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WHEN: Tuesday, November 10, 2009
9 a.m.-12:30 p.m.

WHERE: Office of the Federal Register
Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC 20002

RESERVATIONS: (202) 741-6008



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Title 3—**Executive Order 13517 of October 30, 2009****The President****Amendments to Executive Orders 13183 and 13494**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including 40 U.S.C. 101, it is hereby ordered as follows:

Section 1. Executive Order 13183 of December 23, 2000, as amended, is further amended as follows:

(a) The preamble is amended by deleting “, including Public Law 106–346.”

(b) Section 1 is amended by adding the following sentence after the second sentence: “It is also the policy of the executive branch to improve the treatment of Puerto Rico in Federal programs and to promote job creation, education, health care, clean energy, and economic development on the islands.”

(c) Section 3 is amended by deleting the second, third, and fourth sentences and inserting in lieu thereof the following: “The Task Force shall ensure official attention to and facilitate action on matters related to proposals for Puerto Rico’s status and provide advice and recommendations on such matters to the President and the Congress. The Task Force shall also identify and promote existing Federal initiatives that benefit Puerto Rico; provide advice and recommendations to the President and the Congress on the treatment of Puerto Rico in Federal programs; and provide advice and recommendations to the President and the Congress on policies and initiatives that promote job creation, education, health care, clean energy, and economic development on the islands.”

(d) Section 4 is amended by deleting the first sentence and inserting in lieu thereof the following: “The Task Force shall submit to the President a report on the actions it has taken to perform the functions set forth in section 3 no later than 1 year from the date of this order. The Task Force shall also report to the President, as appropriate, on other matters relating to the Task Force’s responsibilities under this order.”

Sec. 2. In furtherance of the policy set forth in section 1 of Executive Order 13494 of January 30, 2009, section 3 of that order is amended to read as follows: “Sec. 3. Contracting departments and agencies shall treat as allowable costs incurred in maintaining satisfactory relations between the contractor and its employees (other than the costs of any activities undertaken to persuade employees to exercise or not to exercise, or concerning the manner of exercising, the right to organize and bargain collectively), including costs of labor management committees, employee publications, and other related activities. See 48 C.F.R. 31.205–21.”

Sec. 3. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to be Barack Obama's signature, consisting of a large 'B' followed by a circle and a horizontal line.

THE WHITE HOUSE,
October 30, 2009.

Federal Register

Presidential Documents

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Title 3—

Executive Order 13516—Amending Executive Order 13462

The President

Correction

In Presidential document E9–26408 beginning on page 56521 in the issue of Monday, November 2, 2009, make the following correction:

On page 56521, the Executive Order number and date line at the beginning of the document should read “Executive Order 13516 of October 28, 2009.”

[FR Doc. Z9–26408

Filed 11–4–09; 8:45 am]

Billing Code 1505–01–D

Rules and Regulations

Federal Register

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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

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS-2009-0014]

Asian Longhorned Beetle; Addition to Quarantined Areas in Massachusetts and New York

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Asian longhorned beetle regulations by adding a portion of Worcester County, MA, to the list of quarantined areas and updating the description of the quarantined area in the Borough of Staten Island in the City of New York, NY. This action will restrict the interstate movement of regulated articles from these areas. This interim rule is necessary to prevent the artificial spread of the Asian longhorned beetle to noninfested areas of the United States.

DATES: This interim rule is effective November 5, 2009. We will consider all comments that we receive on or before January 4, 2010.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to (<http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2009-0014>) to submit or view comments and to view supporting and related materials available electronically.

- *Postal Mail/Commercial Delivery:* Please send two copies of your comments to Docket No. APHIS-2009-0014, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state

that your comment refers to Docket No. APHIS-2009-0014.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

Other Information: Additional information about APHIS and its programs is available on the Internet at (<http://www.aphis.usda.gov>).

FOR FURTHER INFORMATION CONTACT: Ms. Julie Twardowski, ALB National Coordinator, Emergency and Domestic Programs, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1231; (301) 734-5332.

SUPPLEMENTARY INFORMATION:

Background

The Asian longhorned beetle (ALB, *Anoplophora glabripennis*), an insect native to China, Japan, Korea, and the Isle of Hainan, is a destructive pest of hardwood trees. It attacks many healthy hardwood trees, including maple, horse chestnut, birch, poplar, willow, and elm. In addition, nursery stock, logs, green lumber, firewood, stumps, roots, branches, and wood debris of half an inch or more in diameter are subject to infestation. The beetle bores into the heartwood of a host tree, eventually killing the tree. Immature beetles bore into tree trunks and branches, causing heavy sap flow from wounds and sawdust accumulation at tree bases. They feed on, and over-winter in, the interiors of trees. Adult beetles emerge in the spring and summer months from round holes approximately three-eighths of an inch in diameter (about the size of a dime) that they bore through branches and trunks of trees. After emerging, adult beetles feed for 2 to 3 days and then mate. Adult females then lay eggs in oviposition sites that they make on the branches of trees. A new generation of ALB is produced each year. If this pest moves into the hardwood forests of the United States, the nursery, maple syrup, and forest product industries could experience severe economic losses. In addition, urban and forest ALB infestations will

result in environmental damage, aesthetic deterioration, and a reduction in public enjoyment of recreational spaces.

The regulations in 7 CFR 301.51-1 through 301.51-9 restrict the interstate movement of regulated articles from quarantined areas to prevent the artificial spread of ALB to noninfested areas of the United States. Surveys conducted in Massachusetts and New York by inspectors of the Animal and Plant Health Inspection Service (APHIS) have revealed that infestations of ALB have occurred in Worcester County, MA, in the city of Worcester, and the Borough of Staten Island in the City of New York, NY. Officials of the U.S. Department of Agriculture and officials of State, county, and city agencies in Massachusetts and New York are conducting intensive survey and eradication programs in the infested area. The States of Massachusetts and New York have quarantined the infested areas and are restricting the intrastate movement of regulated articles from the quarantined areas to prevent the further spread of ALB within these States. However, Federal regulations are necessary to restrict the interstate movement of regulated articles from the quarantined area to prevent the spread of ALB to other States and other countries.

The regulations in § 301.51-3(a) provide that the Administrator of APHIS will list as a quarantined area each State, or each portion of a State, in which ALB has been found by an inspector, where the Administrator has reason to believe that ALB is present, or where the Administrator considers regulation necessary because of its inseparability for quarantine enforcement purposes from localities where ALB has been found. Less than an entire State will be quarantined only if (1) the Administrator determines that the State has adopted and is enforcing restrictions on the intrastate movement of regulated articles that are equivalent to those imposed by the regulations on the interstate movement of regulated articles and (2) the designation of less than an entire State as a quarantined area will be adequate to prevent the artificial spread of ALB. In accordance with these criteria and the recent ALB findings described above, we are amending the list of quarantined areas in § 301.51-3(c) to add a new

quarantined area in Worcester County, MA, and to update the previously quarantined area in the Borough of Staten Island in the City of New York, NY. The new quarantined areas are described in the regulatory text at the end of this document.

Emergency Action

This rulemaking is necessary on an emergency basis to prevent the artificial spread of ALB to noninfested areas of the United States. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

We will consider comments we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule.

Executive Order 12866 and Regulatory Flexibility Act

This interim rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review under Executive Order 12866.

This interim rule amends the ALB regulations by adding a new quarantined area in Worcester County, MA, and updating the quarantined area in the Borough of Staten Island in the City of New York, NY. This restricts the interstate movement of regulated articles from these areas. This action is necessary to prevent the artificial spread of the ALB to noninfested areas of the United States.

