLING CODE 4910–15–P

Federal Register

Friday,
September 25, 2009

Part V

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

[FWS–R9–MB–2008–0124; 91200–1231–9BPP–L2]

RIN 1018–AW31

Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes the hunting seasons, hours, areas, and daily bag and possession limits for general waterfowl seasons and those early seasons for which States previously deferred selection. Taking of migratory birds is prohibited unless specifically provided for by annual regulations. This rule permits the taking of designated species during the 2009–10 season.

DATES: This rule is effective on September 26, 2009.

ADDRESSES: You may inspect comments received on the migratory bird hunting regulations during normal business hours at the Service's office in room 4107, Arlington Square Building, 4501 N. Fairfax Drive, Arlington, Virginia. You may obtain copies of referenced reports from the street address above, or from the Division of Migratory Bird Management's Web site at *http://www.fws.gov/migratorybirds/,* or at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Robert Blohm, Chief, or Ron W. Kokel, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, (703) 358–1714.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 2009

On April 10, 2009, we published in the **Federal Register** (74 FR 16339) a proposal to amend 50 CFR part 20. The proposal provided a background and overview of the migratory bird hunting regulations process, and dealt with the establishment of seasons, limits, and other regulations for hunting migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. Major steps in the 2009–10 regulatory cycle relating to open public meetings and **Federal Register** notifications were also identified in the April 10 proposed rule. Further, we explained that all sections of subsequent documents outlining hunting frameworks and guidelines were organized under numbered headings. Subsequent documents will refer only to numbered items requiring attention. Therefore, it is important to note that we will omit those items requiring no attention, and remaining numbered items will be discontinuous and appear incomplete.

On May 27, 2009, we published in the **Federal Register** (74 FR 25209) a second document providing supplemental proposals for early- and late-season migratory bird hunting regulations. The May 27 supplement also provided detailed information on the 2009–10 regulatory schedule and announced the Service Migratory Bird Regulations Committee (SRC) and Flyway Council meetings.

On June 24 and 25, 2009, we held open meetings with the Flyway Council Consultants at which the participants reviewed information on the current status of migratory shore and upland game birds and developed recommendations for the 2009–10 regulations for these species plus regulations for migratory game birds in Alaska, Puerto Rico, and the Virgin Islands, special September waterfowl seasons in designated States, special sea duck seasons in the Atlantic Flyway, and extended falconry seasons. In addition, we reviewed and discussed preliminary information on the status of waterfowl as it relates to the development and selection of the regulatory packages for the 2009–10 regular waterfowl seasons. On July 24, 2009, we published in the **Federal Register** (74 FR 36870) a third document specifically dealing with the proposed frameworks for early-season regulations. On August 25, 2009, we published in the **Federal Register** (74 FR 43008) a rulemaking establishing final frameworks for early-season migratory bird hunting regulations for the 2009–10 season. Subsequently, on August 31, 2009, we published a final rule in the **Federal Register** (74 FR 45032) amending subpart K of title 50 CFR part 20 to set hunting seasons, hours, areas, and limits for early seasons.

On July 29–30, 2009, we held open meetings with the Flyway Council Consultants, at which the participants reviewed the status of waterfowl and developed recommendations for the 2009–10 regulations for these species. On August 13, 2009, we published in the **Federal Register** (74 FR 41008) the proposed frameworks for the 2009–10 late-season migratory bird hunting regulations. We published final late-season frameworks for migratory game bird hunting regulations, from which State wildlife conservation agency officials selected late-season hunting dates, hours, areas, and limits for 2009–10, in a late September 2009 **Federal Register**.

The final rule described here is the final in the series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations for 2009–10 and deals specifically with amending subpart K of 50 CFR part 20. It sets hunting seasons, hours, areas, and limits for species subject to late-season regulations and those for early seasons that States previously deferred.

National Environmental Policy Act (NEPA) Consideration

NEPA considerations are covered by the programmatic document ''Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88–14),'' filed with the Environmental Protection Agency on June 9, 1988. We published a notice of availability in the **Federal Register** on June 16, 1988 (53 FR 22582). We published our record of decision on August 18, 1988 (53 FR 31341). In addition, an August 1985 environmental assessment entitled ''Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands'' is available by writing to the street address indicated under the caption **ADDRESSES**.

In a notice published in the September 8, 2005 **Federal Register** (70 FR 53376), we announced our intent to develop a new Supplemental Environmental Impact Statement for the migratory bird hunting program. Public scoping meetings were held in the spring of 2006, as detailed in a March 9, 2006 **Federal Register** (71 FR 12216). A scoping report summarizing the scoping comments and scoping meetings is available by either writing to the street address indicated under **ADDRESSES** or by viewing our Web site at *http://www.fws.gov/migratorybirds/.*

Endangered Species Act Consideration

Section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531–1543; 87 Stat. 884), provides that, ''The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act'' (and) shall ''insure that any action authorized, funded or carried out * * * is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat * * *'' Consequently, we conducted consultations to ensure that actions resulting from these regulations would not likely jeopardize the continued

existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from these consultations are included in the Section 7 Consultation on the Proposed 2009–10 Migratory Game Bird Hunting Regulations (dated August 24, 2009). The consultation concluded that the 2009–10 regulations are not likely to jeopardize the continued existence of either the whooping crane or Steller's eider. To prevent take of whooping cranes, the Contingency Plan for Federal-State Cooperative Protection of whooping cranes provides a protective program in 13 States. In addition, the State of Kansas will implement specific restrictions to avoid accidental shootings. To prevent take of Steller's eiders, the 2009–10 regulations include the continued implementation of measures initiated and outlined under the 2009 Alaska migratory bird subsistence regulations. These measures include Service initiated conservation measures that increase migratory bird hunter outreach prior to the opening of the hunting season, increased Service enforcement of migratory bird regulations, and conducting in-season harvest verification of Steller's eider mortality and injury. Additionally, any modifications resulting from this consultation may have caused modification of some regulatory measures previously proposed. The final frameworks reflect any modifications. Our biological opinions resulting from this section 7 consultation are public documents available for public inspection in the Service's Division of Endangered Species and Division of Migratory Bird Management, at the street address indicated under **ADDRESSES**.

Executive Order 12866

The Office of Management and Budget has determined that this rule is significant and has reviewed this rule under Executive Order 12866. OMB bases its determination of regulatory significance upon the following four criteria:

(a) Whether the rule will have an annual effect of $100 million or more on the economy or adversely affect an economic sector, productivity, jobs, the environment, or other units of the government.

(b) Whether the rule will create inconsistencies with other Federal agencies' actions.

(c) Whether the rule will materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients.

(d) Whether the rule raises novel legal or policy issues.

An economic analysis was prepared for the 2008–09 season. This analysis was based on data from the 2006 National Hunting and Fishing Survey, the most recent year for which data are available (see discussion in Regulatory Flexibility Act section below). This analysis estimates consumer surplus for three alternatives for duck hunting (estimates for other species are not quantified due to lack of data). The alternatives are (1) issue restrictive regulations allowing fewer days than those issued during the 2007–08 season, (2) issue moderate regulations allowing more days than those in alternative 1, and (3) issue liberal regulations identical to the regulations in the 2007–08 season. For the 2008–09 season, we chose alternative 3, with an estimated consumer surplus across all flyways of $205–$270 million. For the upcoming 2009–10 season, we again considered these three alternatives and again chose alternative 3 for ducks. We made minor modifications to the season frameworks for some other species, but these do not significantly change the economic impacts of the rule, which were not quantified for other species. For these reasons, we have not conducted a new economic analysis, but the 2008–09 analysis is part of the record for this rule and is available at *http://www.fws.gov/migratorybirds/NewReportsPublications/SpecialTopics/SpecialTopics.html#HuntingRegs* or at *http://www.regulations.gov.*

Regulatory Flexibility Act

The regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). We analyzed the economic impacts of the annual hunting regulations on small business entities in detail as part of the 1981 cost-benefit analysis. This analysis was revised annually from 1990–95. In 1995, the Service issued a Small Entity Flexibility Analysis (Analysis), which was subsequently updated in 1996, 1998, 2004, and 2008. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5-year intervals. The 2008 Analysis was based on the 2006 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns, from which it was estimated that migratory bird hunters would spend approximately $1.2 billion at small businesses in 2008. Copies of the Analysis are available upon request from the street address indicated under **ADDRESSES** or from our Web site at *http://www.fws.gov/migratorybirds/NewReportsPublications/SpecialTopics/SpecialTopics.html#HuntingRegs* or at *http://www.regulations.gov.*

Small Business Regulatory Enforcement Fairness Act

This rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, this rule has an annual effect on the economy of $100 million or more.

Paperwork Reduction Act

We examined these regulations under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The various recordkeeping and reporting requirements imposed under regulations established in 50 CFR part 20, subpart K, are utilized in the formulation of migratory game bird hunting regulations. Specifically, OMB has approved the information collection requirements of our Migratory Bird Surveys and assigned control number 1018–0023 (expires 2/28/2011). This information is used to provide a sampling frame for voluntary national surveys to improve our harvest estimates for all migratory game birds in order to better manage these populations. OMB has also approved the information collection requirements of the Alaska Subsistence Household Survey, an associated voluntary annual household survey used to determine levels of subsistence take in Alaska, and assigned control number 1018–0124 (expires 1/31/2010). A Federal agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Unfunded Mandates Reform Act

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.,* that this rulemaking will not impose a cost of $100 million or more in any given year on local or State government or private entities. Therefore, this rule is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

Civil Justice Reform—Executive Order 12988

The Department, in promulgating this rule, has determined that it will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

Takings Implication Assessment

In accordance with Executive Order 12630, this rule, authorized by the Migratory Bird Treaty Act, does not have significant takings implications and does not affect any constitutionally protected property rights. This rule will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, these rules allow hunters to exercise otherwise unavailable privileges and, therefore, reduce restrictions on the use of private and public property.

Energy Effects—Executive Order 13211

Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. While this rule is a significant regulatory action under Executive Order 12866, it is not expected to adversely affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and 512 DM 2, we have evaluated possible effects on Federally-recognized Indian tribes and have determined that there are no effects on Indian trust resources. However, in the April 10 **Federal Register**, we solicited proposals for special migratory bird hunting regulations for certain Tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands for the 2009–10 migratory bird hunting season. The resulting proposals were contained in a separate August 11, 2009, proposed rule (74 FR 40138). By virtue of these actions, we have consulted with Tribes affected by this rule.

Federalism Effects

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections regarding the hunting of migratory birds, and we employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and Tribes to determine which seasons meet their individual needs. Any State or Indian Tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This process allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with Executive Order 13132, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulations Promulgation

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, we intend that the public be given the greatest possible opportunity to comment. Thus, when the preliminary proposed rulemaking was published, we established what we believed were the longest periods possible for public comment. In doing this, we recognized that when the comment period closed, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, States would have insufficient time to select season dates and limits; to communicate those selections to us; and to establish and publicize the necessary regulations and procedures to implement their decisions. We therefore find that ''good cause'' exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will, therefore, take effect immediately upon publication. Therefore, under authority of the Migratory Bird Treaty Act (July 3, 1918), as amended (16 U.S.C. 703–711), we prescribe final frameworks setting forth the species to be hunted, the daily bag and possession limits, the shooting hours, the season lengths, the earliest opening and latest closing season dates, and hunting areas, from which State conservation agency officials will select hunting season dates and other options. Upon receipt of season selections from these officials, we will publish a final rulemaking amending 50 CFR part 20 to reflect seasons, limits, and shooting hours for the conterminous United States for the 2009–10 season.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Dated: September 16, 2009.

Thomas L. Strickland,

Assistant Secretary for Fish and Wildlife and Parks.

■ For the reasons set out in the preamble, title 50, chapter I, subchapter B, part 20, subpart K of the Code of Federal Regulations is amended as follows:

PART 20—[AMENDED]

■ 1. The authority citation for part 20 continues to read as follows:

Authority: Migratory Bird Treaty Act, 40 Stat. 755, 16 U.S.C. 703–712; Fish and Wildlife Act of 1956, 16 U.S.C. 742a–j; Pub. L. 106–108, 113 Stat. 1491, Note Following 16 U.S.C. 703.

BILLING CODE 4310–55–P

Note - The following annual regulations provided for by §§20.104, 20.105, 20.106, 20.107, and 20.109 of 50 CFR part 20 will not appear in the Code of Federal Regulations because of their seasonal nature.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS AND FEDERAL INDIAN RESERVATIONS.

2. Section 20.104 is amended by adding the entries for the following States in alphabetical order to read as follows:

§20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations.

Area descriptions were published in the August 13, 2009 (74 FR 41008) and August 25, 2009 (74 FR 43008), Federal Registers.

NOTE: The following seasons are in addition to the seasons published previously in the August 31, 2009, Federal Register (74 FR 45032).

	Sora & Virginia Rails	Clapper & King Rails	Woodcock	Common Snipe
Daily bag limit	25 (1)	15 (2)	3	8
Possession limit	25 (1)	30 (2)	6	16
ATLANTIC FLYWAY				
		* * * * *		
Massachusetts (5)	Sept. 1-Nov. 7	Closed	Oct. 15-Oct. 31 & Nov. 2-Nov. 14	Sept. 1-Dec. 16
		* * * * *		
Vermont	Closed	Closed	Oct. 8-Nov. 6	Oct. 10-Dec. 18
		* * * * *		
MISSISSIPPI FLYWAY				
		* * * * *		
Louisiana	Sept. 12-Sept. 27 & Nov. 14-Jan. 6	Sept. 12-Sept. 27 & Nov. 14-Jan. 6	Dec. 18-Jan. 31	Nov. 7-Dec. 11 Dec. 19-Feb. 28
		* * * * *		
Tennessee				
Reelfoot Zone	Nov. 14-Nov. 15 & Dec. 5-Jan. 31	Closed	Oct. 31-Dec. 14	Nov. 14-Feb. 28

	Sora & Virginia Rails	Clapper & King Rails	Woodcock	Common Snipe
Tennessee (cont.)				
State Zone	Nov. 28-Nov. 29 & Dec. 5-Jan. 31	Closed	Oct. 31-Dec. 14	Nov. 14-Feb. 28
Wisconsin				
North Zone	Sept. 26-Nov. 24	Closed	Sept. 19-Nov. 2	Sept. 26-Nov. 24
South Zone	Oct. 3-Oct. 11 & Oct. 17-Dec. 6	Closed	Sept. 19-Nov. 2	Oct. 3-Oct. 11 & Oct. 17-Dec. 6
* * * * *				
PACIFIC FLYWAY				
Arizona (18)				
North Zone	Closed	Closed	Closed	Oct. 9-Jan. 17
South Zone	Closed	Closed	Closed	Oct. 23-Jan. 31
* * * * *				
Idaho				
Zone 1 & 2	Closed	Closed	Closed	Oct. 3-Jan. 15
Zones 3	Closed	Closed	Closed	Oct. 10-Jan. 22
* * * * *				
Nevada				
Lincoln and Clark Counties	Closed	Closed	Closed	Oct. 17-Jan. 29
Rest of State	Closed	Closed	Closed	Oct. 17-Jan. 30
* * * * *				
Oregon				
Zone 1	Closed	Closed	Closed	Oct. 17-Oct. 25 & Oct. 28-Jan. 31
Zone 2	Closed	Closed	Closed	Oct. 10-Nov. 29 & Dec. 2-Jan. 24
* * * * *				
Washington				
East Zone	Closed	Closed	Closed	Oct. 17-Oct. 21 & Oct. 24-Jan. 31
West Zone	Closed	Closed	Closed	Oct. 17-Oct. 21 & Oct. 24-Jan. 31
* * * * *				

(1) The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these species.
(2) All bag and possession limits for clapper and king rails apply singly or in the aggregate of the two species and, unless otherwise specified, the limits are in addition to the limits on sora and Virginia rails in all States. In Delaware, the limits for clapper and king rails are 10 daily and 20 in possession. In Connecticut and Maryland, the limits for clapper and king rails are 10 daily and 10 in possession.

* * * * *

(5) In Massachusetts, the sora rail limits are 5 daily and 5 in possession; the Virginia rail limits are 10 daily and 10 in possession.

* * * * *

(18) In Arizona, Ashurst Lake in Unit 5B is closed to common snipe hunting.

3. In §20.105, paragraphs (a), (b), and (f) are amended by adding the entries for the following States in alphabetical order and paragraph (e) is revised to read as follows:

§20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 13, 2009 (74 FR 41008) and August 25, 2009 (74 FR 43008), Federal Registers.

(a) Common Moorhens and Purple Gallinules
(Atlantic, Mississippi, and Central Flyways)

NOTE: The following seasons are in addition to the seasons published previously in the August 31, 2009 Federal Register (74 FR 45032). The zones named in this paragraph are the same as those used for setting duck seasons.