The Regulatory Flexibility Act requires that agencies consider the economic impact of their rules on small entities, such as small businesses, organizations, and governmental jurisdictions. The businesses potentially affected by this rule are nurseries, tree care services, firewood retailers, lawn maintenance and landscaping companies, general contractors, garden centers, recyclers of waste material, and lumber and building material outlets. These businesses could be affected by the regulations in two ways. First, if a business wishes to move regulated articles interstate from a quarantined area, that business must either: (1) Enter into a compliance agreement with APHIS for the inspection and certification of regulated articles to be

moved interstate from the quarantined area; or (2) present its regulated articles for inspection by an inspector and obtain a certificate or a limited permit, issued by the inspector, for the interstate movement of regulated articles. The inspections may be inconvenient, but not costly; businesses operating under a compliance agreement would perform the inspections themselves and for those businesses that elect not to enter into a compliance agreement, APHIS would provide the services of an inspector without cost. There is also no cost for the compliance agreement, certificate, or limited permit for the interstate movement of regulated articles.

Second, there is a possibility that, upon inspection, a regulated article could be determined by the inspector to be potentially infested with the ALB and, as a result, the inspector would not issue a certificate. In this case, the entity's ability to move regulated articles interstate would be restricted. However, the affected entity could conceivably obtain a limited permit under the conditions of § 301.51-5(b).

Additionally, entities may incur additional costs in disposing of regulated articles such as wood debris from tree pruning and removal.

Within the quarantined area added by this interim rule, in Worcester County, MA, there are approximately 247 entities potentially affected, including 175 tree service and landscaping companies, 15 firewood dealers, 8 land clearing companies, 5 nurseries, 6 utility companies, 12 municipal departments, 2 railroad companies, 6 yard waste drop off centers, 2 commercial recycling centers, 10 construction/developer companies, 2 golf courses, and 4 property maintenance companies.

Within the new quarantined area of Staten Island, NY, there are 4 registered nurseries and greenhouses.¹ Staten Island is the smallest borough of the five boroughs that is New York City, NY. However, the amount of annual sale receipts that these nurseries receive remains undisclosed according to the Agricultural Economic Census of 2007.²

While the size of these entities is unknown, it is reasonable to assume that most would be classified as small entities, based on the U.S. Small Business Administration's size standards.

¹[http://www.agcensus.usda.gov/publications/2007-2007 Census of Agriculture- County Data, USDA, NASS, NY Page 276. Table 2. Market Value of Agricultural Products Sold Including Direct Sales: 2007.](http://www.agcensus.usda.gov/publications/2007-2007%20Census%20of%20Agriculture-County%20Data,USDA,NASS,NY%20Page%20276,Table%20Market%20Value%20of%20Agricultural%20Products%20Sold%20Including%20Direct%20Sales,2007)

²<http://www.agcensus.usda.gov/Publications/2007>

Because the newly regulated area is primarily urban and suburban, the entities located in that area are more likely to be receiving regulated articles from outside the quarantined area than they are to be shipping regulated articles interstate to nonquarantined areas. It is unlikely, therefore, that most entities located in the newly regulated area would be moving regulated articles that would require inspection in the first place.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This interim rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

■ Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

■ 1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 7701-7772 and 7781-7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75-15 issued under Sec. 204, Title II, Public Law 106-113, 113 Stat. 1501A-293; sections 301.75-15 and 301.75-16 issued under Sec. 203, Title II, Public Law 106-224, 114 Stat. 400 (7 U.S.C. 1421 note).

■ 2. In § 301.51-3, paragraph (c) is amended as follows:

■ a. By adding, in alphabetical order, a new entry for Massachusetts to read as set forth below.

■ b. Under the entry for New York for *New York City*, by revising paragraph (2) to read as set forth below.

§ 301.51-3 Quarantined areas.

* * * * *

(c) * * *

Massachusetts

Worcester County. That area in Worcester County, including the municipalities of Worcester, Holden, West Boylston, Boylston, and Shrewsbury, that is bounded by a line starting at the intersection of Route 140 (Grafton Circle) and Route 9 (Belmont Street) in Shrewsbury; then north and northwest on Route 140 through Boylston into West Boylston until it intersects Muddy Brook (body of water); then east along Muddy Brook to the Wachusett Reservoir; then along the shoreline of Wachusett Reservoir in a northwest direction until it intersects Worcester Street; then southwest on Worcester Street to Goodale Street; then southwest and west on Goodale Street, which becomes Malden Street at the Holden town line; then west and southwest on Malden Street to Main Street (Route 122A) in Holden; then west on Main Street to Salisbury Street; then south on Salisbury Street to Fisher Road; then southwest on Fisher Road to Stonehouse Hill Road; then south on Stonehouse Hill Road to Reservoir Street; then southeast on Reservoir Street until it intersects the Worcester City boundary; then along the Worcester City boundary until it intersects Route 20 (Hartford Turnpike); then east on Route 20 to Lake Street; then north and northeast on Lake Street to Route 9 (Belmont Street); then east on Route 9 to the point of beginning.

* * * * *

New York

* * * * *

(2) That area in the Borough of Staten Island in the City of New York bounded by a line beginning at a point along the State of New York and the State of New Jersey border due north of the intersection of Richmond Terrace and Morningstar Road; then south to the intersection of Morningstar Road and Richmond Terrace; then southwest along Morningstar Road to Forest Avenue; then east along Forest Avenue to Willow Road East; then south and then southeast along Willow Road East to Victory Boulevard; then west along Victory Boulevard to Arlene Street; then south along Arlene Street until it becomes Park Drive North; then south

on Park Drive North to Rivington Avenue; then east along Rivington Avenue to Mulberry Avenue; then south on Mulberry Avenue to Travis Avenue; then northwest on Travis Avenue until it crosses Main Creek; then along the west shoreline of Main Creek to Fresh Kills Creek; then along the north shoreline of Fresh Kills Creek to Little Fresh Kills Creek; then along the north shoreline of Little Fresh Kills Creek to the Arthur Kill; then west to the border of the State of New York and the State of New Jersey in the Arthur Kill; then north along the borderline of the State of New York and the State of New Jersey; then east along the borderline of the State of New York and the State of New Jersey excluding Shooters Island to the point of beginning.

* * * * *

Done in Washington, DC, this 30th day of October 2009.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E9-26679 Filed 11-4-09; 3:06 pm]

BILLING CODE 3410-34-S

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. APHIS-2009-0040]

Brucellosis in Cattle; State and Area Classifications; Montana

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Montana from Class A to Class Free. We determined that Montana met the standards for Class Free status. The interim rule relieved certain restrictions on the interstate movement of cattle from Montana.

DATES: Effective on November 5, 2009, we are adopting as a final rule the interim rule published at 74 FR 33139-33140 on July 10, 2009.

FOR FURTHER INFORMATION CONTACT: Dr. Debbi A. Donch, National Brucellosis Epidemiologist and Program Manager, Ruminant Health Programs Staff, National Center for Animal Health Programs, VS, APHIS, 4700 River Road

Unit 43, Riverdale, MD 20737-1231; (301) 734-5952.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a contagious disease affecting animals and humans, caused by bacteria of the genus *Brucella*.

The brucellosis regulations, contained in 9 CFR part 78 (referred to below as the regulations), provide a system for classifying States or portions of States according to the rate of *Brucella* infection present and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or areas that do not meet the minimum standards for Class C are required to be placed under Federal quarantine.

In an interim rule¹ effective and published in the **Federal Register** on July 10, 2009 (74 FR 33139-33140, Docket No. APHIS-2009-0040), we amended the regulations by changing the classification of the State of Montana from Class A to Class Free. That action relieved certain restrictions on the interstate movement of cattle from Montana.

Comments on the interim rule were required to be received on or before September 8, 2009. We received one comment by that date, from a private citizen. This commenter did not, however, address the action taken in the interim rule (i.e., the change in Montana's brucellosis classification). Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule without change.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 78—BRUCELLOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 78 and

¹To view the interim rule and the comment we received, go to (<http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2009-0040>).

that was published at 74 FR 33139-33140 on July 10, 2009.

Done in Washington, DC, this 30th day of October 2009.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E9-26678 Filed 11-4-09; 1:22 pm]

BILLING CODE 3410-34-S

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2009-0970; Airspace Docket No. 09-ANM-15]

RIN 2120-AA66

Revision of Colored Federal Airway; Washington

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises Colored Federal Airway Amber 1 (A-1), by adding a segment from the Abbotsford, BC, Non-directional Beacon (NDB) to the Victoria, BC, NDB. Specifically, the FAA is taking this action to enhance the management of air traffic during the 2010 Winter Olympics at the request of the Canadian Government.

DATES: *Effective Date:* 0901 UTC, December 17, 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: Ken McElroy, Airspace and Rules Group, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

The Rule

The FAA is amending Title 14, Code of Federal Regulations (14 CFR) part 71 to revise Colored Federal Airway A-1, by adding a segment to the airway between Abbotsford, BC, and Victoria, BC, through United States airspace delegated to Canada for air traffic control. The Government of Canada requested the revision of A-1 to provide a low altitude route segment between Abbotsford NDB and Victoria NDB to support the 2010 Winter Olympics.

Colored Federal Airways are published in paragraph 6009 of FAA

Order 7400.9T, signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The Colored Federal Airway listed in this document will be published subsequently in the Order.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. Therefore, notice and public procedures under 5 U.S.C. 553(a) are unnecessary.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it revises a Federal Airway within the State of Washington.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of the FAA Order 7400.9T Airspace Designations and Reporting Points, signed August 27, 2009, and effective September 15, 2009, is amended as follows:

Paragraph 6009(c) Amber Federal Airways
* * * * *

A-1 [Revised]

From Abbotsford, BC Canada NDB, to Victoria, BC Canada NDB, Sandspit, BC, Canada, NDB 96 miles 12 AGL, 102 miles 35 MSL, 57 miles 12 AGL, via Sitka, AK, NDB; 31 miles 12 AGL, 50 miles 47 MSL, 88 miles 20 MSL, 40 miles 12 AGL, Ocean Cape, AK, NDB; INT Ocean Cape NDB 283° and Orca Bay, AK, NDB 106° bearings; Orca Bay NDB; INT Orca Bay 285° and Campbell Lake, AK, NDB 123° bearings; Campbell Lake NDB; Takotna River, AK, NDB; 24 miles 12 AGL, 53 miles 55 MSL; 51 miles 40 MSL, 25 miles 12 AGL, North River, AK, NDB; 17 miles 12 AGL, 89 miles 25 MSL, 17 miles 12 AGL, to Fort Davis, AK, NDB. Excluding that airspace within Canada.

* * * * *

Issued in Washington, DC, October 21, 2009.

Edith V. Parish,

Manager, Airspace and Rules Group.

[FR Doc. E9-26374 Filed 11-4-09; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 375

[Docket No. RM10-2-000; Order No. 728]

Delegations for Notices of Penalty

October 30, 2009.

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Final rule.

SUMMARY: The Commission is revising its regulations to delegate authority to

the Secretary of the Commission and to the Director of the Office of Enforcement to take specified actions in order to process certain Notices of Penalty issued by the North American Electric Reliability Corporation. These revisions are necessary to enable the Commission to process routine, non-controversial Notices of Penalty in a timely and efficient manner.

DATES: *Effective Date:* This rule will become effective November 5, 2009.

FOR FURTHER INFORMATION CONTACT:

Wilbur Miller, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. (202) 502-8953.

Wilbur.Miller@FERC.gov.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Jon Wellinghoff, Chairman, Suedeen G. Kelly, Marc Spitzer, and Philip D. Moeller.

1. The Commission is issuing this Final Rule to revise its delegations of authority to allow for the efficient and timely processing of Notices of Penalty (Notices) issued by the North American Electric Reliability Corporation (NERC). These revisions will permit the Director of the Office of Enforcement and the Secretary of the Commission to process routine, non-controversial Notices that propose zero dollar penalties and do not require further consideration by the Commission and to issue public notices stating as much. The Director of the Office of Enforcement will also be able to direct the submission of further information from NERC or other entities where necessary as to Notices without the need for action by the Commission.

I. Background

2. Under section 215(e) of the Federal Power Act (FPA), NERC as the Electric Reliability Organization (ERO) must file each Notice with the Commission.¹ The penalty is subject to Commission review upon its own motion or upon application by the entity subject to the proposed penalty within 30 days. If no review is sought or initiated, the penalty takes effect by operation of law.

3. Currently, when the Commission receives a Notice, it is analyzed within the thirty day period by staff from the Office of Enforcement, the Office of Electric Reliability, and the Office of General Counsel. Those offices recommend to the Commission whether it should allow the Notice to become effective by operation of law. The Commission conducts a vote and, if it decides that no further action is warranted, instructs the Secretary to

issue a public notice to that effect. Based upon the Commission's experience thus far, it appears likely that, in most cases, Notices in which a registered entity is assessed a zero monetary penalty will become effective in this manner.

4. On occasion, staff will conclude that further information is needed for the proper consideration of a Notice. In such cases, Commission staff will recommend that the Commission direct NERC to provide further information and extend the thirty-day period to allow the Commission to analyze the information received.²

II. Discussion

5. The Commission concludes that, in many cases involving the assessment of zero dollar penalties, Notices can be processed without the need for a formal Commission vote. In proceedings involving non-controversial zero dollar penalties, a Notice can be processed more efficiently by allowing the Secretary to issue a notice indicating that the Commission will take no further action. Further, the Commission believes that the Director of the Office of Enforcement should be able to direct the submission of further information from NERC or other entities regarding Notices and extend the time for consideration of a Notice to consider this information. Consequently, this Final Rule delegates the necessary authority to the Director of the Office of Enforcement and to the Secretary to undertake such actions in connection with Notices that assess a zero dollar penalty and do not raise other significant concerns or issues.

6. The Commission notes that our current regulations permit the Director of the Office of Electric Reliability to collect information from NERC or from Regional Entities, but the Director of the Office of Enforcement lacks similar authority. The Commission believes that the Director of the Office of Enforcement should have the similar authority to direct NERC or the applicable Regional Entity to submit further information on a Notice where the Commission does not have sufficient information to reach a decision on the Notice. To facilitate the gathering of this information, the Director of the Office of Enforcement should also have the authority to extend the time for consideration of a Notice to consider the new information. This Final Rule adds both authorities to the Office of Enforcement's delegations.

7. Under FPA section 215, a Notice takes effect by operation of law if no

review is sought or initiated. This does not require affirmative Commission action, and the Commission's regulations do not provide for any formal procedure by which the Commission must decide to take no action. The Commission has generally issued a notice indicating that it will not further review on its own motion the Notice. However, unlike other administrative notices, the Secretary lacks the authority to issue a public notice that no further review will take place, absent action by the Commission. This Final Rule therefore adds such authority to the Secretary's delegations.

8. Although the delegations do not specify in what circumstances a Notice should be allowed to become effective without an affirmative vote by the Commission, it will be Commission policy that Notices will not need a formal Commission vote only in zero dollar penalty cases that do not raise significant concerns or other issues. The following circumstances will necessitate a formal Commission vote to issue a notice that the Commission will not further review the Notice:

- A penalty assessment or settlement involving a dollar amount greater than zero;
- A penalty that appears low based on the facts presented;
- Conduct or an event that may pose a high risk to the Bulk-Power System;
- An event that resulted in loss of load to customers;
- A special or unique legal question, such as Commission jurisdiction;
- A Notice that results from a live hearing process at the Regional Entity or ERO level, *i.e.*, a contest by the registered entity;
- A Notice resulting from NERC's enforcement efforts (as opposed to violations addressed in the first instance by one of the eight Regional Entities);
- A Notice that involves intent to violate a Reliability Standard or falsification of records;
- A Notice with a record that fails to justify the finding of a violation or the proposed penalty amount; and
- Any other matter worthy of Commission attention.

III. Information Collection Statement

9. The Office of Management and Budget's (OMB) regulations require that OMB approve certain information collection requirements imposed by agency rule.³ This Final Rule does not contain information reporting requirements and is not subject to OMB approval.

¹ 16 U.S.C. 824o(e) (2006).

² See *North American Electric Reliability Corp.*, 127 FERC ¶ 61,198 (2009).

³ 5 CFR Part 1320.