	Season Dates	Limits	
		Bag	Possession
ATLANTIC FLYWAY			
	* * * * *		
Georgia	Nov. 21-Nov. 29 &	15	30
	Dec. 12-Jan. 31		
	* * * * *		
Virginia	Oct. 8-Oct. 12 &	15	30
	Nov. 21-Dec. 5 &	15	30
	Dec. 12-Jan. 30	15	30
West Virginia			
Zone 1	Oct. 1-Oct. 14 &	15	30
	Dec. 16-Jan. 30	15	30

	Season Dates	Limits Bag	Limits Possession
West Virginia (cont.)			
Zone 2	Oct. 1-Oct. 14 &	15	30
	Dec. 9-Jan. 23	15	30
* * * * *			
MISSISSIPPI FLYWAY			
* * * * *			
Louisiana	Sept. 12-Sept. 27 &	15	30
	Nov. 14-Jan. 6	15	30
Michigan			
North Zone	Sept. 26-Nov. 20 &	1	2
	Nov. 26-Nov. 29	1	2
Middle Zone	Oct. 3-Nov. 29 &	1	2
	Dec. 5-Dec. 6	1	2
South Zone	Oct. 10-Dec. 6 &	1	2
	Jan. 2-Jan. 3	1	2
Minnesota (3)	Oct. 3-Dec. 1	15	30
* * * * *			
Tennessee			
Reelfoot Zone	Nov. 14-Nov. 15 &	15	30
	Dec. 5-Jan. 31	15	30
State Zone	Nov. 28-Nov. 29 &	15	30
	Dec. 5-Jan. 31	15	30
Wisconsin			
North Zone	Sept. 26-Nov. 24	15	30
South Zone	Oct. 3-Oct. 11 & Oct. 17-Dec. 6	15	30
CENTRAL FLYWAY			
* * * * *			
Wyoming	Closed		
* * * * *			
PACIFIC FLYWAY			
All States	Seasons are in aggregate with coots and listed in paragraph (e).		

* * * * *

(3) In Minnesota, the daily bag limit is 15 and the possession limit is 30 coots and moorhens in the aggregate.

(b) Sea Ducks (scoter, eider, and long-tailed ducks in Atlantic Flyway)

NOTE: The following seasons are in addition to the seasons published previously in the August 31, 2009 Federal Register (74 FR 45032).

Within the special sea duck areas, the daily bag limit is 7 scoter, eider, and long-tailed ducks of which no more than 4 may be scoters. Possession limits are twice the daily bag limit. These limits may be in addition to regular duck bag limits only during the regular duck season in the special sea duck hunting areas.

	Season Dates	Limits	
		Bag	Possession
Georgia	Nov. 21-Nov. 29 &	7	14
	Dec. 12-Jan. 31	7	14
	* * * * *		
Maryland	Oct. 3-Jan. 30	5	10
Massachusetts (4)	Oct. 10-Jan. 30	7	14
	* * * * *		
North Carolina	Oct. 1-Jan. 30	7	14
	* * * * *		
South Carolina	Oct. 17-Jan. 31	7	14
Virginia	Oct. 8-Jan. 30	7	14

Note: Notwithstanding the provisions of this part 20, the shooting of crippled waterfowl from a motorboat under power will be permitted in Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia, and Maryland in those areas described, delineated, and designated in their respective hunting regulations as special sea duck hunting areas.

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(4) In Massachusetts, the daily bag limit may include no more than 4 eiders (only 1 of which may be a hen) and 4 long-tailed ducks.

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(e) Waterfowl, Coots, and Pacific-Flyway Seasons for Common Moorhens and Purple Gallinules

Definitions

The Atlantic Flyway: Includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

The Mississippi Flyway: Includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

The Central Flyway: Includes Colorado (east of the Continental Divide), Kansas, Montana (Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except that the Jicarilla Apache Indian Reservation is in the Pacific Flyway), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

The Pacific Flyway: Includes the States of Arizona, California, Colorado (west of the Continental Divide), Idaho, Montana (including and to the west of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nevada, New Mexico (the Jicarilla Apache Indian Reservation and west of the Continental Divide), Oregon, Utah, Washington, and Wyoming (west of the Continental Divide including the Great Divide Basin).

Light Geese: Includes lesser snow (including blue) geese, greater snow geese, and Ross' geese.

Dark Geese: Includes Canada geese, white-fronted geese, emperor geese, brant (except in California, Oregon, Washington, and the Atlantic Flyway), and all other geese except light geese.

ATLANTIC FLYWAY

Flyway-wide Restrictions

Duck Limits: The daily bag limit of 6 ducks may include no more than 4 mallards (2 hen mallards), 2 scaup, 1 black duck, 1 pintail, 1 canvasback, 1 mottled duck, 3 wood ducks, 2 redheads, and 1 fulvous tree duck. The possession limit is twice the daily bag limit.

Harlequin Ducks: All areas of the Flyway are closed to harlequin duck hunting.

Merganser Limits: The daily bag limit is 5 mergansers with 10 in possession and may include no more than 2 hooded mergansers daily and 4 in possession. In States that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, of which only 2 daily and 4 in possession may be hooded mergansers.

	Season Dates	Limits Bag	Limits Possession
Connecticut			
Ducks and Mergansers:		6	12
North Zone	Oct. 14-Oct. 24 &		
	Nov. 13-Jan. 9		
South Zone	Oct. 14-Oct. 19 &		
	Nov. 21-Jan. 23		
Coots	Same as for Ducks	15	30
Canada Geese:			
AFRP Unit	Oct. 1-Oct. 27 &	5	10
	Nov. 13-Dec. 3 &	5	10
	Jan. 1-Feb. 15	5	10
NAP H-Unit	Oct. 1-Oct. 17 &	2	4
	Nov. 24-Jan. 14	2	4
AP Unit	Nov. 2-Nov. 7 &	3	6
	Nov. 26-Jan. 9	3	6
South Zone (special season)	Jan. 15-Feb. 10	5	10
Light Geese:			
North Zone	Oct. 1-Jan. 14 &	15	--
	Feb. 20-Mar. 10	15	--

	Season Dates	Limits Bag	Limits Possession
Connecticut (cont.)			
South Zone	Oct. 1-Nov. 30 &	15	--
	Jan. 6-Mar. 10	15	--
Brant:			
North Zone	Nov. 13-Jan. 9	2	4
South Zone	Nov. 27-Jan. 23	2	4
Delaware			
Ducks	Oct. 30-Nov. 11 &	6	12
	Nov. 23-Dec. 5 &		
	Dec. 19-Jan. 30		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Canada Geese Nov. 23-Dec. 5 &	2	4	
	Dec. 19-Jan. 26	2	4
Light Geese (1)	Oct. 1-Jan. 30	15	--
Brant	Dec. 4-Jan. 30	2	4
Florida			
Ducks	Nov. 21-Nov. 29 &	6	12
	Dec. 12-Jan. 31		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Canada Geese Nov. 21-Nov. 29 &	5	10	
	Dec. 1-Jan. 30	5	10
Light Geese	Same as for Ducks	15	--
Georgia			
Ducks	Nov. 21-Nov. 29 &	6	12
	Dec. 12-Jan. 31		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Canada Geese (special season)	Same as for Ducks	5	10
Light Geese	Same as for Ducks	5	10
Brant	Closed	--	--
Maine			
Ducks (2):		6	12
North Zone	Sept. 28-Dec. 5		
South Zone	Oct. 1-Oct. 24 &		
	Nov. 9-Dec. 23		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	5	10
Canada Geese:			
North Zone	Oct. 1-Dec. 9	2	4
South Zone	Same as for Ducks	2	4
Light Geese	Oct. 1-Jan. 31	15	--
Brant:			
North Zone	Oct. 13-Dec. 9	2	4
South Zone	Oct. 13-Oct. 24 &	2	4
	Nov. 9-Dec. 23	2	4

	Season Dates	Limits Bag	Possession
Maryland			
Ducks and Mergansers (3)	Oct. 17-Oct. 24 &	6	12
	Nov. 14-Nov. 27 &		
	Dec. 15-Jan. 30		
Coots	Same as for Ducks	15	30
Canada Geese:			
RP Zone	Nov. 16-Nov. 27 &	5	10
	Dec. 17-Mar. 6	5	10
AP Zone	Nov. 21-Nov. 27 &	2	4
	Dec. 17-Jan. 30	2	4
Light Geese	Oct. 10-Nov. 27 &	15	--
	Dec. 8-Jan. 30	15	--
Brant	Nov. 21-Nov. 27 &	2	4
	Dec. 11-Jan. 30	2	4
Massachusetts			
Ducks (4):		6	12
Western Zone	Oct. 14-Nov. 28 &		
	Dec. 11-Jan. 2		
Central Zone	Oct. 15-Nov. 28 &		
	Dec. 17-Jan. 9		
Coastal Zone	Oct. 16-Oct. 24 &		
	Nov. 18-Jan. 16		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Canada Geese:			
NAP Zone			
Central Zone:	Oct. 15-Nov. 28 &	2	4
	Dec. 17-Jan. 9	2	4
(special season)	Jan. 15-Feb. 15	5	10
Coastal Zone:	Oct. 16-Oct. 24 &	2	4
	Nov. 18-Jan. 16	2	4
(special season) (5)	Jan. 18-Feb. 15	5	10
AP Zone	Oct. 20-Nov. 28 &	3	6
	Dec. 11-Dec. 22	3	6
Light Geese:			
Western Zone	Same as for Ducks	15	30
Central Zone	Same as for Ducks &	15	30
	Jan. 15-Feb. 15	15	30
Coastal Zone	Same as for Ducks &	15	30
	Jan. 18-Feb. 15	15	30
Brant:			
Western & Central Zone	Closed	--	--
Coastal Zone	Nov. 18-Nov. 28 &	2	4
	Dec. 16-Jan. 30	2	4
New Hampshire			
Ducks:		6	12
Inland Zone	Oct. 6-Nov. 8 &		
	Nov. 25-Dec. 20		
Coastal Zone	Oct. 7-Oct. 18 &		
	Nov. 25-Jan. 11		

	Season Dates	Limits Bag	Possession
New Hampshire (cont.)			
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Canada Geese:			
Inland Zone	Same as for Ducks	2	4
Coastal Zone	Same as for Ducks	2	4
Light Geese:			
Inland Zone	Oct. 6-Dec. 20	15	--
Coastal Zone	Oct. 7-Jan. 11	15	–
Brant:			
Inland Zone	Oct. 6-Nov. 24	2	4
Coastal Zone	Oct. 7-Nov. 25	2	4
New Jersey			
Ducks:	6	12	
North Zone	Oct. 10-Oct. 31 &		
	Nov. 17-Jan. 2		
South Zone	Oct. 17-Oct. 31 &		
	Nov. 14-Jan. 7		
Coastal Zone	Nov. 7-Nov. 14 &		
	Nov. 26-Jan. 26		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	15
Canada and White-fronted Geese:			
North Zone	Nov. 14-Nov. 28 &	3	6
	Dec. 12-Jan. 18	3	6
South Zone	Same as North Zone	3	6
Coastal Zone	Nov. 26-Dec. 5 &	3	6
	Dec. 8-Jan. 18	3	6 (special
season) Jan. 19-Feb. 15	5	10	
Light Geese:			
North Zone	Oct. 15-Feb. 15	15	--
South Zone	Oct. 15-Feb. 15	15	--
Coastal Zone	Oct. 15-Feb. 15	15	--
Brant:			
North Zone	Oct. 10-Oct. 29 &	2	4
	Nov. 26-Jan. 2	2	4
South Zone	Oct. 17-Oct. 31 &	2	4
	Nov. 26-Jan. 7	2	4
Coastal Zone	Nov. 7-Nov. 14 &	2	4
	Nov. 26-Jan. 14	2	4
New York			
Ducks and Mergansers:		6	12
Long Island Zone	Nov. 25-Nov. 29 &		
	Dec. 8-Jan. 31		
Lake Champlain Zone	Oct. 10-Oct. 13 &		
	Oct. 24-Dec. 18		
Northeastern Zone	Oct. 3-Oct. 11 &		
	Oct. 23-Dec. 12		
Southeastern Zone	Oct. 10-Oct. 18 &		
	Nov. 7-Dec. 27		

	Season Dates	Limits Bag	Possession
New York (cont.)			
Western Zone	Oct. 24-Dec. 6 &		
	Dec. 26-Jan. 10		
Coots	Same as for Ducks	15	30
Canada Geese:			
Western Long Island (AFRP)	Nov. 25-Nov. 29 &	5	10
	Dec. 2-Feb. 14	5	10
Central Long Island (NAP-L)	Nov. 25-Nov. 29 &	3	6
	Dec. 7-Feb. 9	3	6
(Special season)	Feb. 10-Feb. 15	5	10
Eastern Long Island (NAP-H)	Nov. 25-Nov. 29 &	2	4
	Dec. 8-Jan. 31	2	4
Lake Champlain (AP) Zone	Oct. 20-Dec. 3	3	6
Northeast (AP) Zone	Oct. 24-Dec. 7	3	6
East Central (AP) Zone	Oct. 24-Nov. 20 &	3	6
	Nov. 28-Dec. 14	3	6
Hudson Valley (AP) Zone	Oct. 24-Nov. 20 &	3	6
	Dec. 18-Jan. 3	3	6
West Central (AP) Zone	Oct. 24-Nov. 21 &	3	6
Dec. 26-Jan. 10	3	6	
South (RP)	Oct. 24-Dec. 16 &	5	10
	Dec. 26-Jan. 10 &	5	10
	Mar. 1-Mar. 10	5	10
Light Geese (6):			
Long Island Zone	Nov. 24-Mar. 10	15	--
Lake Champlain Zone	Oct. 1-Dec. 29	15	--
Northeastern Zone	Oct. 1-Dec. 31 &	15	--
	Feb. 24-Mar. 10	15	-
Southeastern Zone	Oct. 10-Jan. 14 &	15	--
	Mar. 1-Mar. 10	15	--
Western Zone	Oct. 24-Dec. 16 &	15	--
	Dec. 26-Jan. 10 &	15	--
	Feb. 2-Mar. 10	15	--
Brant:			
Long Island Zone	Nov. 25-Nov. 29 &	2	4
	Dec. 18-Jan. 31	2	4
Lake Champlain Zone	Oct. 10-Nov. 28	2	4
Northeastern Zone	Oct. 3-Nov. 21	2	4
Southeastern Zone	Oct. 10-Nov. 28	2	4
Western Zone	Oct. 3-Nov. 21	2	4
North Carolina			
Ducks (7)	Oct. 7-Oct. 10 &	6	12
	Nov. 14-Dec. 5 &		
	Dec. 19-Jan. 30		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Canada Geese:			
Resident Population Hunt Zone	Oct. 7-Oct. 17 &	5	10
	Nov. 14-Dec. 5 &	5	10
	Dec. 19-Feb. 6	5	10

	Season Dates	Limits Bag	Possession
North Carolina (cont.)			
Southern James Bay Hunt Zone	Oct. 7-Nov. 7 &	5	10
	Nov. 14-Dec. 31	5	10
Northeast Hunt Zone (8)	Jan. 23-Jan. 30	1	2
Light Geese (9)	Oct. 17-Oct. 24 &	15	--
	Nov. 14-Mar. 10	15	--
Brant	Nov. 21-Dec. 5 &	2	4
	Dec. 19-Jan. 30	2	4
Pennsylvania			
Ducks:		6	12
North Zone	Oct. 10-Oct. 24 &		
	Nov. 17-Jan. 9		
South Zone	Oct. 10-Oct. 17 &		
	Nov. 16-Jan. 15		
Northwest Zone	Oct. 10-Nov. 28 &		
	Dec. 14-Jan. 1		
Lake Erie Zone	Oct. 26-Jan. 2		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Canada Geese:			
AP Zone	Nov. 16-Nov. 28 &	3	6
	Dec. 19-Jan. 26	3	6
SJBP Zone	Oct. 26-Nov. 28 &	3	6
	Dec. 14-Jan. 28	3	6
Resident (RP) Zone	Oct. 24-Oct. 31 &	5	10
	Nov. 16-Nov. 28 &	5	10
	Dec. 11-Feb. 19	5	10
Light Geese	Nov. 6-Feb. 19	15	--
Brant	Oct. 10-Nov. 14 &	2	4
	Dec. 10-Dec. 31	2	4
Rhode Island			
Ducks	Oct. 9-Oct. 12 &	6	12
	Nov. 25-Nov. 29 &		
	Dec. 5-Jan. 24		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Canada Geese Nov. 21-Nov. 29 &	2	4	
	Dec. 5-Jan. 24	2	4
(special season)	Jan. 29-Feb. 14	5	10
Light Geese	Oct. 10-Jan. 24	15	--
Brant	Dec. 6-Jan. 24	2	4
South Carolina			
Ducks (10)(11)	Nov. 25-Nov. 29 &	6	12
	Dec. 5 only &		
	Dec. 12-Jan. 31		
Mergansers (12)	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30