IV. Environmental Analysis

10. 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 quality of the human environment.⁴ Issuance of this Final Rule does not represent a major Federal action having a significant adverse effect on the quality of the human environment under the Commission's regulations implementing the National Environmental Policy Act. Part 380 of the Commission's regulations lists exemptions to the requirement to draft an Environmental Analysis or Environmental Impact Statement. Included is an exemption for procedural, ministerial or internal administrative actions.⁵ This rulemaking is exempt under that provision.

V. Regulatory Flexibility Act

11. The Regulatory Flexibility Act of 1980 (RFA)⁶ generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. This Final Rule concerns matters of internal agency procedure. The Commission therefore certifies that it will not have such an impact. An analysis under the RFA is not required.

VI. Document Availability

12. 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 FERC's Home Page (<http://www.ferc.gov>) and in FERC'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.

13. From FERC's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format 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.

14. User assistance is available for eLibrary and the FERC's Web site during normal business hours from FERC Online Support at 202-502-6652 (toll

free at 1-866-208-3676) or e-mail at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. E-mail the Public Reference Room at public.referenceroom@ferc.gov.

VII. Effective Date and Congressional Notification

15. These regulations are effective immediately upon publication in the **Federal Register**. In accordance with 5 U.S.C. 553(d)(3), the Commission finds that good cause exists to make this Final Rule effective immediately. It makes minor revisions to matters of internal operations and is unlikely to affect the rights of persons appearing before the Commission. There is therefore no reason to make this rule effective at a later time.

16. The provisions of 5 U.S.C. 801 regarding Congressional review of Final Rules do not apply to this Final Rule, because this Final Rule concerns agency procedure and practice and will not substantially affect the rights of non-agency parties.

17. The Commission is issuing this as a Final Rule without a period for public comment. Under 5 U.S.C. 553(b), notice and comment procedures are unnecessary where a rulemaking concerns only agency procedure and practice, or where the agency finds that notice and comment is unnecessary. This rule concerns only matters of internal agency procedure and will not significantly affect regulated entities or the general public.

List of Subjects in 18 CFR Part 375

Authority delegations (Government agencies), Seals and insignia, Sunshine Act.

By the Commission.
Nathaniel J. Davis, Sr.,
Deputy Secretary.

■ In consideration of the foregoing, the Commission amends Part 375, Chapter I, Title 18, Code of Federal Regulations, as follows.

PART 375—THE COMMISSION

■ 1. The authority citation for Part 375 continues to read as follows:

Authority: 5 U.S.C. 551-557; 15 U.S.C. 717-717w, 3301-3432; 16 U.S.C. 791-825r, 2601-2645; 42 U.S.C. 7101-7352, 16451-16463.

■ 2. Section 375.302 is amended by adding paragraph (aa) as follows:

§ 375.302 Delegations to the Secretary.

* * * * *

(aa) Issue a notice that the Commission will not further review on

its own motion a Notice of Penalty filed under Section 215(e) of the Federal Power Act.

■ 3. Section 375.311 is amended by adding paragraphs (u) and (v) as follows:

§ 375.311 Delegations to the Director of the Office of Enforcement.

* * * * *

(u) Direct the Electric Reliability Organization or the applicable Regional Entity to provide such information as is necessary to implement Section 215(e)(2) of the Federal Power Act (16 U.S.C. 824o(e)(2)) pursuant to § 39.2 and Part 40 of this chapter.

(v) Issue an order extending the period of time for consideration of a Notice of Penalty filed under Section 215(e) of the Federal Power Act for the purpose of directing the Electric Reliability Organization or the applicable Regional Entity to provide such information as is necessary to implement Section 215(e)(2) of the Federal Power Act (16 U.S.C. 824o(e)(2)) pursuant to § 39.2 and Part 40 of this chapter.

[FR Doc. E9-26635 Filed 11-4-09; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. FDA-2007-C-0044] (formerly Docket No. 2007C-0474)

Listing of Color Additives Exempt From Certification; Astaxanthin Dimethylsuccinate

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the color additive regulations to provide for the safe use of astaxanthin dimethylsuccinate as a color additive in the feed of salmonid fish to enhance the color of their flesh. This action is in response to a petition filed by DSM Nutritional Products, Inc.

DATES: This rule is effective December 8, 2009, except as to any provisions that may be stayed by the filing of proper objections. Submit electronic or written objections and requests for a hearing by December 7, 2009. See section X of this document for information on the filing of objections.

⁴ *Regulations Implementing the National Environmental Policy Act of 1969*, Order No. 486, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. ¶ 30,783 (1987).

⁵ 18 CFR 380.4(1) and (5).

⁶ 5 U.S.C. 601-612.

ADDRESSES: You may submit electronic or written objections and requests for a hearing, identified by Docket No. FDA-2007-C-0044, by any of the following methods:

Electronic Submissions

Submit electronic objections in the following way:

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

Written Submissions

Submit written objections in the following ways:

- *Fax:* 301-827-6870.
- *Mail/Hand delivery/Courier [For paper, disk, or CD-ROM submissions]:* Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

To ensure more timely processing of objections, FDA is no longer accepting objections submitted to the agency by e-mail. FDA encourages you to continue to submit electronic objections by using the Federal eRulemaking Portal, as described previously in the **ADDRESSES** portion of this document under *Electronic Submissions*.

Instructions: All submissions received must include the agency name and Docket No. for this rulemaking. All objections received will be posted without change to <http://www.regulations.gov>, including any personal information provided. For detailed instructions on submitting objections, see the "Objections" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or objections received, go to <http://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Felicia M. Ellison, Center for Food Safety and Applied Nutrition (HFS-265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740-3835, 301-436-1264.

SUPPLEMENTARY INFORMATION:

I. Background

In a notice published in the **Federal Register** of December 4, 2007 (72 FR 68166), with a correction of the docket number on December 26, 2007 (72 FR 73028), FDA announced that a color additive petition (CAP 7C0284) had been filed by DSM Nutritional Products,

Inc., 45 Waterview Blvd., Parsippany, NJ 07054. The petition proposed to amend the color additive regulations in part 73 (21 CFR part 73) to provide for the safe use of astaxanthin dimethyldisuccinate (hereinafter referred to as astaxanthin DMDS) as a color additive in the feed of salmonid fish to enhance the color of their flesh.

II. Identity, Technical Effect, and Specifications

Astaxanthin DMDS (3,3'-bis(4-methoxy-1,4-dioxobutoxy)- β,β -carotene-4,4'-dione) is a synthetic carotenoid with pink or red pigmenting properties. Astaxanthin DMDS is derived by esterification of astaxanthin, the principal pigment that imparts the characteristic pink or orange-red coloring of the flesh of wild salmonids, followed by several purification steps. The color additive contains not less than 96 percent astaxanthin DMDS, including trans, 9-cis, and 13-cis isomers, and minor amounts of astaxanthin monomethylsuccinate (MMS) and free astaxanthin. Other carotenoids (present at not more than 4 percent) are the esters of astaxanthin-related substances.

The stability studies of astaxanthin DMDS submitted by the petitioner show that astaxanthin DMDS is unstable on its own. Therefore, in order to minimize chemical changes that would result in loss of color of astaxanthin, astaxanthin DMDS may be added to fish feed only in the form of a stabilized color additive mixture. This requirement is reflected in new § 73.37(a)(2), which provides that astaxanthin DMDS be added to fish feed only as a component of a stabilized color additive mixture.

In the **Federal Register** of April 13, 1995 (60 FR 18736), the agency published a final rule that listed astaxanthin in § 73.35 for use in the feed of salmonid fish. In that final rule, the agency concluded that 80 milligrams (mg) of astaxanthin per (l) kilogram (kg) of finished feed would result in adequate pigmentation of the flesh of salmonids. Therefore, in § 73.35(c)(2), the agency limited the astaxanthin content of finished feed to not more than 80 mg/kg. In the **Federal Register** of July 6, 2000 (65 FR 41581 and 41584), the agency published final rules that listed haematococcus algae meal (§ 73.185) and phaffia yeast (§ 73.355) as additional sources of astaxanthin for use in the feed of salmonid fish. Both haematococcus algae meal and phaffia yeast may be used alone or in combination with other astaxanthin color additive sources, provided that the quantity of astaxanthin in the finished feed does not exceed 80 mg/kg.

Consistent with these other listings, the petitioner proposes that the maximum amount of astaxanthin in finished feed from the use of astaxanthin DMDS not exceed 110 mg/kg, which corresponds to an astaxanthin equivalent of 80 mg/kg (72 grams (g) per ton) in the finished feed. Because of the other listed sources of astaxanthin and other color additives that are sources of astaxanthin the agency may list in the future, new § 73.37(c)(2) requires that the quantity of astaxanthin in finished feed, from astaxanthin DMDS when used alone or in combination with other astaxanthin color additive sources listed in part 73, shall not exceed 80 mg/kg (72 g per ton) of finished feed.

III. Evaluation of Safety

Data provided by the petitioner demonstrate that the color additive is safe for the fish at the proposed use levels, and that astaxanthin DMDS is converted to free astaxanthin during digestion and deposited as such in the flesh of the fish. There also is no evidence that any constituents of the color additive, other than astaxanthin, will accumulate in fish maintained on diets supplemented with astaxanthin DMDS. Consequently, consumers will not be directly exposed to astaxanthin DMDS, but to the astaxanthin in the flesh of the fish that have consumed the color additive. The safety of astaxanthin has been previously established (see 65 FR 41581 and 41584).

FDA has determined that the astaxanthin from the subject color additive will substitute for the fish feed uses of other approved color additive sources of astaxanthin. Additionally, the agency considers the intake of astaxanthin from the consumption of wild salmon and the intake of astaxanthin from consumption of farm-raised salmonid fish that have been fed approved color additive sources of astaxanthin to be comparable. Therefore, the agency concludes that the petitioned use of the subject color additive will not increase the current cumulative estimated daily intake of astaxanthin. Based on this information, as well as other relevant material provided by the petitioner, FDA concludes that the petitioned use of astaxanthin DMDS is safe.

IV. Labeling Requirements

All color additives, in accordance with § 70.25 (21 CFR 70.25), are required to be labeled with sufficient information to assure their safe use and to allow a determination of compliance with any limitations imposed by the agency in other applicable regulations. The labeling of the color additive,

astaxanthin DMDS, and any mixture prepared therefrom, is subject to the requirements of § 70.25.

According to § 70.25(a)(4), an expiration date for a color additive must be stated on its label if stability data require it. FDA finds that because of the instability of astaxanthin DMDS, expiration dates must be stated on the label of the sealed and open containers, in accordance with § 70.25(a)(4). FDA also finds that declaration of the expiration dates constitutes a material fact that must be disclosed on the label of the stabilized mixture formulated with astaxanthin DMDS because under sections 201(n) and 403(a)(1) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(n) and 343(a)(1)), failure to do so would constitute a failure to reveal facts material in light of the representations made on the label and material with respect to consequences which may result from the use of the color additive. The use of astaxanthin DMDS requires the declaration of expiration dates because the astaxanthin component of astaxanthin DMDS is unstable and can decompose, thereby affecting the efficacy of the color.

In addition to the requirements for labeling the color additive or color additive mixture, the ingredient list on fish feed to which astaxanthin DMDS is added must identify the presence of the color additive under § 501.4 (21 CFR 501.4). New § 73.37(d)(2) references § 501.4 to ensure that the presence of astaxanthin DMDS as a color additive in the fish feed will be declared on the ingredient label. Finally, the presence of the color additive must be declared on the label of any food, including salmonid fish given feed containing astaxanthin DMDS and food containing such salmonid fish as an ingredient. Section 101.22(b) (21 CFR 101.22(b)) requires a food that bears or contains artificial coloring, such as salmon artificially colored with a source of astaxanthin, to bear labeling even though such food is not in package form. Section 101.22(c) requires that label statements of artificial coloring be "likely to be read by the ordinary person under customary conditions of purchase and use of such food."

Furthermore, § 101.22(k)(2) requires, in the statement of ingredients for a food to which any coloring has been added, and for which the coloring is not subject to certification, a declaration that makes it clear that a color additive has been used in the food. In addition, the presence of a color additive in a food received in a bulk container that is held at a retail establishment must be declared on the labeling of the bulk

container or on a counter card or other similar device under the provisions in § 101.100(a)(2) (21 CFR 101.100(a)(2)). The ingredient label would alert the consumer that the fish is artificially colored. Without such ingredient labeling, food containing salmonid fish previously given feed containing astaxanthin DMDS would be deemed to be misbranded under section 403(k) of the act, which states that a food shall be deemed to be misbranded "if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact."

Therefore, in accordance with §§ 101.22(b), (c), and (k)(2), and 101.100(a)(2), labeling on any salmonid fish given feed containing astaxanthin DMDS is required to declare the presence of the color additive. New § 73.37(d)(3) references §§ 101.22(b), (c), and (k)(2), and 101.100(a)(2) to ensure that, at the retail level, the presence of a source of astaxanthin as a color additive in the fish will be declared, and that the labeling of the bulk fish container, including a list of ingredients, will be displayed on the container or on a counter card with similar information.

V. Conclusion

FDA reviewed data in the petition and other available relevant material to evaluate the safety of the use of astaxanthin DMDS as a color additive in the feed of salmonid fish to enhance the color of their flesh. Based on this information, the agency concludes that the proposed use of the additive is safe and the additive will achieve its intended technical effect. Therefore, the regulations in part 73 should be amended as set forth in this document. In addition, based upon the factors listed in 21 CFR 71.20(b), the agency concludes that certification of astaxanthin DMDS is not necessary for the protection of the public health.

VI. Public Disclosure

In accordance with § 71.15 (21 CFR 71.15), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition will be made available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above (see **FOR FURTHER INFORMATION CONTACT**). As provided in § 71.15, the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

VII. Environmental Impact

The agency has previously considered the environmental effects of this rule as announced in the notice of filing for CAP 7C0284 (72 FR 68166 and 72 FR 73028). No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

VIII. Paperwork Reduction Act of 1995

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) is not required.

IX. Section 301(l) of the Federal Food, Drug, and Cosmetic Act

FDA's review of this petition was limited to section 721 of the act (21 U.S.C. 379e). This final rule is not a statement regarding compliance with other sections of the act. For example, the Food and Drug Administration Amendments Act of 2007, which was signed into law on September 27, 2007, amended the act to, among other things, add section 301(l). Section 301(l) of the act (21 U.S.C. 331(l)) prohibits the introduction or delivery for introduction into interstate commerce of any food that contains a drug approved under section 505 of the act (21 U.S.C. 355), a biological product licensed under section 351 of the Public Health Service Act (42 U.S.C. 262), or a drug or biological product for which substantial clinical investigations have been instituted and their existence has been made public, unless one of the exemptions in section 301(l)(1)–(4) applies. In our review of this petition, FDA did not consider whether section 301(l) of the act or any of its exemptions apply to food products containing this color additive. Accordingly, this final rule should not be construed to be a statement that a product containing this color additive, if introduced or delivered for introduction into interstate commerce, would not violate section 301(l) of the act. Furthermore, this language is included in all color additive final rules that pertain to food and therefore should not be construed to be a statement of the likelihood that section 301(l) of the act applies.

X. Objections

This rule is effective as shown in the **DATES** section of this document, except as to any provisions that may be stayed by the filing of proper objections. Any

person who will be adversely affected by this regulation may at any time file with the Division of Dockets Management (see **ADDRESSES**) electronic or written objections. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents are to be submitted and are to be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday. FDA will publish notice of the objections that the agency has received or lack thereof in the **Federal Register**.

List of Subjects in 21 CFR Part 73

Color additives, Cosmetics, Drugs, Foods, Medical devices.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 73 is amended as follows:

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

■ 1. The authority citation for 21 CFR part 73 continues to read as follows:

Authority: 21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 379e.

■ 2. Section 73.37 is added to subpart A to read as follows:

§ 73.37 Astaxanthin dimethylsuccinate.

(a) *Identity.* (1) The color additive astaxanthin dimethylsuccinate is 3,3'-bis(4-methoxy-1,4-dioxobutoxy)- β , β -carotene-4,4'-dione.