	Season Dates	Limits Bag	Possession
South Carolina (cont.)			
Canada and White-fronted Geese (13)	Nov. 25-Nov. 29 &	5	10
	Dec. 5-Feb. 5 &	5	10
	Feb. 8-Feb. 15	5	10
Light Geese	Same as for Ducks	15	--
Brant	Dec. 13-Jan. 31	2	4
Vermont			
Ducks:		6	12
Lake Champlain Zone	Oct. 10-Oct 13 &		
	Oct. 24-Dec. 18		
Interior Zone	Oct. 10-Dec. 8		
Connecticut River Zone	Oct. 6-Nov. 8 &		
	Nov. 25-Dec. 20		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Canada Geese			
Lake Champlain Zone:	Oct. 20-Dec. 3	3	6
Interior Zone:	Oct. 20-Dec. 3	3	6
Connecticut River Zone	Oct. 6-Nov. 8 &	2	4
	Nov. 25-Dec. 20	2	4
Light Geese			
Lake Champlain Zone	Oct. 1-Dec. 29	15	–
Interior Zone	Oct. 1-Dec. 29	15	–
Connecticut River Zone	Oct. 6-Dec. 20	15	–
Brant			
Lake Champlain Zone	Oct. 10-Nov. 28	2	4
Interior Zone	Oct. 10-Nov. 28	2	4
Connecticut River Zone	Oct. 6-Nov. 24	2	4
Virginia			
Ducks (14):	Oct. 8-Oct. 12 &	5	10
	Nov. 21-Dec. 5 &		
	Dec. 12-Jan. 30		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Canada Geese:			
Eastern (AP) Zone	Nov. 21-Dec. 5 &	2	4
	Dec. 25-Jan. 30	2	4
Western (SJBP) Zone	Nov. 21-Dec. 5 &	3	6
	Dec. 15-Jan. 14 &	3	6
	Jan. 15-Feb. 13	5	10
Western (RP) Zone	Nov. 21-Dec. 5 &	5	10
	Dec. 12-Feb. 27	5	10
Light Geese	Oct. 8-Jan. 30	15	--
Brant	Nov. 21-Nov. 28 &	2	4
	Dec. 12-Jan. 30	2	4

		Season Dates	Limits Bag	Limits Possession
West Virginia				
Ducks (15):			6	12
Zone 1	Oct. 1-Oct. 14 &			
		Dec. 16-Jan. 30		
Zone 2	Oct. 1-Oct. 14 &			
		Dec. 9-Jan. 23		
Mergansers	Same as for Ducks	5	10	
Coots		Same as for Ducks	15	30
Canada Geese:				
Zone 1	Oct. 1-Oct. 31 &	5	10	
		Dec. 14-Jan. 31	5	10
Zone 2	Oct. 1-Oct. 31 &	5	10	
		Dec. 14-Jan. 31	5	10
Light Geese:				
Zone 1	Same as for Canada geese	5	10	
Zone 2	Same as for Canada geese	5	10	
Brant				
Zone 1	Dec. 14-Jan. 31	2	4	
Zone 2	Dec. 14-Jan. 31	2	4	

(1) In Delaware, the Bombay Hook NWR snow goose season is open Mondays, Wednesdays, and Fridays only.
(2) In Maine, the daily bag limit may include no more than 4 of any species, with no more than 8 of any one species in possession. The season for Barrow's goldeneye is closed.
(3) In Maryland, the black duck season is closed October 17 through October 24.
(4) In Massachusetts, the daily bag limit may include no more than 4 of any single species in addition to the flyway-wide bag restrictions.
(5) In Massachusetts, the special season in the Coastal Zone is restricted to that portion of the Coastal Zone north of the Cape Cod Canal.
(6) In New York, light geese may be taken with the aid of recorded or electrically amplified calls in any area or zone when all other waterfowl seasons are closed.
(7) In North Carolina, the season is closed for black ducks October 7 through October 10 and November 14 through November 30. The daily bag limit for Black and Mottled ducks are combined with no more than 1 allowed in the daily bag.
(8) In North Carolina, a permit is required to hunt Canada geese in the Northeast Hunt Zone.
(9) In North Carolina, electronic calls and unplugged shotguns are allowed for light geese from February 8 through March 10.
(10) In South Carolina, the daily bag limit of 6 may not exceed 1 black-bellied whistling duck, 1 female mallard and 1 black duck or 1 mottled duck in the aggregate.
(11) In South Carolina, on December 5, 2009, only youth less than 18 years of age may hunt, but they must be accompanied by an adult of at least 21 years of age who is fully licensed. Youth who are 16 and 17 years of age, who hunt, must possess a Federal Waterfowl Stamp and HIP permit.
(12) In South Carolina, the daily bag limit for mergansers may include no more than 1 hooded merganser.
(13) In South Carolina, the daily bag limit may include no more than 2 white-fronted geese.
(14) In Virginia, the season is closed for black ducks October 8 through October 12.
(15) In West Virginia, the daily bag limit may include no more than 4 long-tailed ducks and the season is closed for eiders, whistling ducks, and mottled ducks.

MISSISSIPPI FLYWAY

Flyway-wide Restrictions

Duck Limits: The daily bag limit of 6 ducks may include no more than 4 mallards (no more than 2 of which may be females), 1 mottled duck, 1 black duck, 1 pintail, 1 canvasback, 2 redheads, 2 scaup, and 3 wood ducks. The possession limit is twice the daily bag limit.

Merganser Limits: The merganser limits include no more than 2 hooded mergansers daily and 4 in possession. In states that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, of which only 2 daily and 4 in possession may be hooded mergansers.

	Season Dates	Limits Bag	Possession
Alabama			
Ducks:		6	12
North Zone	Nov. 27-Nov. 28 &		
	Dec. 5-Jan. 31		
South Zone	Same as North Zone		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Geese:			
Dark Geese:			
North Zone:			
SJBP Zone	Sept. 26-Oct. 7 &	2	4
	Dec. 5-Jan. 31	2	4
Rest of North Zone	Same as SJBP Zone	2	4
South Zone	Same as Rest of North Zone	2	4
Light Geese:			
North Zone:			
SJBP Zone	Same as Rest of North Zone	5	5
Monroe and Escambia Counties	Sept. 26-Oct. 7 &	5	5
	Oct. 31-Nov. 15 &	5	10
	Dec. 5-Jan. 31	5	5
Rest of North Zone	Same as for Dark Geese	5	5
South Zone	Same as for Dark Geese	5	5
Arkansas			
Ducks	Nov. 21-Nov. 29 &	6	12
	Dec. 10-Dec. 23 &		
	Dec. 26-Jan. 31		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Geese:			
Canada:			
Northwest Zone	Sept. 26-Oct. 5 &	2	4
	Dec. 26-Jan. 31	2	4
Remainder of State	Dec. 26-Jan. 31	2	4
White-fronted	Nov. 14-Dec. 5 &	2	4
	Dec. 12-Dec. 24 &	2	4
	Dec. 26-Jan. 31	2	4
Brant	Closed	--	-- LightGeese
Nov. 7-Dec. 24 &	20	--	
	Dec. 26-Jan. 31	20	-

	Season Dates	Limits Bag	Limits Possession
Illinois			
Ducks:		6	12
North Zone	Oct. 17-Dec. 15		
Central Zone	Oct. 31-Dec. 29		
South Zone	Nov. 14-Jan. 12		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Geese:			
Canada:			
North Zone	Oct. 17-Jan. 9	2	4
Central Zone	Oct. 31-Nov. 15 &	2	4
	Nov. 24-Jan. 31	2	4
South Zone	Nov. 14-Nov. 15 &	2	4
	Nov. 29-Jan. 31	2	4
White-fronted:			
North Zone	Oct. 30-Jan. 9	2	4
Central Zone	Nov. 21-Jan. 31	2	4
South Zone	Nov. 14-Nov. 15 &	2	4
	Nov. 29-Jan. 31	2	4
Brant	Same as for Light Geese	1	2
Light Geese			
North Zone	Oct. 17-Jan. 9	20	--
Central Zone	Oct. 31-Jan. 31	20	–
South Zone	Nov. 14-Jan. 31	20	–
Indiana			
Ducks:		6	12
North Zone	Oct. 17-Dec. 15		
South Zone	Oct. 24-Nov. 1 &		
	Nov. 25-Jan. 14		
Ohio River Zone	Oct. 31-Nov. 1 &		
	Nov. 28-Jan. 24		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Geese:			
Canada:			
North Zone	Oct. 17-Oct. 18 &	2	4
	Nov. 7-Jan. 17	2	4
South Zone	Oct. 24-Nov. 1 &	2	4
	Nov. 25-Jan. 28	2	4
Ohio River Zone	Oct. 31-Nov. 1 &	2	4
	Nov. 21-Jan. 31	2	4
Late Season Zone	Feb. 1-Feb. 15	5	10
White-fronted	Nov. 7-Jan. 31	1	2
Brant	Oct. 17-Jan. 29	1	2
Light Geese	Oct. 17-Jan. 29	20	–
Iowa			
Ducks:		6	12
North Duck Zone	Sept. 19-Sept. 23 &		
	Oct. 10-Dec. 3		

	Season Dates	Limits Bag	Possession
Iowa (cont.)			
South Duck Zone	Sept. 19-Sept. 23 & Oct. 17-Dec. 10		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Geese:			
Canada:			
North Goose Zone	Sept. 26-Oct. 4 &	2	4
	Oct. 10-Dec. 13 &	2	4
	Dec. 19-Jan. 3	2	4
South Goose Zone	Sept. 26-Oct. 4 &	2	4
	Oct. 17-Dec. 13 &	2	4
	Dec. 19-Jan. 10	2	4
White-fronted:			
North Goose Zone	Sept. 26-Dec. 6	2	4
South Goose Zone	Sept. 26-Dec. 6	2	4
Brant:			
North Goose Zone	Same as for Canada geese	1	2
South Goose Zone	Same as for Canada geese	1	2
Light Geese	Sept. 26-Jan. 10	20	--
Kentucky			
Ducks:		6	12
West Zone	Nov. 26-Nov. 29 & Dec. 7-Jan. 31		
East Zone Same as for West Zone			
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Canada:			
Western Goose Zone:			
Fulton County	Nov. 23-Jan. 31	2	4
Rest of Zone	Nov. 23-Jan. 31	2	4
Pennyroyal/Coalfield Zone	Nov. 23-Jan. 31	2	4
Rest of State	Nov. 23-Jan. 31	2	4
White-fronted	Nov. 23-Jan. 31	2	4
Brant	Nov. 23-Jan. 31	2	4
Light Geese			
Western Goose Zone:			
Fulton County	Nov. 23-Jan. 31	20	-
Rest of Zone:	Nov. 23-Jan. 31	20	-
Rest of State	Nov. 23-Jan. 31	20	-
Louisiana			
Ducks:		6	12
West Zone	Nov. 14-Dec. 6 & Dec. 19-Jan. 24		
East Zone (including Catahoula Lake)	Nov. 21-Dec. 6 & Dec. 19-Jan. 31		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30

	Season Dates	Limits Bag	Possession
Louisiana (cont.)			
Geese:			
Canada (2)	Dec. 19-Jan. 31	1	2
White-fronted (2):			
West Zone	Nov. 14-Dec. 6 &	2	4
	Dec. 19-Feb. 5	2	4
East Zone	Nov. 9-Dec. 6 &	2	4
	Dec. 19-Jan. 31	2	4
Brant	Closed	–	--
Light Geese	Same as for White-fronted	20	--
Michigan			
Ducks (1):		6	12
North Zone	Sept. 26-Nov. 20 &		
	Nov. 26-Nov. 29		
Middle Zone	Oct. 3-Nov. 29 &		
	Dec. 5-Dec. 6		
South Zone	Oct. 10-Dec. 6 &		
	Jan. 2-Jan. 3		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Geese:			
Canada :			
North Zone	Sept. 16-Oct. 30	2	4
Middle Zone	Oct. 3-Nov. 9 &	2	4
	Nov. 26-Dec. 2	2	4
South Zone:			
Muskegon Wastewater GMU	Oct. 13-Nov. 14 &	2	4
	Dec. 1-Dec. 12	2	4
Allegan County GMU	Nov. 28-Dec. 21 &	2	4
	Dec. 28-Jan. 17	2	4
Saginaw County GMU	Oct. 10-Nov. 12 &	2	4
	Nov. 26-Dec. 6 &	2	4
	Jan. 2-Jan. 31	2	4
Tuscola/Huron GMU	Same as Saginaw County GMU	2	4
Remainder of South Zone	Oct. 10-Nov. 12 &	2	4
	Nov. 26-Dec. 6 &	2	4
	Jan. 2-Jan. 31	5	10
White-fronted and Brant	Same as for Canada geese	1	2
Light Geese	Same as for Canada geese	10	30
Minnesota			
Ducks (1)(3)	Oct. 3-Dec. 1	6	12
Mergansers Same as for Ducks	5	10	
Coots (4)	Same as for Ducks	15	30
Geese:			
Canada:			
West Zone:			
West Central Zone	Oct. 15-Oct. 18 &	2	4
	Oct. 24-Nov. 29	2	4
Rest of West Zone	Oct. 3-Dec. 1	2	4
(Special season)	Dec. 12-Dec. 21	5	10

	Season Dates	Limits Bag	Limits Possession
Minnesota (cont.)			
Southeast Zone	Oct. 3-Dec. 11	2	4
(Special season)	Dec. 19-Dec. 28	2	4
Rest of State	Oct. 3-Dec. 11	2	4
(Special season)	Dec. 12-Dec. 21	5	10
White-fronted	Oct. 3-Dec. 27	1	2
Brant	Oct. 3-Dec. 28	1	2
Light Geese	Oct. 3-Dec. 28	20	40
Mississippi			
Ducks	Nov. 27-Nov. 29 & Dec. 4-Dec. 6 & Dec. 9-Jan. 31	6	12
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Geese:			
Canada	Nov. 23-Jan. 31	3	6
White-fronted	Nov. 21-Jan. 31	2	4
Brant	Same as for Canada geese	2	4
Light Geese	Same as for White-fronted	20	–
Missouri			
Ducks and Mergansers:		6	12
North Zone	Oct. 31-Dec. 29		
Middle Zone	Nov. 7-Jan. 5		
South Zone	Nov. 26-Jan. 24		
Coots	Same as for Ducks	15	30
Geese:			
Canada	Sept. 26-Oct. 7 &	3	6
	Nov. 26-Jan. 31	2	4
White-fronted	Nov. 26-Jan. 31	2	4
Brant	Same as for Canada geese	1	2
Light Geese	Oct. 31-Jan. 31	20	--
Ohio			
Ducks (1):		6	12
North Zone	Oct. 17-Dec. 6 & Dec. 26-Jan. 3		
South Zone	Oct. 17-Nov. 1 & Dec. 12-Jan. 24		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Geese:			
Canada:			
North Zone:			
Lake Erie SJBP Zone	Oct. 17-Nov. 29 &	2	4
	Dec. 7-Jan. 3	2	4
Rest of North Zone	Oct. 17-Nov. 29 &	2	4
	Dec. 19-Jan. 17	2	4
South Zone	Oct. 17-Nov. 8 &	2	4
	Dec. 12-Jan. 31	2	4

	Season Dates	Limits Bag	Possession
Ohio (cont.)			
White-fronted and Brant	Same as for Canada geese	2	4
Light Geese	Same as for Canada geese	10	30
Tennessee			
Ducks:		6	12
Reelfoot Zone	Nov. 14-Nov. 15 &		
	Dec. 5-Jan. 31		
State ZoneNov. 28-Nov. 29 &			
	Dec. 5-Jan. 31		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Geese:			
Canada:			
Northwest Zone	Dec. 5-Feb. 14	2	4
Southwest Zone	Oct. 3-Oct. 9 &	2	4
	Nov. 28-Jan. 31	2	4
Kentucky/Barkley Lakes Zone	Same as Southwest Zone	2	4
Rest of State	Same as Southwest Zone	2	4 White-
fronted Dec. 5-Feb. 14	2	4	
Brant	Nov. 23-Jan. 31	2	4
Light Geese	Nov. 25-Mar. 10	20	--
Wisconsin			
Ducks (1):		6	12
North Zone	Sept. 26-Nov. 24		
South Zone	Oct. 3-Oct. 11 &		
	Oct. 17-Dec. 6		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Geese:			
Canada:			
Horicon Zone	Sept. 16-Dec. 16	Tag System--See State Regulations	
Collins Zone	Sept. 16-Nov. 20	Tag System--See State Regulations	
Exterior Zone:			
North Portion:			
Brown Co. Subzone - North	Sept. 19-Dec. 12	2	4
Remainder of North Portion	Sept. 19-Dec. 12	2	4
South Portion:			
Rock Prairie Subzone	Sept. 19-Oct. 11 &	2	4
	Oct. 17-Dec. 17	2	4
Brown Co. Subzone - South	Same as Rock Prairie Subzone	2	4
Mississippi River Subzone	Oct. 3-Oct. 11 &	2	4
	Oct. 17-Dec. 31	2	4
Remainder of South Portion	Same as Rock Prairie Subzone	2	4
White-fronted:			
Horicon Zone	Sept. 22-Dec. 16	1	2
Collins and Exterior Zones	Same as for Canada geese	1	2
Brant	Same as for Canada geese	1	2
Light Geese	Same as for Canada geese	10	20

(1) In Michigan, Minnesota, Ohio, and Wisconsin, the daily bag limit may include no more than one hen mallard.
(2) In Louisiana, during the Canada goose season, the daily bag limit is 2 dark geese (whitefronts and Canada geese) with no more than 1 Canada goose. Possession limits are twice the daily bag limits.
(3) In Minnesota, the daily bag limit for wood ducks is 2. Possession limits are twice the daily bag limit.
(4) In Minnesota, the daily bag limit is 15 and the possession limit is 30 coots and moorhens in the aggregate.