(2) Astaxanthin dimethylsuccinate may be added to the fish feed only as a component of a stabilized mixture. Color additive mixtures for fish feed use

made with astaxanthin dimethylsuccinate may contain only those diluents that are suitable and are listed in this subpart as safe for use in color additive mixtures for coloring foods.

(b) *Specifications.* Astaxanthin dimethylsuccinate shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice:

(1) Physical state, solid.
 (2) 0.05 percent solution in chloroform, complete and clear.
 (3) Absorption maximum wavelength 484–493 nanometers (in chloroform).
 (4) Residue on ignition, not more than 0.1 percent.

(5) Total carotenoids other than astaxanthin dimethylsuccinate, not more than 4 percent.

(6) Lead, not more than 5 milligrams per kilogram (mg/kg) (5 parts per million).

(7) Arsenic, not more than 2 mg/kg (2 parts per million).

(8) Mercury, not more than 1 mg/kg (1 part per million).

(9) Heavy metals, not more than 10 mg/kg (10 parts per million).

(10) Assay including astaxanthin dimethylsuccinate, astaxanthin monomethylsuccinate, and astaxanthin, minimum 96 percent.

(c) *Uses and restrictions.* Astaxanthin dimethylsuccinate may be safely used in the feed of salmonid fish in accordance with the following prescribed conditions:

(1) The color additive is used to enhance the pink to orange-red color of the flesh of salmonid fish.

(2) The quantity of astaxanthin dimethylsuccinate in the finished feed, when used alone or in combination with other astaxanthin color additive sources listed in this part 73, shall not exceed 110 milligrams per kilogram (mg/kg), which is equivalent to 80 mg/kg astaxanthin (72 grams per ton).

(d) *Labeling requirements.* (1) The labeling of the color additive and any premixes prepared therefrom shall bear expiration dates for the sealed and open container (established through generally accepted stability testing methods), other information required by § 70.25 of this chapter, and adequate directions to prepare a final product complying with the limitations prescribed in paragraph (c) of this section.

(2) The presence of the color additive in finished fish feed prepared according to paragraph (c) of this section shall be declared in accordance with § 501.4 of this chapter.

(3) The presence of the color additive in salmonid fish that have been fed feeds containing astaxanthin dimethylsuccinate shall be declared in accordance with §§ 101.22(b), (c), and (k)(2), and 101.100(a)(2) of this chapter.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 721(c) of the act.

Dated: October 21, 2009.

Leslye M. Fraser,

Director, Office of Regulations, Policy and Social Sciences, Center for Food Safety and Applied Nutrition.

[FR Doc. E9–26524 Filed 11–04–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9465]

RIN 1545–BF71

Determination of Interest Expense Deduction of Foreign Corporations; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to final regulations (TD 9465) that were published in the **Federal Register** on Monday, September 28, 2009 (74 FR 49315) concerning the determination of the interest expense deduction of foreign corporations engaged in a trade or business within the United States. These final regulations conform the interest expense rules to recent U.S. Income Tax Treaty agreements and adopt other changes to improve compliance.

DATES: This correction is effective on November 5, 2009, and is applicable on September 28, 2009.

FOR FURTHER INFORMATION CONTACT: Anthony J. Marra, (202) 622–3870 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9465) that are the subject of this document are under sections 882 and 884 of the Internal Revenue Code.

Need for Correction

As published, the final regulations (TD 9465) contain errors that may prove

to be misleading and are in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

■ Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.882–5 is amended by revising the first sentence of paragraph (f)(1) to read as follows:

§ 1.882–5 Determination of interest deduction.

* * * * *

(f) *Effective/applicability date.* (1) This section is applicable for taxable years ending on or after August 15, 2009. * * *

* * * * *

■ **Par. 3.** Section 1.884–1 is amended by revising the fifth sentence of paragraph (e)(5) *Example 2.* (i) to read as follows:

§ 1.884–1 Branch profits tax.

* * * * *

(e) * * *
(5) * * *

Example 2. (i) * * * As a result of the election, assuming A’s U.S. assets and U.S. liabilities would otherwise have remained constant, A’s U.S. net equity as of the close of 2007 will increase by the amount of the decrease in liabilities (\$60) from \$200 to \$260 and its ECEP will be reduced to zero. * * *

* * * * *

LaNita Van Dyke,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. E9–26274 Filed 11–4–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[TD 9465]

RIN 1545–BF71

Determination of Interest Expense Deduction of Foreign Corporations; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to final regulations (TD 9465) that were published in the **Federal Register** on Monday, September 28, 2009 (74 FR 49315) concerning the determination of the interest expense deduction of foreign corporations engaged in a trade or business within the United States. These final regulations conform the interest expense rules to recent U.S. Income Tax Treaty agreements and adopt other changes to improve compliance.

DATES: This correction is effective on November 5, 2009, and is applicable on September 28, 2009.

FOR FURTHER INFORMATION CONTACT: Anthony J. Marra, (202) 622–3870 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9465) that are the subject of this document are under sections 882 and 884 of the Internal Revenue Code.

Need for Correction

As published, the final regulations (TD 9465) contain an error that may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulations (TD 9465), which were the subject of FR Doc. E9–22867, is corrected as follows:

On page 49315, column 3, in the preamble, under the caption **DATES**, the language “These final regulations are effective September 28, 2009.” is corrected to read “*Effective Date:* These final regulations are effective on September 28, 2009.

Applicability Date: These final regulations are applicable for taxable years ending on or after August 15, 2009. A taxpayer may choose to apply the temporary regulations (TD 9281, 71 FR 47443), rather than applying the final regulations, for any taxable year beginning on or after August 16, 2008, but before August 15, 2009.”.

LaNita Van Dyke,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, Procedure and Administration.

[FR Doc. E9–26272 Filed 11–4–09; 8:45 am]

BILLING CODE 4830–01–P

POSTAL REGULATORY COMMISSION

39 CFR Parts 3001 and 3004

[Docket No. RM2009–6; Order No. 322]

Freedom of Information Act Regulations

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting final rules related to the Freedom of Information Act. The final rules reflect several changes made in response to commenters’ suggestions. They implement recent amendments clarifying the relationship of these rules to others, and make minor editorial and conforming changes.

DATES: Effective December 7, 2009.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, 202–789–6820 or stephen.sharfman@prc.gov.

SUPPLEMENTARY INFORMATION: *Regulatory History*, 74 FR 33388 (July 13, 2009).

- I. Introduction
- II. Comments
- III. Discussion
- IV. Section-by-Section Analysis of the Rules
- V. Ordering Paragraphs

I. Introduction

In this order, the Postal Regulatory Commission (Commission) adopts rules which govern processing of Freedom of Information Act (FOIA), 5 U.S.C. 552, requests. These final rules revise procedures for the Commission’s handling of FOIA requests to reflect the Openness Promotes Effectiveness in our National Government Act of 2007, Public Law 110–175, 121 Stat. 2524 (OPEN Government Act). The Commission finds these updates necessary in light of statutory changes and policy direction from the President and the Attorney General.¹

The Commission proposed changes to its FOIA rules (39 CFR part 3004) in Order No. 230.² The substantive changes included a declaration of a presumption of openness, a provision to allow partial grants of requests, a mechanism for requesters to receive a tracking number for each FOIA request,

¹ See OPEN Government Act, Public Law 110–175, 121 Stat. 2524 (2007); see also Memorandum for the Heads of Executive Departments and Agencies, January 21, 2009, 74 FR 4683 (January 26, 2009); and Office of the Attorney General, Memorandum for Heads of Executive Departments and Agencies (March 19, 2009); and Department of Justice Office of Information Policy FOIA Post 8, April 17, 2009.

² PRC Order No. 230, Notice of Proposed Rulemaking to Establish Procedures for the Freedom of Information Act, July 1, 2009 (Order No. 230).

a rule barring the collection of fees if the Commission does not comply with the 20 working day time limit, and a designation of the FOIA Public Liaison. See *id.* at 3. Following evaluation of comments received, the Commission makes several minor clarifying changes, adds language to distinguish the Chief Freedom of Information Officer from the Freedom of Information Act Liaison, and adopts these revised rules.