CENTRAL FLYWAY

Flyway-wide Restrictions

Duck Limits: The daily bag limit is 6 ducks, which may include no more than 5 mallards (2 female mallards), 1 mottled duck, 1 pintail, 1 canvasback, 2 redheads, 2 scaup, and 3 wood ducks. The possession limit is twice the daily bag limit.

Merganser Limits: The daily bag limit is 5 mergansers with 10 in possession and may include no more than 2 hooded mergansers daily and 4 in possession. In states that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, of which only 2 daily and 4 in possession may be hooded mergansers.

	Season Dates	Limits Bag	Limits Possession
Colorado			
Ducks (1):		6	12
Eastern Plains Zone:	Oct. 3-Oct. 19 & Nov. 7-Jan. 24		
Mountain/Foothills Zone:	Oct. 3-Nov. 30 & Dec. 19-Jan. 24		
Coots	Same as for Ducks	15	30
Mergansers Same as for Ducks	5	10	
Dark Geese:			
Northern Front Range Unit	Oct. 3-Oct. 12 &	4	8
	Nov. 21-Feb. 14	4	8
South Park/San Luis Valley Unit	Same as N. Front Range Unit	4	8
North Park Unit	Same as N. Front Range Unit	4	8
Rest of State in Central Flyway	Nov. 21-Feb. 14	4	8
Light Geese:			
Northern Front Range Unit	Oct. 31-Feb. 14	20	--
South Park/San Luis Valley Unit	Same as N. Front Range Unit	20	--
North Park Unit	Same as N. Front Range Unit	20	--
Rest of State in Central Flyway	Same as N. Front Range Unit	20	--
Kansas			
Ducks (2):		5	10
High Plains	Oct. 10-Jan. 5 & Jan. 23-Jan. 31		
Low Plains:			
Early Zone	Oct. 10-Dec. 6 & Dec. 19-Jan. 3		
Late Zone	Oct. 31-Jan. 3 & Jan. 23-Jan. 31		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30

	Season Dates	Limits Bag	Possession
Kansas (cont.)			
Dark Geese (3):			
Canada	Oct. 31-Nov. 8 &	3	6
	Nov. 11-Feb. 14	3	6
White-fronted	Oct. 31-Nov. 8 &	2	4
	Nov. 5-Jan. 3 &	2	4
	Feb. 6-Feb. 14	2	4
Light Geese	Oct. 31-Nov. 8 &	20	--
	Nov. 11-Feb. 14	20	--
Montana			
Ducks and Mergansers (4):		6	12
Zone 1:	Oct. 3-Jan. 7		
Zone 2 Same as for Zone 1			
Coots	Same as for Ducks	15	30
Dark Geese	Oct. 3-Jan. 15	4	8
Light Geese	Oct. 3-Jan. 15	6	12
Nebraska			
Ducks (4):		6	12
High Plains:	Oct. 10-Jan. 13		
Low Plains:			
Zones 1 and 2:	Oct. 17-Oct. 18 &		
	Oct. 24-Jan. 3		
Zones 3 and 4:	Oct. 10-Dec. 20 &		
	Dec. 26-Dec. 27		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Geese:			
Canada:			
Niobrara Unit	Oct. 24-Feb. 5	3	6
East Unit	Oct. 24-Jan. 27	3	6
North Central Unit	Oct. 10-Jan. 22	3	6
Platte River Unit	Same as for Niobrara Unit	3	6
White-fronted	Oct. 10-Dec. 20	2	4
Light Geese	Oct. 10-Jan. 8 &	20	--
	Jan. 23-Feb. 5	20	--
New Mexico			
Ducks and Mergansers (4)(5):		6	12
North Zone:	Oct. 10-Jan. 13		
South Zone:	Oct. 28-Jan. 31		
Coots	Same as for Ducks	15	30
Dark Geese (6):			
Middle Rio Grande Valley Unit (6)	Jan. 2-Jan. 24	2	2
Rest of State	Oct. 17-Jan. 31	4	8
Light Geese	Oct. 17-Jan. 31	20	80

	Season Dates	Limits Bag	Possession
North Dakota			
Ducks (1):		6	12
High Plains	Sept. 26-Dec. 6 & Dec. 12-Jan. 3		
Remainder of State	Sept. 26-Dec. 6		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Geese (7):			
Canada Geese:			
Missouri River Zone	Sept. 26-Jan. 1	3	6
Rest of State	Sept. 26-Dec. 24	3	6
White-fronted	Sept. 26-Dec. 6	2	4
Light Geese	Sept. 26-Jan. 1	20	--
Oklahoma			
Ducks (1):		6	12
High Plains:	Oct. 10-Jan. 6		
Low Plains:			
Zone 1:	Oct. 24-Nov. 29 & Dec. 12-Jan. 17		
Zone 2:	Nov. 7-Nov. 29 & Dec. 12-Jan. 31		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Geese:			
Canada	Oct. 31-Nov. 29 &	3	6
	Dec. 12-Feb. 14	3	6
White-fronted	Oct. 31-Nov. 29 &	2	4
	Dec. 12-Feb. 5	1	2
Light Geese	Same as for Canada geese	20	–
South Dakota			
Ducks (4):		6	12
High Plains	Oct. 10-Dec. 22 & Dec. 23-Jan. 14		
Low Plains::			
North Zone	Sept. 26-Dec. 8		
Middle Zone	Same as for North Zone		
South Zone	Oct. 10-Dec. 22		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Geese:			
White-fronted	Sept. 26-Dec. 20	1	2
Canada:			
Unit 1	Oct. 1-Dec. 20	3	6
Unit 2	Oct. 31-Feb. 12	3	6
Unit 3	Oct. 17-Dec. 20 &	3	6
	Jan. 9-Jan. 17	3	6
Light Geese	Sept. 26-Dec. 20	20	–

	Season Dates	Limits Bag	Possession
Texas			
Ducks (8):		6	12
High Plains	Oct. 24-Oct. 25 & Oct. 30-Jan. 24		
Low Plains:			
North Zone	Oct. 31-Nov. 29 & Dec. 12-Jan. 24		
South Zone	Same as North Zone		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Geese:			
East Tier:			
South Zone:			
Canada geese and Brant	Oct. 31-Jan. 24	3	6
White-fronted	Oct. 31-Jan. 10	2	4
Light Geese	Oct. 31-Jan. 24	20	--
North Zone	Same as for South Zone		
West Tier:			
Dark Geese:			
Canada geese and Brant	Nov. 7-Feb. 7	4	8
White-fronted	Same as for Canada geese	1	2
Light Geese	Same as for Canada geese	20	--
Wyoming			
Ducks (1):		6	12
Zone 1 Oct. 3-Oct. 20 &	Oct. 31-Jan. 17		
Zone 2 Sept. 26-Oct. 20 &	Oct. 31-Jan. 10		
Mergansers Same as for Ducks	5	10	
Coots	Same as for Ducks	15	30
Dark Geese:			
Zone 1 Oct. 3-Oct. 20 &	5	10	
	Oct. 31-Dec. 6 &	5	10
	Dec. 12-Jan. 30	5	10
Zone 2	Sept. 26-Nov. 29 &	5	10
	Dec. 12-Jan. 20	5	10
Zone 3 (3) Oct. 3-Oct. 20 &	2	4	
	Nov. 14-Feb. 8	4	8
Zone 4 Sept. 26-Oct. 20 &	5	10	
	Oct. 31-Dec. 6 &	5	10
	Dec. 12-Jan. 23	5	10
Light Geese	Oct. 3-Dec. 27 &	10	40
	Jan. 21-Feb. 8	10	40

(1) In Colorado, North Dakota, Oklahoma, and Wyoming, the season for mottled ducks is closed the first 5 days of the season in each zone.

(2) In Kansas, the daily bag limit is 5 ducks, which may include no more than 2 redheads, 2 scaup, and 3 wood ducks, and only 1 from the following group - hen mallard, pintail, mottled duck (except for the first 5 days of the season, when mottled ducks are closed), or canvasback. The possession limit is twice the daily bag limit.

(3) See State regulations for additional restrictions.
(4) In Montana, Nebraska, New Mexico, and South Dakota, the season for mottled ducks is closed.
(5) In New Mexico, Mexican-like ducks are included in the aggregate with mallards.
(6) In New Mexico, the season for dark geese is closed in Bernalillo, Sandoval, Sierra, and Valencia Counties. In the Middle Rio Grande Valley Unit, a state permit is required.
(7) In North Dakota, see State regulations for additional shooting hour restrictions.
(8) In Texas, the daily bag limit is 6 ducks, which may include no more than 5 mallards (only 2 of which may be hens), 2 redheads, 2 scaup, 3 wood ducks, 1 canvasback, 1 pintail, and 1 dusky duck (mottled duck, black duck and their hybrids, or Mexican-like duck). The season for dusky ducks is closed the first 5 days of the season in all zones. The possession limit is twice the daily bag limit.

PACIFIC FLYWAY

Flyway-wide Restrictions

Duck and Merganser Limits: The daily bag limit of 7 ducks (including mergansers) may include no more than 2 female mallards, 2 pintails, 2 redheads, 3 scaup, and 1 canvasback. The possession limit is twice the daily bag limit.

Coot and Common Moorhen Limits: Daily bag and possession limits are in the aggregate for the two species.

	Season Dates	Limits	
		Bag	Possession
Arizona			
Ducks (1):		7	14
North Zone:			
Scaup Oct. 24-Jan. 17	3	6	
Other Ducks	Oct.9-Jan.17		
South Zone:			
Scaup Nov. 7-Jan. 31	3	6	
Other Ducks	Oct. 23-Jan. 31		
Coots and moorhens	Same as Other Ducks	25	25
Geese:			
North Zone:	Oct. 9-Jan. 17		
Dark Geese		3	6
Light Geese		6	12
South Zone:	Oct. 23-Jan. 31		
Dark Geese		3	6
Light Geese		6	12
California			
Ducks:		7	14
Northeastern Zone:			
Scaup Oct. 10-Jan. 3	3	6	
Other Ducks	Oct. 10-Jan. 22		
Colorado River Zone:			
Scaup Nov. 7-Jan. 31	3	6	
Other Ducks	Oct. 23-Jan. 31		
Southern Zone:			
Scaup Nov. 7-Jan. 31	3	6	
Other Ducks	Oct. 24-Jan. 31		

	Season Dates	Limits Bag	Possession
California (cont.)			
Southern San Joaquin Valley Zone:			
Scaup Nov. 14-Jan. 31	3	6	
Other Ducks	Oct. 10-Nov. 1 & Nov. 14-Jan. 31		
Balance-of-State Zone:			
Scaup Nov. 7-Jan. 31	3	6	
Other Ducks	Oct. 24-Jan. 31		
Coots and moorhens	Same as for Other Ducks	25	25
Geese:			
Northeastern Zone:		8	16
Canada Geese:			
Small Canada Geese (2)	Oct. 10-Jan. 17	1	2
Large Canada Geese (3)	Oct. 10-Jan. 17	2	4
White-fronted Geese	Oct. 10-Jan. 17	4	8
Light Geese	Oct. 10-Jan. 17	6	12
Colorado River Zone:		6	12
Dark Geese	Oct. 23-Jan. 31	3	6
Light Geese	Oct. 23-Jan. 31	6	12
Southern Zone:		8	16
Dark Geese	Oct. 24-Jan. 31	3	6
Light Geese:			
Imperial Valley	Nov. 7-Jan. 31 &	6	12
	Feb. 13-Feb. 28	6	12
Rest of Zone	Oct. 24-Jan. 31	6	12
Balance-of-State Zone:		8	16
Canada Geese:	Oct. 24-Jan. 31		
Small Canada geese (2)		6	12
Large Canada geese (3)		6	12
White-fronted Geese:			
Sacramento Valley	Oct. 24-Dec. 14	2	4
Rest of Zone	Oct. 24-Jan. 31	4	8
Light Geese	Oct. 24-Jan. 31	6	12
Del Norte & Humboldt Counties:		6	12
Canada:			
Small Canada geese (2)	Nov. 7-Jan. 31 &	6	12
	Feb. 20-Mar. 10	6	12
Large Canada geese (3)	Nov. 7-Jan. 31	1	2
White-fronted Geese	Oct. 24-Jan. 31	4	8
Light Geese	Oct. 24-Jan. 31	6	12
Brant			
North Zone	Nov. 7-Dec. 6	2	4
South Zone	Nov. 14-Dec. 13	2	4
Colorado			
Ducks:		7	14
Scaup Sept. 26-Oct. 13 &	3	6	
	Nov. 6-Jan. 12	3	6
Other Ducks	Sept. 26-Oct. 13 & Nov. 6-Jan. 31		
Coots	Same as for Other Ducks	25	25

	Season Dates	Limits Bag	Limits Possession
Colorado (cont.)			
Dark Geese	Sept. 26-Oct. 4 &	3	6
	Nov. 6-Jan. 31	3	6
Light Geese	Same as for Dark Geese	10	20
Idaho			
Ducks:		7	14
Zone 1:			
Scaup Oct. 24-Jan. 15	3	6	
Other Ducks	Oct. 3-Jan. 15		
Zone 2 Same as Zone 1			
Zone 3:			
Scaup Oct. 31-Jan. 22	3	6	
Other Ducks	Oct. 10-Jan. 22		
Coots	Same as for Other Ducks	25	25
Dark Geese:			
Zone 1 Oct. 3-Jan. 15	4	8	
Zone 2 Oct. 10-Jan. 22	4	8	
Zone 3 Same as for Zone 2	4	8	
Zone 4	Same as for Zone 1	4	8
Zone 5 Same as for Zone 1	4	8	
Light Geese:			
Zone 1 Oct. 3-Jan. 15	10	20	
Zone 2 Oct. 29-Jan. 22 &	10	20	
	Feb. 20-Mar. 10	10	20
Zone 3 Same as for Zone 2	10	20	
Zone 4 (4) Same as for Zone 1	10	20	
Zone 5 (5) Same as for Zone 1	10	20	
Montana			
Ducks		7	14
Scaup Oct. 3-Dec. 27	3	6	
Other Ducks	Oct. 3-Jan. 15		
Coots	Same as for Other Ducks	25	25
Geese (6):			
Dark	Oct. 3-Jan. 15	4	8
Light	Oct. 3-Jan. 15	6	12
Nevada			
Ducks:		7	14
Lincoln & Clark Counties:			
Scaup Nov. 7-Jan. 29	3	6	
Other Ducks	Oct. 17-Jan. 29		
Rest of State:			
Scaup Nov. 7-Jan. 30	3	6	
Other Ducks	Oct. 17-Jan. 30		
Coots and moorhens	Same as for Other Ducks	25	25
Dark Geese:			
Lincoln & Clark Counties	Oct. 17-Jan. 29	3	6
Rest of State	Oct. 17-Jan. 30	3	6

	Season Dates	Limits Bag	Possession
Nevada (cont.)			
Light Geese:			
Lincoln & Clark Counties	Oct. 17-Jan. 29	10	20
Rest of State (7)	Oct. 17-Jan. 30	10	20
New Mexico			
Ducks (8)		7	14
Scaup Nov. 7-Jan. 31	2	4	
Other Ducks	Oct. 19-Jan. 31		
Coots	Same as for Other Ducks	12	24
Moorhens and gallinules	Same as for Other Ducks	12	24
Dark Geese:			
North Zone	Sept. 26-Oct. 11 &	3	6
	Nov. 2-Jan. 31	3	6
South Zone	Oct. 17-Jan. 31	2	4
Light Geese:			
North Zone	Same as Dark Geese	1	2 South
Zone Same as Dark Geese	1	2	
Oregon			
Ducks:		7	14
Zone 1:			
Columbia Basin Unit:			
Scaup	Nov. 7-Jan. 31	3	6
Other Ducks	Oct. 17-Oct. 25 &		
	Oct. 28-Jan. 31		
Rest of Zone 1	Same as for Columbia Basin Unit		
Zone 2:			
Scaup Oct. 10-Nov. 29 &	3	6	
	Dec. 2-Jan. 5	3	6
Other Ducks	Oct. 10-Nov. 29 &		
	Dec. 2-Jan. 24		
Coots	Same as for Other Ducks	25	25
Geese:			
Northwest General Goose Zone:			
Dark Geese	Oct. 17-Oct. 25 &	4	8
	Nov. 5-Jan. 31	4	8
Small Canada Geese (2)		1	2
Light Geese	Same as for Dark Geese	6	12
Northwest Special Permit Zone (9):			
Dark Geese	Oct. 24-Nov. 8 &	4	8
	Nov. 21-Jan. 17 &	4	8
	Feb. 6-Feb. 28	4	8
Dusky Canada geese		1 per season	
Small Canada geese (2)		2	4
Light Geese	Same as for Dark Geese	4	8
Southwest General Zone:			
Dark Geese	Oct. 17-Nov. 29 &	4	8
	Dec. 12-Jan. 31	4	8
Light Geese	Same as for Dark Geese	6	12