II. Comments

The Commission received three comments on the proposed rules.³ The Commission appreciates the parties' comments on the proposed rules, and incorporates several minor revisions as suggested by the comments. Thus, these final rules differ slightly from the proposed rules in ways designed to clarify and improve the rules in response to the comments.

The Public Representative states that the proposed changes to the Commission's FOIA rules "appear to be in the interests of the general public." Public Representative Comments at 2. However, the Public Representative suggests that the Commission remove or revise proposed rule 3004.11, Non-Public Records, to reflect the reality that all records kept by the Commission are public records. *Id.* The Public Representative believes proposed rules 3004.10 (public records) and 3004.11 (non-public records) may imply that only public records may be requested. *Id.* at 3. The Public Representative also calls for a reduction in the fees charged for reproduction under proposed rule 3004.53 to reflect decreased costs from technology gains. *Id.*

The National Security Archive makes three suggestions. First, it suggests revising proposed rules 3004.10 and 3004.11 to clarify that all records of the Commission are public records, and that many of the statutory exemptions are discretionary. NSA Comments at 1–4. Second, it proposes amending proposed rule 3004.12 to describe the Commission's obligation to post frequently requested records in its electronic reading room. *Id.* at 4–5. Finally, it suggests that the Commission edit proposed rule 3004.52(e) to bar collection of fees for a partial grant of a request, arguing, *inter alia*, that it "creates an inefficient and inappropriate

incentive for the Commission to release whatever records it can most easily aggregate before the time limit runs * * *." *Id.* at 6.

The Greeting Card Association (GCA) suggests that the Commission clarify the relationship between its FOIA rules (part 3004) and its confidentiality rules (part 3007). GCA comments that proposed rule 3004.30(d)(1) should be clarified because it makes "no provision for legitimately confidential third-party information which is not also a Postal Service record." GCA Comments at 2. GCA also expresses concern that the protections afforded in part 3007 are broader than the FOIA exemptions, and thus the FOIA procedures may undermine the protections afforded under part 3007. *Id.* at 3–5. Similarly, GCA comments that the title of proposed rule 3004.70, "Submission of business information," is narrower than the FOIA exemptions and part 3007 in general. *Id.* at 6.

III. Discussion

This rulemaking amends the Commission's rules for Freedom of Information Act requests to reflect changes in 5 U.S.C. 552 as updated by the OPEN Government Act and policy articulated by the President and the Attorney General. The rules also provide procedures which accommodate FOIA policies and requirements as well as the Commission's rules for according appropriate confidentiality, 39 CFR part 3007. The Commission endeavors to conduct its business transparently; it proactively discloses a wealth of information to the public. In these rules, the Commission identifies the Secretary of the Commission as the officer responsible for answering all FOIA requests.

When the Commission receives a FOIA request, it must balance parties' legitimate conflicting interests. For example, on one hand, the Public Representative and National Security Archive urge the Commission to adopt FOIA rules which provide the public with open access to Commission records. On the other hand, GCA is concerned that confidential material parties submit to the Commission remains protected as articulated in part 3007. Both interests are valid, and the Commission strikes an appropriate balance with its FOIA rules. Four issues are raised by the comments to the Commission's previously proposed rules.

Public vs. non-public records. The Public Representative and the National Security Archive comment that proposed rule 3004.11, Non-public

records, should be modified or deleted to remove a source of possible confusion. The Public Representative and the National Security Archive state that all Commission records are public records, and a rule describing non-public records may lead the public to believe they may not request such records under FOIA. See NSA Comments at 1–4.

The Commission agrees with the Public Representative's and the National Security Archive's characterization that all records of the Commission are public records. It also agrees that proposed rule 3004.11, Non-public records, may be misleading. The purpose of the rule is to offer some guidance to the public as to the types of records the Commission is likely to claim exempt from disclosure under 5 U.S.C. 552(b). However, in the interest of avoiding confusion, the Commission re-titles proposed rule 3004.11 with language proposed by the National Security Archive. Rule 3004.11 is now "Use of exemptions" and provides a summary of the possible exemptions the Commission may claim under FOIA.

Reading room. Similarly, the National Security Archive suggests amending proposed rule 3004.12 to describe the Commission's duty to post frequently requested records, or records the Commission believes to be of great public interest. *Id.* at 2–4.

The Commission finds the National Security Archive's suggestions to revise proposed rule 3004.12 reasonable. The Commission adds a paragraph to that rule which describes the Commission's duty to post frequently requested records, and without a request, those records the Commission believes to be of significant public interest.

Fees. Both the Public Representative and the National Security Archive comment on the Commission's fees as outlined in proposed rules 3004.52 and 3004.53. The Public Representative encourages the Commission to reduce its fees for duplication found in proposed rule 3004.53(a)(4) to reflect the lower actual cost of duplication. The Commission allows that technology gains have lowered the cost of duplication, but it must also take into account the cost of materials, operator time, and other direct costs. As a result of these considerations, the Commission finds it reasonable to reduce the duplication fee in proposed rule 3004.53(a)(4) from 15 cents to 10 cents per page for paper copies.

The Commission is not persuaded by the National Security Archive's recommendation to eliminate proposed rule 3004.52(e), which allows the Commission to charge a fee for the

³ Comments of the National Security Archive on the Postal Regulatory Commission's Proposed Freedom of Information Act Regulations, August 10, 2009 (NSA Comments); Initial Comments of the Greeting Card Association, August 12, 2009 (GCA Comments); and Public Representative Comments on Proposed Rulemaking to Establish Procedures for the Freedom of Information Act, August 12, 2009 (Public Representative Comments).

partial grant of a request while it reviews other sensitive records which may be responsive to the request. The Commission's files frequently contain records submitted by a third party or on behalf of a third party which are commercially sensitive.⁴ The Commission must protect such materials from disclosure or risk that third parties will not provide it with the materials necessary to fulfill its statutory obligations. Therefore, when the Commission receives a request for voluminous records, it must be able to segregate those records that it can release immediately and those which trigger due process rights for other parties prior to the Commission making a determination regarding public release.

The Commission appreciates the National Security Archive's concern that this rule may create an incentive for the Commission to quickly release a set of records to charge a fee, and postpone consideration of release for "other sensitive records." However, to amend the rule as the National Security Archive suggests would constrain the Commission's ability to give the submitters of non-public materials an opportunity to address their concerns about the possible release of their confidential information. In the interest of avoiding confusion, the Commission amends the proposed rule to remove the ambiguous "sensitive records" language and replace it with a specific reference to the exemptions.

Relationship between part 3004 and part 3007. GCA raises several concerns about the relationship between the FOIA rules (part 3004) and the confidentiality rules (part 3007).

First, GCA sets forth what it thinks is the meaning of proposed rule 3004.30(d), which provides that Postal Service non-public filings may be requested under part 3007, and that FOIA requests for Postal Service records shall be referred to the Postal Service. GCA believes that if a FOIA request seeks non-public materials (defined in part 3007) that are Postal Service records, the FOIA request "will be denied and the requester will be allowed to seek access to them under Part 3007." GCA Comments at 2. It further believes that any FOIA request for Postal Service records which are not non-public (as defined in part 3007) will be referred to the Postal Service. *Id.*

GCA's reading of proposed rule 3004.30(d) is not entirely correct. The Commission may not deny a FOIA request simply because the materials are non-public under part 3007. Proposed rule 3004.30 sets forth that part 3007 is an alternate means of accessing Postal Service records that are held by the Commission. Proposed rule 3004.30 also informs a requester that a FOIA request for a record that the Postal Service designates as non-public and files with the Commission shall be referred to the Postal Service. *See, e.g., Sussman v. U.S. Marshals Serv.*, 494 F.3d 1106, 1118 (DC Cir. 2007) (refusing summary judgment and rejecting the argument that consultation is the only approved procedure under FOIA). The Commission shall continue its current practice of handling FOIA requests for records which are both Postal Service and Commission records insofar as it will consult, refer, or release as appropriate under the circumstances.