	Season Dates	Limits Bag	Possession
Oregon (cont.)			
South Coast Zone:			
Dark Geese	Oct. 3-Oct. 20 &	4	8
	Nov. 25-Jan. 31 &	4	8
	Feb. 20-Mar. 10	4	8
Light Geese	Oct. 3-Oct. 20 &	6	12
	Nov. 25-Jan. 31	6	12
Harney, Lake, and Malheur County Zone:			
Dark Geese	Oct. 10-Nov. 29 &	4	8
	Dec. 19-Jan. 31	4	8
Small Canada geese		1	2
White-fronted geese:			
Lake County		1	2
Rest of Zone		4	8
Light Geese	Same as Dark Geese	6	12
Klamath County Zone:			
Dark Geese	Oct. 10-Nov. 29 &	4	8
	Dec. 19-Jan. 22 &	4	8
Small Canada geese		1	2
White-fronted geese (special season)	Feb. 20-Mar. 10	2	4
Light Geese	Oct. 10-Nov. 29 &	4	8
	Dec. 19-Jan. 22 &	4	8
	Feb. 20-Mar. 10	4	8
Eastern Zone:			
Dark Geese	Oct. 17-Oct. 25 &	4	8
	Nov. 7-Jan. 31	4	8
Small Canada geese		1	2
Light Geese	Same as Dark Geese	6	12
Tillamook County (9):			
Dark Geese	Nov. 28-Feb. 28	2	4
Light Geese	Nov. 28-Feb. 28	4	8
Brant	Nov. 14-Nov. 29	2	4
Utah (10)			
Ducks:		7	14
Zone 1:			
Scaup Oct. 3-Dec. 27	3	6	
Other Ducks	Oct. 3-Jan. 16		
Zone 2 Same as for Zone 1			
Coots	Same as for Other Ducks	25	25
Geese:			
Light:			
North Goose Zone	Oct. 24-Jan. 16 &	10	20
	Feb. 18-Mar. 10	10	20
Rest of State	Oct. 31-Jan. 31 &	10	20
	Feb. 27-Mar. 10	10	20
Dark:			
North Goose Zone	Oct. 3-Jan. 16	3	6
Rest of State	Oct. 3-Oct. 15 &	3	6
	Oct. 31-Jan. 31	3	6

	Season Dates	Limits Bag	Limits Possession
Washington			
Ducks:		7	14
East Zone:			
Scaup Nov. 7-Jan. 31	3	6	
Other Ducks	Oct. 17-Oct 21 & Oct. 24-Jan. 31		
West Zone (11)	Same as the East Zone		
Coots	Same as for Other Ducks	25	25
Geese:			
Management Area 1 (12):		4	8
Light Geese	Oct 17-Jan. 31		
Dark Geese	Oct 17-Oct. 29 & Nov. 7-Jan. 31		
Management Area 2A (13)	Nov. 14-Nov. 25 &	4	8
	Nov. 28-Nov. 30 &	4	8
	Dec. 9-Jan. 31	4	8
Dusky Canada geese		1 per season	
Late-Season Canada Geese	Feb. 6-Mar. 10	4	8
Dusky Canada geese		1 per season	
Management Area 2B (13)	Oct. 17-Jan. 16	4	8
Dusky Canada geese		1 per season	
Management Areas 3 (12)	Oct. 17-Oct. 29 &	4	8
	Nov. 7-Jan. 31	4	8
Management Areas 4 & 5 (12)	Oct. 17-Oct. 21 &	4	8
	Oct. 24-Jan. 31	4	8
Brant (14):			
Skagit County	Jan. 16-Jan. 31	2	4
Pacific County	Jan. 9-Jan. 24	2	4
Wyoming			
Ducks:		7	14
Snake River Zone:			
Scaup Sept. 26-Dec. 20	3	6	
Other Ducks	Sept. 26-Jan. 8		
Balance of State Zone	Same as Snake River Zone		
Coots	Same as for Other Ducks	25	25
Dark Geese:	Sept. 26-Dec. 31	3	6

(1) In Arizona, the daily limit may include no more than either 2 hen mallards or 2 Mexican-like ducks, or 1 of each; and not more than 4 hen mallards and Mexican-like ducks, in the aggregate, may be in possession.
(2) In California and Oregon, small Canada geese are Cackling and Aleutian Canada geese.
(3) In California, large Canada geese are Western and Lesser Canada geese.
(4) In Idaho, the season on light geese is closed in Fremont and Teton Counties.
(5) In Idaho, that portion of Zone 5 within Power and Bingham Counties in GMU 68, the light goose season is October 22 to January 15 and February 20 to March 10.
(6) In Montana, check State regulations for special seasons/exceptions in Freezout Lake WMA; Canyon Ferry; Flathead; Deer Lodge County; and Missoula County.
(7) In Nevada, there is no open season on light geese in Ruby Valley within Elko and White Pine Counties.
(8) In New Mexico, the daily bag limit consists of no more than 7 mallards (of which only 2 may be hen mallards), 2 redheads, 2 scaup (when open), and 1 northern pintail.

(9) In Oregon, the Northwest Special Permit Zone is closed to all goose hunting, except for designated areas. See State regulations for specific boundary descriptions, times, days, and other conditions of the special permit season.
(10) In Utah, the shooting hours are 8:00 a.m. to sunset on October 6 in Cache, Salt Lake, Davis, Weber, and Box Elder Counties.
(11) In Washington, the daily bag limit in the West Zone may include no more than 4 scoters and 4 oldsquaws, with the possession limit twice the daily bag limit. The daily bag and possession limit, and the season limit, for harlequins is 1.
(12) In Washington, in State Goose Area 4, hunting is only on Saturdays, Sundays, Wednesdays, and certain holidays. In State Goose Areas 1, 3, and 5, hunting is everyday. See State regulations for details, including shooting hours.
(13) In Washington, see State regulations for specific dates and conditions of permit hunts and closures for Canada geese.
(14) In Washington, brant may be hunted in Skagit and Pacific Counties only; see State regulations for specific dates.

(f) Youth Waterfowl Hunting Days

The following seasons are open only to youth hunters. Youth Hunters must be accompanied into the field by an adult at least 18 years of age. This adult can not duck hunt but may participate in other open seasons.

Definition
Youth Hunters: Includes youths 15 years of age or younger.
NOTE: The following seasons are in addition to the seasons published previously in the August 31, 2009 Federal Register (74 FR 45032). Bag and possession limits will conform to those set for the regular season.

	Season Dates
ATLANTIC FLYWAY	
* * * * *	
Florida	
Ducks, mergansers, coots, moorhens, and geese	Feb. 6 & 7
* * * * *	
Maryland	
Ducks, coots, snow geese, Canada geese, sea ducks, and brant (10)	Nov. 7
Massachusetts	
Ducks, mergansers, coots, and geese	Oct. 10 & 12
* * * * *	
North Carolina	
Ducks, mergansers, Canada geese (11), tundra swans (12), and coots	Feb. 6
* * * * *	
South Carolina	
Ducks, geese, mergansers, and coots	Feb. 6 & 7
* * * * *	

	Season Dates
Virginia	
Ducks, mergansers, coots, moorhens, gallinules, tundra swans (12) and Canada geese (13)	Oct. 24

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MISSISSIPPI FLYWAY

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Arkansas	
Ducks, geese, mergansers, coots, moorhens, and gallinules	Dec. 5 & 6
Illinois	
Ducks, geese, mergansers, coots, moorhens, and gallinules:	
North Zone	Oct. 10 & 11
Central Zone	Oct. 24 & 25
South Zone	Oct. 31 & Nov. 1
Indiana	
Ducks, mergansers, coots, moorhens, gallinules, and geese:	
North Zone	Oct. 10 & 11
South Zone	Oct. 17 & 18
Ohio River Zone	Oct. 24 & 25

* * * * *

Kentucky	
Ducks, geese, mergansers, coots, moorhens, and gallinules:	
West Zone	Feb. 6 & 7
East Zone	Nov. 7 & 8
Louisiana	
Ducks, mergansers, coots, moorhens, gallinules, and geese:	
West Zone	Nov. 7 & 8
East Zone	Nov. 14 & 15

* * * * *

Mississippi	
Ducks, mergansers, coots, moorhens, gallinules, and geese	Feb. 6 & 7
Missouri	
Ducks, coots, mergansers, moorhens, gallinules, and geese:	
North Zone	Oct. 24 & 25
Middle Zone	Oct. 31 & Nov. 1
South Zone	Nov. 21 & 22
Ohio	
Ducks, mergansers, coots, moorhens, gallinules, and geese	Oct. 3 & 4

	Season Dates
Tennessee	
Ducks, mergansers, coots, moorhens, gallinules, and geese:	
Reelfoot Zone	Feb. 13 & 14
Remainder of State	Feb. 6 & 7

* * * * *

CENTRAL FLYWAY

* * * * *

Kansas (5)	
Ducks, dark geese, mergansers and coots:	
High Plains	Oct. 3 & 4
Low Plains:	
Early Zone	Oct. 3 & 4
Late Zone	Oct. 24 & 25

* * * * *

Oklahoma	
Ducks, mergansers, coots, and geese:	
High Plains	Oct. 3 & 4
Low Plains:	
Zone 1	Oct. 10 & 11
Zone 2	Oct. 31 & Nov. 1

* * * * *

Texas	
Ducks, mergansers, and coots:	
High Plains	Oct. 17 & 18
Low Plains:	
North Zone	Oct. 24 & 25
South Zone	Oct. 24 & 25

* * * * *

PACIFIC FLYWAY

Arizona	
Ducks, geese, mergansers, coots, moorhens, and gallinules	
North Zone	Oct. 3 & 4
South Zone	Feb. 6 & 7
California	
Ducks, geese, brant, mergansers, coots, moorhens, and gallinules	
Northeastern Zone	Sept. 26 & 27
Colorado River Zone	Feb. 6 & 7
Southern Zone	Feb. 6 & 7
Southern San Joaquin Valley	Feb. 6 & 7
Balance-of-State Zone	Feb. 6 & 7

	Season Dates
* * * * *	
Nevada	
Ducks, geese, mergansers, coots, moorhens, and gallinules	
Lincoln and Clark Counties	Feb. 13 & 14
Rest of State	Oct. 3
* * * * *	

* * * * *

(5) In Kansas, the nonresident youth, must be licensed and possess state and federal duck stamps as required by state or federal regulation to hunt waterfowl.

* * * * *

(10) In Maryland, the adult must also possess a valid Maryland hunting license or be exempt from hunting license requirements.
(11) In North Carolina, the daily bag limit in the Northeast Hunt Zone may not include Canada geese except by permit.
(12) In North Carolina and Virginia, the daily bag limit may not include tundra swans except by permit.
(13) In Virginia, the daily bag limit for Canada geese is 2.

4. Section 20.106 is amended by adding the entries for the following States in alphabetical order to read as follows:

§20.106 Seasons, limits, and shooting hours for sandhill cranes.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits on the species designated in this section are as follows:

Shooting and Hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 25, 2009 (74 FR 43008) Federal Register.

Note: The following seasons are in addition to the seasons published previously in the August 31, 2009 Federal Register (74 FR 45032).

	Season Dates	Limits	
		Bag	Possession
CENTRAL FLYWAY			
* * * * *			
Oklahoma (1)	Oct. 24-Jan. 24	3	6
* * * * *			

	Season Dates	Limits Bag	Limits Possession
Texas (1):			
Zone A	Nov. 7-Feb. 7	3	6
Zone B	Nov. 27-Feb. 7	3	6
Zone C	Dec. 19-Jan. 24	2	4

* * * * *

(1) Each person participating in the regular sandhill crane seasons must have a valid sandhill crane hunting permit and/or a State-issued Harvest Information Survey Program (HIP) certification for game bird hunting in their possession while hunting.

* * * * *

5. Section 20.107 is revised to read as follows:

§20.107 Seasons, limits, and shooting hours for swans.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits on the species designated in this section are as follows:

Shooting hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Hunting is by State permit only.

NOTE: Successful permittees must immediately validate their harvest by that method required in State regulations.

	Season Dates	Limits Bag	Limits Possession
ATLANTIC FLYWAY			
North Carolina	Nov. 14-Jan. 30	1 tundra swan per season	
Virginia	Dec. 1-Jan 30	1 tundra swan per season	
CENTRAL FLYWAY (1)			
Montana	Oct. 3-Jan. 7	1 tundra swan per season	
North Dakota	Oct. 3-Jan. 3	1 tundra swan per season	
South Dakota	Oct. 3-Dec. 20	1 tundra swan per permit	
PACIFIC FLYWAY (1)(2)			
Montana (3)	Oct. 10-Dec. 1	1 swan per season	
Nevada (4)(5)	Oct. 17-Jan. 3	2 swans per season	

	Season Dates	Limits Bag	Limits Possession
Utah (5)(6)	Oct. 3-Dec. 13	1 swan per season	

(1) See State regulations for description of area open to swan hunting.
(2) Any species of swan may be taken.
(3) In Montana, all harvested swans must be reported by way of a bill measurement card within 3 days of harvest.
(4) All harvested swans and tags must be checked or registered within 5 days of harvest.
(5) Harvests of trumpeter swans are limited to 5 in Nevada and 10 in Utah. When it has been determined that the quota of trumpeter swans allotted to Nevada and Utah will have been filled, the season for taking of any swan species in the respective State will be closed by either the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing, or by the State through State regulations with such notice and time (not less than 48 hours) as they deem necessary.
(6) In Utah, all harvested swans and tags must be checked or registered within 3 days of harvest.

6. Section 20.109 is amended by adding the entries for the following States in alphabetical order to read as follows:

§20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.
Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Hawking hours are one-half hour before sunrise until sunset except as otherwise restricted by State regulations. Area descriptions were published in the August 13, 2009 (74 FR 41008) and August 25, 2009 (74 FR 43008) Federal Registers.

Limits: The daily bag limit may include no more than 3 migratory game birds, singly or in the aggregate. The possession limit is twice the daily bag limit. These limits apply to falconry during both regular hunting seasons and extended falconry seasons -- unless further restricted by State regulations. The falconry bag and possession limits are not in addition to regular season limits. Unless otherwise specified, extended falconry for ducks does not include sea ducks within the special sea duck areas. Although many States permit falconry during the gun seasons, only extended falconry seasons are shown below. Please consult State regulations for details.

NOTE: The following seasons are in addition to the seasons published previously in the August 31, 2009 Federal Register (73 FR 45032).

	Extended Falconry Dates
ATLANTIC FLYWAY	
Delaware	
* * * * *	
Ducks, mergansers, and coots	Feb. 1-Mar. 6
Brant	Feb. 1-Mar. 6

	Extended Falconry Dates
Florida	
* * * * *	
Ducks, mergansers, light geese, and coots	Oct. 30-Nov. 12 & Feb. 8-Mar. 5
Georgia	
* * * * *	
Ducks, mergansers, gallinules, coots, and sea ducks	Nov. 30-Dec. 11 & Feb. 1-Feb. 12
Maine	
Ducks, mergansers, and coots (4):	
North Zone	Dec. 10-Feb. 1
South Zone	Jan. 6-Feb. 27
Maryland	
* * * * *	
Ducks	Feb. 1-Mar. 10
Brant	Feb. 1-Mar. 10
Light Geese	Feb. 2-Feb. 20
Massachusetts	
Ducks, mergansers, sea ducks, and coots	Feb. 1-Feb. 11
New Hampshire	
Ducks, mergansers, and coots:	
Inland Zone	Nov. 9-Nov. 24 & Dec. 21-Jan. 18
Coastal Zone	Jan. 25-Mar. 10
New Jersey	
Woodcock:	
North Zone	Oct. 1-Oct. 14 & Nov. 8-Jan. 15
South Zone	Oct. 1-Nov. 6 & Nov. 29-Dec. 31 & Jan. 3-Jan. 15

	Extended Falconry Dates
New Jersey (cont.)	
Ducks, mergansers, coots, and brant:	
North Zone	Jan. 3-Feb. 9
South Zone	Jan. 8-Feb. 14
Coastal Zone	Jan. 27-Mar. 2
New York	
Ducks, mergansers and coots:	
Long Island Zone	Nov. 1-Nov. 24 & Nov. 30-Dec. 7 & Feb. 1-Feb. 13
Northeastern Zone	Oct. 1-Oct. 2 & Oct. 12-Oct. 22 & Dec. 13-Jan. 13
Southeastern Zone	Oct. 1-Oct. 9 & Oct. 19-Nov. 6 & Dec. 28-Jan. 13
Western Zone	Oct. 1-Oct. 23 & Dec. 7-Dec. 25 & Jan. 11-Jan. 13
North Carolina	
* * * * *	
Ducks, mergansers and coots	Oct. 26-Nov. 7 & Feb. 1-Feb. 20
Pennsylvania	
* * * * *	
Ducks, mergansers, and coots:	
North Zone	Oct. 26-Nov. 16 & Jan. 11-Jan. 16 & Feb. 22-Mar. 10
South Zone	Oct. 19-Nov. 14 & Feb. 20-Mar. 10
Northwest Zone	Nov. 30-Dec. 12 & Jan. 11-Jan. 16 & Feb. 12-Mar. 10
Lake Erie Zone	Jan. 25-Mar. 10
Canada Geese:	
SJBP Zone	Feb. 27-Mar. 10
AP Zone	Feb. 2-Mar. 10
RP Zone	Mar. 9-Mar. 10

	Extended Falconry Dates
South Carolina	
Ducks, mergansers, and coots	Nov. 4-Nov. 24 & Nov. 30-Dec. 4 & Dec. 6-Dec. 11
Virginia	
* * * * *	
Moorhens and gallinules	Dec. 7-Dec. 11 & Feb. 1-Feb. 20
Ducks, mergansers, and coots	Dec. 7-Dec. 11 & Feb. 1-Feb. 20
Canada Geese:	
Eastern (AP) Zone	Dec. 12-Dec. 24 & Feb. 1-Feb. 27
Western (SJBP) Zone	Dec. 12-Dec. 14 & Feb. 15-Feb. 27
Brant	Oct. 8-Nov. 20 & Nov. 30-Dec. 11
MISSISSIPPI FLYWAY	
Arkansas	
Ducks, mergansers, and coots	Dec. 7-Dec. 9 & Feb. 1-Feb. 15
* * * * *	
Illinois	
* * * * *	
Ducks, mergansers, and coots	Feb. 11-Mar. 10
Indiana	
* * * * *	
Ducks, mergansers, and coots:	
North Zone	Sept. 27-Sept. 30 & Feb. 14-Mar. 10
South Zone	Oct. 17-Oct. 23 & Feb. 17-Mar. 10
Ohio River Zone	Oct. 24-Oct. 30 & Feb. 17-Mar. 10

	Extended Falconry Dates
Iowa	
Ducks, mergansers, and coots	
North Zone	Dec. 15-Jan. 28
South Zone	Dec. 15-Jan. 28
Canada Geese:	
North Goose Zone	Jan. 4-Jan. 5
South Goose Zone	Jan. 11-Jan. 12
White-fronted Geese:	
North Goose Zone	Dec. 7-Jan. 10
South Goose Zone	Dec. 7-Jan. 10
Kentucky	
Ducks, mergansers, and coots	Nov. 5-Nov. 25 & Nov. 30-Dec. 6
Canada Geese:	
Western Goose Zone:	
Fulton County	Nov. 5-Nov. 22
Rest of Zone	Nov. 5-Nov. 22
Pennyroyal/Coalfield Zone	Nov. 5-Nov. 22
Rest of State	Nov. 5-Nov. 22
White-fronted geese, brant, and light geese	Nov. 5-Nov. 22
Louisiana	
Rails and moorhens	Nov. 7-Nov. 13 & Jan. 7-Feb. 5
Ducks	
West Zone	Nov. 7-Nov. 13 & Dec. 7-Dec. 18 & Jan. 25-Feb. 5
East Zone	Nov. 7-Nov. 20 & Dec. 7-Dec. 18 & Feb. 1-Feb. 5
Michigan	
Ducks, mergansers, coots, and moorhens	Jan. 4-Feb. 17
Minnesota	

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Ducks, mergansers, coots, moorhens, and gallinules	Dec. 2-Jan. 16

	Extended Falconry Dates
Mississippi	
Mourning Doves	Nov. 21-Nov. 29 & Jan. 16-Feb. 12
Ducks, mergansers and coots	Feb. 8-Mar. 8
Missouri	
* * * * *	
Ducks, mergansers, and coots:	
Statewide	Feb. 10-Mar. 10
Ohio	
Ducks, mergansers, and coots	Sept. 1-Sept. 16 & Oct. 3-Oct. 4
* * * * *	
Tennessee	
* * * * *	
Mergansers and coots	Sept. 26-Oct. 22
Wisconsin	
Rails, snipe, moorhens, and gallinules	
North Duck Zone	Sept. 1-Sept. 25 & Nov. 25-Dec. 16
South Duck Zone	Sept. 1-Oct. 2 & Oct. 12-Oct. 16 & Dec. 7-Dec. 16
Woodcock	Sept. 1-Sept. 18 & Nov. 3-Dec. 16
Ducks, mergansers, and coots	Sept. 19-Sept. 20 & Jan 8 - Feb 21
CENTRAL FLYWAY	
Kansas	
Ducks, mergansers, and coots:	
Low Plains:	
Early Zone and Late Zone	Feb. 24-Mar. 10

	Extended Falconry Dates
Montana (2)	
Ducks, mergansers, and coots (1)	Sept. 23-Oct. 2
* * * * *	
Oklahoma	
Ducks, mergansers, and coots:	
Low Plains:	
Zones 1 and 2	Feb. 15-Mar. 1
South Dakota	
Ducks, mergansers, and coots (1)	
High Plains	Sept. 4-Sept. 11
Low Plains	
North Zone	Sept. 4-Sept. 18 & Sept. 21-Sept. 25 & Dec. 9-Dec. 19
Middle Zone	Sept. 4-Sept. 18 & Sept. 21-Sept. 25 & Dec. 9-Dec. 19
South Zone	Sept. 4-Sept. 18 & Sept. 21-Oct. 6
Texas	
* * * * *	
Ducks, mergansers, and coots:	
Low Plains:	
North Zone and South Zone	Jan. 25-Feb. 8
* * * * *	
Wyoming	
* * * * *	
Ducks, mergansers, and coots (1)	
Zone 1	Sept. 26-Sept. 27 & Oct. 21-Oct. 28
Zone 2	Sept. 19-Sept. 20 & Oct. 21-Oct. 28
* * * * *	
PACIFIC FLYWAY	

	Extended Falconry Dates
Arizona	
* * * * *	
Ducks and mergansers:	
North Zone	Oct. 5-Oct. 8
South Zone	Feb. 1-Feb. 4
California	
Ducks, mergansers, and coots:	
Colorado River Zone	Feb. 1-Feb. 4
Southern Zone	Feb. 1-Feb. 5
Balance-of-State Zone	Feb. 1-Feb. 5
Southern San Joaquin Zone	Feb. 1-Feb. 3
Canada Geese and White-fronted Geese:	
Northeastern Zone	Jan. 18-Jan. 20
Southern Zone (5)	Same as for Ducks
Balance-of-State Zone (6)	Same as for Ducks
Southern San Joaquin Zone	Closed
Brant	
Northern Zone	Oct. 24-Nov. 6 & Dec. 7-Feb. 5
Southern Zone	Oct. 24-Nov. 13 & Dec. 14-Feb. 5
Light Geese:	
Northeastern Zone	Jan. 18-Jan. 20
Southern Zone (5	Same as for Ducks
Balance-of-State Zone (6)	Same as for Ducks
Southern San Joaquin Zone	Closed
* * * * *	
New Mexico	
* * * * *	
Rails	Nov. 28-Jan. 3
* * * * *	
Washington	
Mourning doves	Oct. 1-Dec. 16
* * * * *	

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(2) In Montana, the bag limit is 2 and the possession limit is 6.

* * * * *

(4) In Maine, the daily bag and possession limits for black ducks are 1 and 2, respectively.

(5) In California, the falconry season for geese is concurrent with the regular season for white geese in the Imperial County special management area.

(6) In California, the falconry season for geese is concurrent with the regular season for small Canada geese in Del Norte and Humbolt counties.

[FR Doc. E9–22874 Filed 9–24–09; 8:45 am]

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Federal Register

Friday,
September 25, 2009

Part VI

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2009–10 Late Season; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

[FWS-R9-MB-2009-0124]
[91200-1231-9BPP-L2]

RIN 1018-AW31

Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2009-10 Late Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes special late-season migratory bird hunting regulations for certain tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands. This rule responds to tribal requests for U.S. Fish and Wildlife Service (hereinafter Service or we) recognition of their authority to regulate hunting under established guidelines. This rule allows the establishment of season bag limits and, thus, harvest at levels compatible with populations and habitat conditions.

DATES: This rule takes effect on September 25, 2009.

ADDRESSES: You may inspect comments received on the proposed special hunting regulations and tribal proposals during normal business hours in room 4107, Arlington Square Building, 4501 N. Fairfax Drive, Arlington, VA, or at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Ron W. Kokel, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, (703/358-1967), or Tina Chouinard, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, (731/432-0981).

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 *et seq.*), authorizes and directs the Secretary of the Department of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

In the August 11, 2009, **Federal Register** (74 FR 40138), we proposed special migratory bird hunting regulations for the 2009–10 hunting season for certain Indian tribes, under the guidelines described in the June 4, 1985, **Federal Register** (50 FR 23467). The guidelines respond to tribal requests for Service recognition of their reserved hunting rights, and for some tribes, recognition of their authority to regulate hunting by both tribal members and nonmembers on their reservations. The guidelines include possibilities for:

(1) On-reservation hunting by both tribal members and nonmembers, with hunting by nontribal members on some reservations to take place within Federal frameworks but on dates different from those selected by the surrounding State(s);

(2) On-reservation hunting by tribal members only, outside of usual Federal frameworks for season dates and length, and for daily bag and possession limits; and

(3) Off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits.

In all cases, the regulations established under the guidelines must be consistent with the March 10 - September 1 closed season mandated by the 1916 Migratory Bird Treaty with Canada.

In the April 10, 2009, **Federal Register** (74 FR 16339), we requested that tribes desiring special hunting regulations in the 2009–10 hunting season submit a proposal including details on:

(a) Harvest anticipated under the requested regulations;

(b) Methods that would be employed to measure or monitor harvest (such as bag checks, mail questionnaires, etc.);

(c) Steps that would be taken to limit level of harvest, where it could be shown that failure to limit such harvest would adversely impact the migratory bird resource; and

(d) Tribal capabilities to establish and enforce migratory bird hunting regulations.

No action is required if a tribe wishes to observe the hunting regulations established by the State(s) in which an Indian reservation is located. We have successfully used the guidelines since the 1985–86 hunting season. We finalized the guidelines beginning with the 1988–89 hunting season (August 18, 1988, **Federal Register** [53 FR 31612]).

Although the August 11 proposed rule included generalized regulations for both early- and late-season hunting, this rulemaking addresses only the late-season proposals. Early-season proposals were addressed in a final rule published in the September 2, 2009, **Federal Register** (74 FR 51704). As a general rule, early seasons begin during September each year and have a primary emphasis on such species as mourning and white-winged dove. Late seasons begin about September 24 or later each year and have a primary emphasis on waterfowl.

Status of Populations

In the August 11 proposed rule and September 2 final rule, we reviewed the status for various populations for which seasons were proposed. This information included brief summaries of the May Breeding Waterfowl and Habitat Survey; population status reports for blue-winged teal, sandhill cranes, woodcock, mourning doves, white-winged doves, white-tipped doves, and band-tailed pigeons; and the status and harvest of waterfowl. The tribal seasons established below are commensurate with the population status.

For more detailed information on methodologies and results, complete copies of the various reports are available at the street address indicated under **ADDRESSES** or from our website at *http://www.fws.gov/migratorybirds/NewsPublicationsReports.html*.

Comments and Issues Concerning Tribal Proposals

For the 2009–10 migratory bird hunting season, we proposed regulations for 29 tribes or Indian groups that followed the 1985 guidelines and were considered appropriate for final rulemaking. Some of the proposals submitted by the tribes had both early- and late-season elements. However, as noted earlier, only those with late-season proposals are included in this final rulemaking; 11 tribes have proposals with late seasons. The comment period for the proposed rule, published on August 11, 2009, closed on August 21, 2009.

We did not receive any comments on our April 10, 2009, proposed rule, which announced rulemaking on regulations for migratory bird hunting by American Indian tribal members, or on our August 11, 2009, proposed rule.

NEPA Consideration

NEPA considerations are covered by the programmatic document ''Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88-14),'' filed with the Environmental Protection Agency on June 9, 1988. We published Notice of Availability in the **Federal Register** on June 16, 1988 (53

FR 22582). We published our Record of Decision on August 18, 1988 (53 FR 31341). In addition, an August 1985 environmental assessment entitled ''Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands'' is available from the street address indicated under the caption **ADDRESSES**.

In a notice published in the September 8, 2005, **Federal Register** (70 FR 53376), we announced our intent to develop a new Supplemental Environmental Impact Statement for the migratory bird hunting program. Public scoping meetings were held in the spring of 2006, as detailed in a March 9, 2006, **Federal Register** (71 FR 12216). A scoping report summarizing the scoping comments and scoping meetings is available by either writing to the street address indicated under **ADDRESSES** or by viewing on our website at *http://www.fws.gov/migratorybirds/*.

Endangered Species Act Considerations

Section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531-1543; 87 Stat. 884), provides that, ''The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act'' (and) shall ''insure that any action authorized, funded or carried out ... is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat...'' Consequently, we conducted consultations to ensure that actions resulting from these regulations would not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from these consultations are included in the Section 7 Consultation on the Proposed 2009–10 Migratory Game Bird Hunting Regulations (dated August 24, 2009). The consultation concluded that the 2009-10 regulations are not likely to jeopardize the continued existence of either the whooping crane or Steller's eider. To prevent take of whooping cranes, the Contingency Plan for Federal-State Cooperative Protection of whooping cranes provides a protective program in 13 States. In addition, the State of Kansas will implement specific restrictions to avoid accidental shootings. To prevent take of Steller's eiders, the 2009–10 regulations include the continued implementation of measures initiated and outlined under the 2009 Alaska migratory bird subsistence regulations. These measures include Service-initiated conservation measures that increase migratory bird hunter outreach prior to the opening of the hunting season, increased Service enforcement of migratory bird regulations, and in-season harvest verification of Steller's eider mortality and injury. Additionally, any modifications resulting from this consultation may have caused modification of some regulatory measures previously proposed. The final frameworks reflect any modifications. Our biological opinions resulting from this section 7 consultation are public documents available for public inspection in the Service's Division of Endangered Species and Division of Migratory Bird Management, at the street address indicated under **ADDRESSES**.

Executive Order 12866

The Office of Management and Budget has determined that this rule is significant and has reviewed this rule under Executive Order 12866. OMB bases its determination of regulatory significance upon the following four criteria:

(a) Whether the rule will have an annual effect of $100 million or more on the economy or adversely affect an economic sector, productivity, jobs, the environment, or other units of the government.

(b) Whether the rule will create inconsistencies with other Federal agencies' actions.

(c) Whether the rule will materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients.

(d) Whether the rule raises novel legal or policy issues.

An economic analysis was prepared for the 2008–09 season. This analysis was based on data from the 2006 National Hunting and Fishing Survey, the most recent year for which data are available (see discussion in Regulatory Flexibility Act section below). This analysis estimates consumer surplus for three alternatives for duck hunting (estimates for other species are not quantified due to lack of data). The alternatives are (1) Issue restrictive regulations allowing fewer days than those issued during the 2007–08 season, (2) Issues moderate regulations allowing more days than those in alternative 1, and (3) Issue liberal regulations identical to the regulations in the 2007–08 season. For the 2008–09 season, we chose alternative 3, with an estimated consumer surplus across all flyways of $205–$270 million. For the upcoming 2009–10 season, we again considered these three alternatives and again chose alternative 3 for ducks. We made minor modifications to the season frameworks for some other species, but these do not significantly change the economic impacts of the rule, which were not quantified for other species. For these reasons, we have not conducted a new economic analysis, but the 2008–09 analysis is part of the record for this rule and is available at *http://www.fws.gov/migratorybirds/NewReportsPublications/SpecialTopics/SpecialTopics.html#HuntingRegs* or at *http://www.regulations.gov*.

Regulatory Flexibility Act

The regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). We analyzed the economic impacts of the annual hunting regulations on small business entities in detail as part of the 1981 cost-benefit analysis. This analysis was revised annually from 1990–95. In 1995, the Service issued a Small Entity Flexibility Analysis (Analysis), which was subsequently updated in 1996, 1998, 2004, and 2008. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5–year intervals. The 2008 Analysis was based on the 2006 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns, from which it was estimated that migratory bird hunters would spend approximately $1.2 billion at small businesses in 2008. Copies of the Analysis are available upon written request from the street address indicated under **ADDRESSES** or from our website at *http://www.fws.gov/migratorybirds/NewReportsPublications/SpecialTopics/SpecialTopics.html#HuntingRegs* or at *http://www.regulations.gov*.

Small Business Regulatory Enforcement Fairness Act

This rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, the rule has an annual effect on the economy of $100 million or more.

Paperwork Reduction Act

We examined these regulations under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The various recordkeeping and reporting requirements imposed under regulations established in 50 CFR part 20, subpart K, are utilized in the formulation of migratory game bird hunting regulations. Specifically, OMB has approved the information collection requirements of our Migratory Bird

Surveys and assigned control number 1018–0023 (expires 2/28/2011). This information is used to provide a sampling frame for voluntary national surveys to improve our harvest estimates for all migratory game birds in order to better manage these populations. OMB has also approved the information collection requirements of the Alaska Subsistence Household Survey, an associated voluntary annual household survey used to determine levels of subsistence take in Alaska, and assigned control number 1018–0124 (expires 1/31/2010).

A Federal agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Unfunded Mandates Reform Act

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of $100 million or more in any given year on local or State government or private entities. Therefore, this rule is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

Civil Justice Reform—Executive Order 12988

The Department, in promulgating this rule, has determined that the rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

Takings Implication Assessment

In accordance with Executive Order 12630, this rule, authorized by the Migratory Bird Treaty Act, does not have significant takings implications and does not affect any constitutionally protected property rights. This rule will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, these rules allow hunters to exercise otherwise unavailable privileges and, therefore, reduce restrictions on the use of private and public property.

Energy Effects—Executive Order 13211

Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. While this rule is a significant regulatory action under Executive Order 12866, it is not expected to adversely affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

Government-to-Government Relationship with Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and 512 DM 2, we have evaluated possible effects on Federally-recognized Indian tribes and have determined that there are no effects on Indian trust resources. However, in the April 10 **Federal Register**, we solicited proposals for special migratory bird hunting regulations for certain Tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands for the 2009–10 migratory bird hunting season. The resulting proposals were contained in an August 11 proposed rule (74 FR 40138). By virtue of these actions, we have consulted with Tribes affected by this rule.

Federalism Effects

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections regarding the hunting of migratory birds, and we employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and tribes to determine which seasons meet their individual needs. Any State or Indian tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This process allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with Executive Order 13132, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulations Promulgation

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, we intend that the public be given the greatest possible opportunity to comment. Thus, when the preliminary proposed rulemaking was published, we established what we believed were the longest periods possible for public comment. In doing this, we recognized that when the comment period closed, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, Tribes would have insufficient time to select season dates and limits; to communicate those selections to us; and to establish and publicize the necessary regulations and procedures to implement their decisions. We find that ''good cause'' exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and therefore, under authority of the Migratory Bird Treaty Act (July 3, 1918), as amended (16 U.S.C. 703–711), these regulations will take effect immediately upon publication.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

■ Accordingly, part 20, subchapter B, chapter I of Title 50 of the Code of Federal Regulations is amended as follows:

PART 20—[AMENDED]

■ 1. The authority citation for part 20 continues to read as follows:

Authority: Migratory Bird Treaty Act, 40 Stat. 755, 16 U.S.C. 703–712; Fish and Wildlife Act of 1956, 16 U.S.C. 742a–j; Pub. L. 106–108, 113 Stat. 1491, Note Following 16 U.S.C. 703.

(Note: The following hunting regulations provided for by 50 CFR 20.110 will not appear in the Code of Federal Regulations because of their seasonal nature).

■ 2. Amend § 20.110 by:

■ a. Revising paragraphs (a), (b), (f), (j), (t) and (u), and

■ b. Adding paragraphs (x), (y), (z), (aa), and (bb), to read as set forth below. (Current § 20.110 was published at 74 FR 51707, September 2, 2009.)

§ 20.110 Seasons, limits, and other regulations for certain Federal Indian reservations, Indian Territory, and ceded lands.

(a) Colorado River Indian Tribes, Parker, Arizona (Tribal Members and Nontribal Hunters).

Doves

Season Dates: Open September 1, through September 15, 2009; then open November 14, through December 28, 2009.

Daily Bag and Possession Limits: For the early season, daily bag limit is 10 mourning or white-winged doves, singly, or in the aggregate. For the late season, the daily bag limit is 10 mourning doves. Possession limits are twice the daily bag limits.

Ducks (including mergansers)

Season Dates: Open October 10, 2009, through January 24, 2010.

Daily Bag and Possession Limits: Seven ducks, including two hen mallards, two redheads, two Mexican ducks, two goldeneye, two cinnamon teal, three scaup, and one pintail. The seasons on canvasback is closed. The possession limit is twice the daily bag limit.

Coots and Common Moorhens

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 25 coots and common moorhens, singly or in the aggregate. The possession limit is twice the daily bag limit.

Geese

Season Dates: Open October 17, 2009, through January 24, 2010.

Daily Bag and Possession Limits: Three geese, including no more than three dark (Canada) geese and three white (snow, blue, Ross's) geese. The possession limit is six dark geese and six white geese.

General Conditions: All persons 14 years and older must be in possession of a valid Colorado River Indian Reservation hunting permit before taking any wildlife on tribal lands. Any person transporting game birds off the Colorado River Indian Reservation must have a valid transport declaration form. Other tribal regulations apply, and may be obtained at the Fish and Game Office in Parker, Arizona.

(b) Confederated Salish and Kootenai Tribes, Flathead Indian Reservation, Pablo, Montana (Tribal Members and Nontribal Hunters).

Tribal Members Only

Ducks (including mergansers)

Season Dates: Open September 1, 2009, through March 9, 2010.

Daily Bag and Possession Limits: The Tribe does not have specific bag and possession restrictions for Tribal members. The season on harlequin duck is closed.

Coots

Season Dates: Same as ducks.

Daily Bag and Possession Limits: Same as ducks.

Geese

Season Dates: Same as ducks.

Daily Bag and Possession Limits: Same as ducks.

Nontribal Hunters

Ducks (including mergansers)

Scaup Season Dates: Open October 3, 2009, through December 27, 2009.

Season Dates: Open October 3, 2009, through January 17, 2010.

Daily Bag and Possession Limits: Seven ducks, including no more than two hen mallards, two pintail, three scaup (when open), one canvasback, and two redheads. The possession limit is twice the daily bag limit.

Coots

Season Dates: Same as ducks.

Daily Bag and Possession Limits: The daily bag and possession limit is 25.

Geese

Dark Geese

Season Dates: Open October 3, 2009, through January 15, 2010.

Daily Bag and Possession Limits: 4 and 8 geese, respectively.

Light Geese

Season Dates: Open October 3, 2009, through January 15, 2010.

Daily Bag and Possession Limits: 6 and 12 geese, respectively.

Youth Waterfowl Hunt

Season Dates: September 26-27, 2009.

Daily Bag and Possession Limits: Same as ducks.

General Conditions: Tribal members and nontribal hunters must comply with all basic Federal migratory bird hunting regulations contained in 50 CFR part 20 regarding manner of taking. In addition, shooting hours are sunrise to sunset, and each waterfowl hunter 16 years of age or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Special regulations established by the Confederated Salish and Kootenai Tribes also apply on the reservation.

* * * * *

(f) Kalispel Tribe, Kalispel Reservation, Usk, Washington (Tribal Members and Nontribal Hunters).

Nontribal Hunters on Reservation

Ducks

Season Dates: Open September 26, 2009, through January 31, 2010. During this period, days to be hunted are specified by the Kalispel Tribe as weekends, holidays, and for a continuous period in the months of October and November, not to exceed 107 days total. Nontribal hunters should contact the Tribe for more detail on hunting days.

Daily Bag and Possession Limits: seven ducks, including no more than two female mallards, two pintail, 2 scaup, one canvasback, and two redheads. The possession limit is twice the daily bag limit.

Geese

Season Dates: Open September 1, 2009, through September 13, 2009, for the early-season, and open October 2, 2009, through January 31, 2010, for the late-season. During this period, days to be hunted are specified by the Kalispel Tribe, not to exceed 107 days total. Nontribal hunters should contact the Tribe for more detail on hunting days.

Daily Bag and Possession Limits: 5 Canada geese for the early season, and 3 light geese and 4 dark geese, for the late season. The daily bag limit is 2 brant (when the State's season is open) and is in addition to dark goose limits for the late season. The possession limit is twice the daily bag limit.

Tribal Hunters Within Kalispel Ceded Lands

Ducks

Season Dates: Open September 1, 2009, through January 31, 2010.

Daily Bag and Possession Limits: 7 ducks, including no more than 2 female mallards, 2 pintail, 1 canvasback, 3 scaup, and 2 redheads. The possession limit is twice the daily bag limit.

Geese

Season Dates: Open September 1, 2009, through January 31, 2010.

Daily Bag Limit: 6 light geese and 4 dark geese. The daily bag limit is 2 brant and is in addition to dark goose limits.

General: Tribal members must possess a validated Migratory Bird Hunting and Conservation Stamp and a tribal ceded lands permit.

* * * * *

(j) Lower Brule Sioux Tribe, Lower Brule Reservation, Lower Brule, South Dakota (Tribal Members and Nontribal Hunters).

Tribal Members

Ducks, Mergansers, and Coots

Season Dates: Open September 19, 2009, through March 10, 2010.

Daily Bag and Possession Limits: Six ducks, including no more than five mallards (only one of which may be a hen), two scaup, one mottled duck, two redheads, two wood ducks, one canvasback, and one pintail. Coot daily bag limit is 15. Merganser daily bag limit is five, including no more than two

hooded merganser. The possession limit is twice the daily bag limit.

Canada Geese

Season Dates: Open October 10, 2009, through March 10, 2010.

Daily Bag and Possession Limits: Three and six, respectively.

White-fronted Geese

Season Dates: Open October 3, 2009, through March 10, 2010.

Daily Bag and Possession Limits: Two and four, respectively.

Light Geese

Season Dates: Open October 10, 2009, through March 10, 2010.

Daily Bag and Possession Limits: 20 and 40, respectively.

Nontribal Hunters

Ducks (including mergansers and coots)

Season Dates: Open October 10, 2009, through January 14, 2010.

Daily Bag and Possession Limits: Six ducks, including no more than five mallards (only one of which may be a hen), two scaup, one mottled duck, one canvasback, two redheads, two wood ducks, and one pintail. Coot daily bag limit is 15. Merganser daily bag limit is five, including no more than two hooded mergansers. The possession limit is twice the daily bag limit.

Canada Geese

Season Dates: Open October 24, 2009, through February 7, 2010.

Daily Bag and Possession Limits: Three and six, respectively.

White-fronted Geese

Season Dates: Open October 10, 2009, through December 20, 2009.

Daily Bag and Possession Limits: One and two, respectively.

Light Geese

Season Dates: Open October 10, 2009, through January 10, 2010, and open February 26, 2010, through March 10, 2010.

Daily Bag and Possession Limits: 20 and 40, respectively.

General Conditions: All hunters must comply with the basic Federal migratory bird hunting regulations in 50 CFR part 20, including the use of steel shot. Nontribal hunters must possess a validated Migratory Bird Hunting and Conservation Stamp. The Lower Brule Sioux Tribe has an official Conservation Code that hunters must adhere to when hunting in areas subject to control by the Tribe.

* * * * *

(t) Upper Skagit Indian Tribe, Sedro Woolley, Washington (Tribal Members Only).

Ducks

Season Dates: Open October 1, 2009, through February 28, 2010.

Daily Bag and Possession Limits: 15 and 20, respectively. The season on canvasbacks is closed.

Coots

Season Dates: Open October 15, 2009, through February 15, 2010.

Daily Bag and Possession Limits: 20 and 30, respectively.

Geese

Season Dates: Open October 15, 2009, through February 28, 2010.

Daily Bag and Possession Limits: The daily bag limits are seven geese and five brant. The possession limits for geese and brant are 10 and 7, respectively.

Mourning Dove

Season Dates: Open September 1, through December 31, 2009.

Daily Bag and Possession Limits: 12 and 15 mourning doves, respectively.

Tribal members must have the tribal identification and harvest report card on their person to hunt. Tribal members hunting on the Reservation will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, except shooting hours would be one-half hour before official sunrise to one-half hour after official sunset.

(u) Wampanoag Tribe of Gay Head, Aquinnah, Massachusetts (Tribal Members Only).

Teal

Season Dates: Open October 13, 2009, through January 26, 2010.

Daily Bag Limit: Six teal.

Ducks

Season Dates: Open October 29, 2009, through February 23, 2010.

Daily Bag Limit: Six ducks, including no more than two hen mallards, two black ducks, two mottled ducks, one fulvous whistling duck, four mergansers, three scaup, one hooded merganser, two wood ducks, one canvasback, two redheads, and one pintail. The season is closed for harlequin ducks.

Sea Ducks

Season Dates: Open October 12, 2009, through February 28, 2010.

Daily Bag Limit: Seven ducks including no more than four of any one species (only one of which may be a hen eider).

Woodcock

Season Dates: Open October 13, through November 28, 2009.

Daily Bag Limit: 3 woodcock.

Canada Geese

Season Dates: Open September 14, through September 28, 2009, and open October 29, 2009, through February 25, 2010.

Daily Bag Limits: 5 Canada geese during the first period, 3 during the second.

Snow Geese

Season Dates: Open September 8, 2009, through September 22, 2009, and October 29, 2009, through February 25, 2010.

Daily Bag Limits: 15 snow geese.

General Conditions: Shooting hours are one-half hour before sunrise to sunset. Nontoxic shot is required. All basic Federal migratory bird hunting regulations contained in 50 CFR part 20 will be observed.

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(x) Jicarilla Apache Tribe, Jicarilla Indian Reservation, Dulce, New Mexico (Tribal Members and Nontribal Hunters).

Ducks (including mergansers)

Season Dates: Open October 10, through November 30, 2009.

Daily Bag and Possession Limits: The daily bag limit is seven, including no more than two hen mallards, two pintail, two redheads, one canvasback, and three scaup. The possession limit is twice the daily bag limit.

Canada Geese

Season Dates: Open October 10, through November 30, 2009.

Daily Bag and Possession Limits: Two and four, respectively.

General Conditions: Tribal and nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Special regulations established by the Jicarilla Tribe also apply on the reservation.

(y) Klamath Tribe, Chiloquin, Oregon (Tribal Members Only).

Ducks

Season Dates: Open October 1, 2009, through January 31, 2010.

Daily Bag and Possession Limits: 9 and 18 ducks, respectively.

Coots

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 25 coots.

Geese

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 9 and 18 geese, respectively.

General: The Klamath Tribe provides its game management officers, biologists, and wildlife technicians with regulatory enforcement authority, and has a court system with judges that hear cases and set fines. Nontoxic shot is required. Shooting hours are one-half hour before sunrise to one-half hour after sunset.

(z) Shoshone-Bannock Tribes, Fort Hall Indian Reservation, Fort Hall, Idaho (Nontribal Hunters).

Ducks and Mergansers

Scaup Season Dates: Open October 3, 2009, through December 27, 2009.

Season Dates: Open October 3, 2009, through January 17, 2010.

Daily Bag and Possession Limits: Seven ducks and mergansers, including no more than two hen mallards, two pintail, three scaup (when open), one canvasback, and two redheads. The possession limit is twice the daily bag limit.

Coots

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 25 coots. The possession limit is twice the daily bag limit.

Geese

Season Dates: Open October 3, 2009, through January 17, 2010.

Daily Bag and Possession Limits: 6 light geese and 4 dark geese. The possession limit is twice the daily bag limit.

Common Snipe

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 8 and 16 snipe, respectively.

General Conditions: Nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must possess a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Other regulations established by the Shoshone-Bannock Tribes also apply on the reservation.

(aa) Stillaguamish Tribe of Indians, Arlington, Washington (Tribal Members Only).

Ducks (including mergansers)

Season Dates: Open October 1, 2009, through February 15, 2010.

Daily Bag and Possession Limits: 10 ducks, including no more than 7 mallards of which only 3 hen mallards, 3 pintail, 3 canvasback, 3 scaup, and 3 redheads. The possession limit is twice the daily bag limit.

Coot

Season Dates: October 1, 2009, through January 31, 2010.

Daily Bag and Possession Limits: 25 and 50, respectively.

Geese

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 6 and 12, respectively.

Brant

Season Dates: Open October 1, 2009, through January 31, 2010.

Daily Bag and Possession Limits: 3 and 6, respectively.

Snipe

Season Dates: Open October 1, 2009, through January 21, 2010.

Daily Bag and Possession Limits: 10 and 20, respectively.

Tribal members hunting on lands will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, which will be enforced by the Stillaguamish Tribal Law Enforcement. Tribal members are required to use steel shot or a nontoxic shot as required by Federal regulations.

(bb) Swinomish Indian Tribal Community, LaConner, Washington (Tribal Members Only).

Tribal Hunters within Swinomish, Lower Skagit, Kikialous, and Samish Ceded Lands

Ducks (including mergansers)

Season Dates: Open September 26, 2009, through February 10, 2010.

Daily Bag and Possession Limits: 10 ducks and mergansers, including no more than 5 hen mallards, 5 pintail, 6 canvasback, 6 scaup, and 5 redheads. The possession limit is twice the daily bag limit.

Coot

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 28 and 56, respectively.

Geese

Season Dates: Open October 3, 2009, through February 17, 2010.

Daily Bag and Possession Limits: 8 and 16, respectively.

Brant

Season Dates: Open October 3, 2009, through November 18, 2010.

Daily Bag and Possession Limits: 5 and 10, respectively.

Tribal Hunters on Swinomish, Lower Skagit, Kikialous, and Samish Reservation Lands

Ducks (including mergansers)

Season Dates: Open September 26, 2009, through March 9, 2010.

Daily Bag and Possession Limits: 10 ducks and mergansers, including no more than 5 hen mallards, 5 pintail, 6 canvasback, 6 scaup, and 5 redheads. The possession limit is twice the daily bag limit.

Coot

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 28 and 56, respectively.

Geese

Season Dates: Open October 3, 2009, through March 9, 2010.

Daily Bag and Possession Limits: 8 and 16, respectively.

Brant

Season Dates: Open October 3, 2009, through March 9, 2010.

Daily Bag and Possession Limits: 5 and 10, respectively.

Tribal members hunting on lands under this proposal will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, which will be enforced by the Swinomish Lower Skagit, Kikialous, and Samish Tribal Law Enforcement. Tribal members are required to use steel shot or a nontoxic shot as required by Federal regulations.

Dated: September 16, 2009.

Thomas L. Strickland,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. E9–23034 Filed 9–24–09; 8:45 am

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Federal Register

Friday,
September 25, 2009

Part VII

The President

Proclamation 8420—National Farm Safety and Health Week, 2009

Federal Register
Vol. 74, No. 185
Friday, September 25, 2009

Presidential Documents

Title 3—

The President

Proclamation 8420 of September 21, 2009

National Farm Safety and Health Week, 2009

By the President of the United States of America

A Proclamation

Our Nation's prosperity has been built on the skill and productivity of our farmers and ranchers. Two centuries ago, many American families toiled in fields and grasslands so that they might feed themselves. Today, those in the agricultural sector provide food, fiber, biofuels, and many other life necessities for millions across our Nation and around the world. The hard work and talent of those in the agricultural industry, and continued advances in technology and efficiency, have provided great security to the United States.

As they offer great benefits to our Nation, farmers and ranchers also face significant risks in the course of their everyday duties. They often transport and operate heavy and hazardous equipment and work in extreme weather conditions. Farmers may be exposed to pesticides, fertilizers, chemicals, and dust that can be harmful to human health. They also work in dangerous areas such as wells, silos, and grain elevators. These individuals must take great precautions to protect their health and safety, especially since rural residents may have to travel long distances to receive trauma care for an accident-related injury. They must also take particular care to avoid accidents involving children.

As the fall harvest season approaches, I encourage farm and ranch families and workers to participate in farm safety and health programs. I also encourage them to follow optimal farm safety and health practices. Businesses and communities, and organizations and neighbors, can encourage one another to understand the risks of this work so that we can prevent accidents, prevent exposure to potential hazards, and save lives.

Working long hours at physically demanding and often dangerous tasks, farmers and ranchers provide for our Nation and countless others across the world. Even as they have faced risks, they have made our agricultural sector more productive and practiced good stewardship of our country's natural resources. This week, Americans express gratitude for the untold benefits we enjoy from their labor, and we honor their achievements by urging continued commitment to the highest standards of safety and health.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 20 through September 26, 2009, as National Farm Safety and Health Week. I call upon the people of the United States to join me in celebrating the vital contributions of farmers and ranchers to our Nation and in reflecting upon the importance of farm safety and health in communities across America.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

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Federal Register

Friday,
September 25, 2009

Part VIII

The President

Proclamation 8421—National Hunting and Fishing Day, 2009

Federal Register
Vol. 74, No. 185
Friday, September 25, 2009

Presidential Documents

Title 3—

The President

Proclamation 8421 of September 22, 2009

National Hunting and Fishing Day, 2009

By the President of the United States of America

A Proclamation

From atop Pikes Peak to the shores of the James River, Americans celebrate the great abundance and utility of our natural resources. Since our Nation's founding, hunters and anglers have cherished these unparalleled natural gifts and marveled at their untamed beauty. National Hunting and Fishing Day recognizes the contributions of millions of Americans who continue to engage in these ageless pursuits.

Following in the centuries-old footsteps of the pioneers who walked before them, hunters and anglers have played a key role in the conservation and restoration of numerous species and their natural habitats. They not only understand their pivotal role as stewards of the land, but also seek to pass on this honored tradition to future generations.

As our citizens continue to enjoy our Nation's natural resources, we must remember that this privilege brings great responsibility. Not long ago, hunting threatened the extinction of the American Bison, an enduring symbol of the American West. Today, their population has recovered because of the cooperative efforts of conservationists and hunters. Many species, however, still require our protection. We can no longer look to our wilderness, as some once did, as land full of unlimited bounty and surplus. Recognizing the need for conservation, our hunters and anglers have worked hard to manage local ecosystems where wildlife remain, as well as to protect those areas where they are slowly re-establishing viable populations.

Our national character, always evolving, finds its foundation in those timeless American ideals of freedom, fairness, and self-sustainability. Today's hunters and anglers bring this spirit to life in the forests and streams they visit. If not for America's great hunters and anglers, like President Theodore Roosevelt and Aldo Leopold, our Nation would not enjoy sound game management; a system of ethical, science-based game laws; and an extensive public lands estate on which to pursue the sports. On National Hunting and Fishing Day, we celebrate their contributions to our natural environment and our national heritage.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 26, 2009, as National Hunting and Fishing Day. I call upon the people of the United States to recognize this day with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

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Reader Aids

Federal Register

Vol. 74, No. 185

Friday, September 25, 2009

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Presidential Documents	
Executive orders and proclamations	**741–6000**
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Other Services	
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FEDERAL REGISTER PAGES AND DATE, SEPTEMBER

45093–45304 1
45305–45534 2
45535–45730 3
45731–45976 4
45977–46300 8
46301–46488 9
46489–46662 10
46663–46884 11
46885–47046 14
47047–47430 15
47431–47710 16
47711–47870 17
47871–47998 18
47999–48134 21
48135–48360 22
48361–48646 23
48647–48844 24
48845–49306 25

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
8404 45527
8405 45529
8406 45535
8407 45727
8408 45729
8409 45977
8410 46301
8411 46661
8412 46663
8413 47045
8414 47861
8415 47867
8416 47869
8417 47997
8418 48129
8419 49301
8420 49301
8421 49305

Administrative Orders:
Presidential Determinations:
No. 2009–25 of September 7, 2009 48361
No. 2009–26 of September 7, 2009 48363
No. 2009–27 of September 11, 2009 47431
No. 2009–28 of September 11, 2009 47433
No. 2009–29 of September 14, 2009 48365
No. 2009–30 of September 15, 2009 48369
Memorandums:
Memorandum of August 31, 2009.....45533
Memorandum of September 17, 2009 48133
Notices:
Notice of September 10, 2009 46883
Notice of September 21, 2009 48359

5 CFR

Proposed Rules:
630 46934
875 46937

7 CFR

210 45305
220 45305
246 48845
248 46665
249 48373
301 .....47999, 48001, 48003
319 46489
402 45537
407 45537
457 45537
760 46665
905 .....46303, 47047
916 48846
917 48846
920 46306
924 48848
944 47047
945 45731
959 47048
980 45734
993 46310
1470 48005
1779 48005
3430 45736
3575 48005
4279 48005
4280 48005
5001 48005

Proposed Rules:
301 48013
305 48013
457 46023
970 .....45565, 48423
983 45772
987 47124
1250 48868
1485 46027
1493 48014

8 CFR

Proposed Rules:
103 46938
214 46938
274a 46938

9 CFR

77 48375

Proposed Rules:
317 46951
321 47648
332 47648
381 .....46951, 47648

10 CFR

55 45544
76 45544
431 45979
600 48850
1024 48850

Proposed Rules:
40 46512
50 48667
52 48667
72 47126
609 46513

12 CFR

329 47050
330 47711
347 47711
370 45093

Proposed Rules:

3 47138
208 47138
225 47138
325 47138
370 47489
567 47138

13 CFR

120 45752
121 ....45752, 46312
124 ....45752, 46885
125 46885
126 ....45752, 46885
134 45752

14 CFR

1 45307
23 45100
25 45546
33 45307
39 ....45311, 45550, 45754, 45979, 46313, 46317, 46319, 46322, 46324, 46327, 46329, 46331, 46334, 46336, 46339, 46342, 46888, 48007, 48135, 48138,48143
71 ....45553, 45554, 45981, 45982, 45983, 45984, 46489, 46890, 46892, 46893, 46894, 46896, 46897, 46898, 48850, 48851
73 47718
97 ....46899, 46901, 48647, 48649
101 47435

Proposed Rules:

23 45133
25 ....45777, 47494
39 ....45135, 45139, 45381, 45781, 45783, 45787, 46395, 47148, 47759, 47760, 47897, 47900, 48016, 48019, 48021, 48024, 48028, 48668, 48870, 48872, 48877, 48882
71 ....45142, 45574, 45575, 46513, 47495, 48172, 48671
73 47150
93 47495
382 47902

15 CFR

730 48009
732 48009
734 48009
736 ....45985, 48009
738 48009
740 ....45985, 48009
742 48009
743 48009
744 ....45990, 48009
746 ....45985, 48009
747 48009
748 48009
750 48009
752 48009
754 48009
756 48009
758 48009
760 48009
762 48009
764 48009
766 48009
768 48009
770 48009
772 48009
774 48009
902 45756
909 45555

Proposed Rules:

806 45383

16 CFR

1119 45101

Proposed Rules:

1119 45133
1215 45719
1216 45704
1500 ....45714, 45723

17 CFR

230 47719
240 47719
260 47719
270 48376

Proposed Rules:

242 48632

18 CFR

301 47052

Proposed Rules:

38 48173
284 45576
366 48884
367 48884

19 CFR

12 48852
148 48853
163 48852

20 CFR

404 ....48381, 48855
416 48381
655 45560

Proposed Rules:

655 45906
901 48030

21 CFR

510 47725
522 47725
524 47435

Proposed Rules:

4 48423
1301 46396

22 CFR

22 47726
51 47726

Proposed Rules:

62 ....45385, 48177

23 CFR

Proposed Rules:

772 47762

24 CFR

206 45311

26 CFR

1 ....45757, 45993, 46345, 46346, 47436, 47728, 48151
54 45994
301 ....46347, 46903
602 ....45757, 47436

Proposed Rules:

1 ....45789, 47152, 47500, 48672, 48888
17 47500
26 46705
53 48672
301 ....46705, 46957

27 CFR

40 48650
41 48650
45 48650

Proposed Rules:

40 48687
41 48687
45 48687

28 CFR

0 47096

29 CFR

1910 46350
1915 46350
1917 46350
1918 46350
1956 45107
4022 47097
4044 47097

Proposed Rules:

501 45906
1630 48431
1910 46958
1926 46958
2560 45791

30 CFR

203 46904
210 46904
250 46904
251 46904
253 46904
254 46904
256 46904
280 46904
291 46904
944 45116

31 CFR

356 47099
515 46000
538 46361

33 CFR

100 46364
110 46007
117 ....46010, 46910
138 46367
151 45555
165 ....45120, 45318, 45323, 46011, 46014, 46367, 46491, 47729, 47871, 47873, 47875, 48654
334 48151

Proposed Rules:

110 47906
117 48889
151 ....46910, 48190, 48891
155 48891
160 48891
165 46040

34 CFR

Proposed Rules:

Ch. VI 46399

36 CFR

1253 47439

Proposed Rules:

1254 48892

37 CFR

Proposed Rules:

202 48191

38 CFR

17 48011
36 48657

Proposed Rules:

3 48689

39 CFR

20 45760
111 ....45325, 45763
3020 ....45327, 46016

Proposed Rules:

3055 49190
3060 46044

40 CFR

9 47877
35 46019
52 ....45561, 45766, 46910, 47404, 47414, 47888, 48153, 48384, 48659, 48662, 48857, 48863
63 46493
81 ....47404, 47414
180 ....45330, 46369, 46377, 46683, 46689, 47440, 47445, 47451, 47891, 48386, 48391, 48396, 48402, 48408
239 45769
258 45769
300 ....45335, 48412
721 47877

Proposed Rules:

51 48690
52 ....45387, 45578, 45795, 46044, 46965, 47154, 47910, 48450, 48467, 48478, 48495, 48498, 48690, 48695, 48702, 48703, 48894
60 46401
81 45387
82 47774
180 47507
239 45796
258 45796
261 48690
262 48690
264 48690
265 48690
270 48690
300 ....48504, 48511
721 46707

42 CFR

405 47458
483 48865

Proposed Rules:

457 47517

44 CFR

59 47471
61 47471
64 ....45122, 46699, 48156
78 47471
79 47471
80 47471
201 47471

206 47471
Proposed Rules:
67 ....46047, 46056, 46068, 46074, 47160, 47164, 47169, 48043

45 CFR

2510 46495
2516 46495
2519 46495
2520 46495
2522 46495
2540 46495
2550 ....46495, 48866
2551 46495
2552 ....46495, 48866
2553 46495

46 CFR

1 49218
2 49218
5 49218
6 49218
7 49218
8 49218
10 49218
11 49218
12 ....47729, 49218
15 ....47729, 49218
16 49218
25 49218
26 49218
27 49218
28 49218
30 49218
31 49218
32 49218
34 49218
35 49218
39 49218
44 49218
46 49218
50 49218
52 49218
53 49218
54 49218
56 49218
57 49218
58 49218
59 49218
61 49218
62 49218
63 49218
67 49218
68 49218
69 49218
70 49218
71 49218
76 49218
77 49218
78 49218
90 49218
91 49218
92 49218
95 49218
96 49218
97 49218
98 49218
105 49218
107 49218
108 49218
109 49218
110 49218
111 49218
114 49218
116 49218
125 49218
126 49218
127 49218
128 49218
130 49218
131 49218
133 49218
134 49218
147 49218
148 49218
150 49218
151 49218
153 49218
154 49218
159 49218
160 49218
161 49218
162 49218
164 49218
167 49218
169 49218
170 49218
172 49218
174 49218
175 49218
177 49218
188 49218
189 49218
193 49218
194 49218
195 49218
197 49218
199 49218
401 49218
Proposed Rules:
162 ....46964, 48190

47 CFR

25 47100
32 47107
64 47894
73 ....45126, 45770, 46020, 47483, 47896, 48169, 48170, 48664
74 ....45126, 46382
79 46703
Proposed Rules:
73 ....45797, 45798, 47775, 48191

48 CFR

52 48421
205 48170
247 48170
352 47108
501 47737
514 47737
552 47737
909 48421
1545 47108
1552 47108
Proposed Rules:
8 45394
9 45579
12 ....45394, 45579
15 45394
42 45394
49 45394
52 45579

49 CFR

222 46384
234 45336
393 47112
450 49218
451 49218
452 49218
453 49218
501 46021
573 47740
579 47740
1515 47672
1520 47672
1522 47672
1540 47672
1544 47672
1546 47672
1548 47672
1549 47672
Proposed Rules:
367 ....45583, 47911
523 48894
531 ....48192, 48894
533 ....48192, 48894
534 48894
536 48894
537 48894
571 45143
633 46515
1135 48049

50 CFR

13 46836
17 ....46914, 47112, 47483
20 ....45343, 48822, 49244, 49294
22 4683
32 ....45674, 47117
222 46930
223 46930
226 45353
622 ....46509, 46510
648 ....45131, 47117, 47118, 48866
660 48421
665 ....45756, 47119, 48422
679 ....45131, 45378, 45379, 45564, 46021, 48170, 48665
Proposed Rules:
17 ....45396, 46401, 46521, 46542, 46548, 46551, 46965, 47536, 48211, 48215
648 ....45597, 45798, 48707
660 ....46714, 47545

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

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H.R. 3325/P.L. 111–63
WIPA and PABSS Reauthorization Act of 2009 (Sept. 18, 2009; 123 Stat. 2001)

S.J. Res. 9/P.L. 111–64
Providing for the appointment of France A. Cordova as a citizen regent of the Board of Regents of the Smithsonian Institution. (Sept. 18, 2009; 123 Stat. 2002)

Last List August 24, 2009

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