The Commission adopts rule 3004.30(d) as proposed with minor editorial revisions to clarify the procedures the Commission shall follow when it receives FOIA requests for records which are both Commission and Postal Service records. The rule gives guidance to the public that Postal Service records may be requested under part 3007, but a FOIA request for records which the Postal Service filed as non-public materials pursuant to part 3007 shall be referred to the Postal Service.

Second, GCA points out the tension between the standard in the Commission's confidentiality rules for general release (rule 3007.33) and exemption 4 under FOIA. GCA Comments at 4–5. Rule 3007.33 balances the interests of the parties under Federal Rule of Civil Procedure 26(c) when determining if a third-party non-public record shall be released. Exemption 4 applies to privileged or confidential trade secret and commercial or financial information. Because exemption 4 is narrower than the standard articulated in rule 3007.33, GCA expresses concern that a FOIA request may reopen the question of its non-public status for non-public materials submitted under part 3007. *Id.* at 5.

GCA raises valid concerns. The Commission adds new paragraph (e) to proposed rule 3004.30 entitled "Requesting a third-party record submitted under seal." This paragraph explains that the Commission will endeavor to provide the same standard for release of third-party materials under FOIA as it provides third-party materials filed under seal pursuant to

part 3007. The Commission adopts the statutory exemptions articulated in 39 U.S.C. 410(c) to allow full protection of Postal Service and third-party non-public materials and to afford consistency with the Commission's confidentiality rules. The Commission believes that, when deciding public release, balancing the interests of the parties, pursuant to rule 3007.33 will offer no less protection than applying exemption 4 and 39 U.S.C. 410(c) under FOIA.

Final rule 3004.30(e) follows the same structure as proposed rule 3004.30(d) and assures third-party non-public material submitters that their materials shall only be released under FOIA if applicable exemptions, including section 410(c) standards, do not apply.

The Commission adopts the section 410(c) standard in proposed rule 3004.11 for use when a third party designates materials as non-public and submits them to the Commission. 39 U.S.C. 504(e) sets forth that "section 410 * * * of this title shall apply to the Commission, as appropriate." The Commission finds it appropriate to incorporate section 410(c) standards in its FOIA rules applicable to third-party non-public materials.

Third, GCA expresses concern that proposed rule 3004.30 does not protect third-party or Postal Service non-public materials with as broad a standard as part 3007. *Id.* at 2–3. GCA argues that if proposed rule 3004.70 requires the submitter to furnish "a statement *in addition to* the grounds already given, and accepted, for non-public treatment under Part 3007, this provision would not be inappropriate." *Id.* at 3–4. (Emphasis in original.)

GCA's reading of the proposed rule is correct, with one caveat. GCA's statement that the rationale for non-public treatment was "already given, and accepted" is an incorrect reading of part 3007. Rules 3007.21 and 3007.22 set forth the requirements for Postal Service and third-party applications for non-public treatment. Once those requirements are met, the Commission shall preliminarily treat those materials as non-public materials as provided in rule 3007.23.

However, no rationale for non-public treatment given in the application has been "accepted" unless the Commission makes a determination of non-public status (for Postal Service submissions) under rule 3007.32, or in response to a motion for early termination of non-public status (for any submissions) under rule 3007.31.

GCA also cites the example of 39 U.S.C. 410(c), the "good business practice" statutory exemption from

⁴ See Docket No. RM2008–1, Final Rule Establishing Appropriate Confidentiality Procedures, June 19, 2009, for an overview of the types of materials the Commission must use to fulfill its duties and keep under seal for protection of the Postal Service or third parties.

FOIA, which is broader than the nine FOIA exemptions. *Id.* at 4. This point is well taken; however, because records designated as non-public by the Postal Service that are requested under FOIA shall be referred to the Postal Service (where the Postal Service can invoke its section 410(c) exemption), there is no conflict between 39 U.S.C. 410(c) and the FOIA exemptions. Because the Commission adopts section 410(c) standards, as discussed in the preceding paragraphs, the Commission is able to afford third parties the same protections the Postal Service affords itself through use of the section 410(c) "good business practice" exemption, and thus there is no conflict between the Postal Service's protection of third-party non-public materials, and the Commission's protection of those materials.

Fourth, GCA argues that the heading and paragraph (b) of proposed rule 3004.70 improperly use the term "business information" since the FOIA exemptions cover more than business information. *Id.* at 6.

The Commission agrees with GCA's assessment, and amends the heading of rule 3004.70 as originally proposed to "Third-party submission of non-public materials." Likewise, the term "business information" in paragraph (b) is replaced with "materials."

IV. Section-by-Section Analysis of the Rules

Section 3004.1 Purpose. Rule 3004.1 sets forth the purpose of part 3004, and outlines the procedures under FOIA for requesting records from the Commission. Paragraph (b) identifies the location of required FOIA publications.

Section 3004.2 Presumption of openness. Rule 3004.2 explains the "presumption of openness" mandated by the President and further explained by the Attorney General and Department of Justice.

Section 3004.10 Public records. Rule 3004.10 describes examples of Commission records which do not implicate any exemption under 5 U.S.C. 552(b).

Section 3004.11 Use of exemptions. Rule 3004.11 sets forth the exemptions the Commission may use to protect records from disclosure, and identifies which exemptions are discretionary in nature. The rule also identifies the 39 U.S.C. 410(c) exemptions as examples of exemption 3 "specifically exempted from disclosure by statute."

Section 3004.12 Reading room. Rule 3004.12 indicates that the Commission maintains an electronic reading room on the Commission's Web site and a physical reading room at the

Commission's offices. Paragraphs (b) and (c) describe the types of records available in the reading rooms.

Section 3004.13 Notice and publication of public information. Rule 3004.13 gives information about the availability of Commission orders, decisions, and reports, and the availability of the Commission's guiding principles.

Section 3004.20 Commission procedure when served a subpoena. This rule sets forth the procedure the Commission, its officers, or employees shall follow when served with a subpoena for materials which are not public files or records. It requires that service of the subpoena shall be reported to the Commission, along with a statement of relevant facts, and the Commission shall take the appropriate action to respond to the subpoena.

Section 3004.30 Relationship among the Freedom of Information Act, the Privacy Act, and the Commission's procedures for accord appropriate confidentiality. This rule includes a reference to the Commission's rules governing the treatment of non-public materials, and the policy of referring a FOIA request for Postal Service records to the Postal Service. Paragraph (d) states that the Commission shall refer FOIA requests for Postal Service non-public materials filed pursuant to part 3007, and that part 3007 is an alternate avenue for seeking release of those records. Paragraph (e) is added to describe how the Commission shall handle FOIA requests for third-party non-public materials.

Section 3004.40 Hard copy requests for records and for expedited processing. This rule lists the requirements for hard copy requests for records under FOIA. Paragraphs (a)(1) through (a)(6) delineate the requirements for hard copy requests, including a new requirement that the requester identify the request category under rule 3004.51. Paragraphs (b)(1) through (b)(3) describe the requirements for a request for expedited processing.

Section 3004.41 Electronic requests for records and for expedited processing. Rule 3004.41 sets forth the requirements for electronically submitted requests for information made to the Commission under FOIA. The rule contains similar requirements to rule 3004.40, but requires that an electronic request utilize the form for FOIA requests on the Commission's Web site.

Section 3004.42 Tracking of requests. Rule 3004.42 states that the Commission shall assign a unique tracking number to each request within 3 days of receipt, and how a requester

may use the number to check the status of a request.

Section 3004.43 Response to requests. Rule 3004.43 explains the Commission's actions upon receiving a request. It describes that the Commission may grant a request, in whole or in part, deny a request, or grant or deny expedited processing.

Section 3004.44 Appeals. Rule 3004.44 describes the process of administrative appeals to the Commission after the Secretary or Assistant Secretary makes an initial determination on the request.

Section 3004.45 Extension of response time limit. This rule describes the procedures the Commission must follow to extend the time limit for responding to a request.

Section 3004.50 Fees—definitions as used in this part. Rule 3004.50 sets forth definitions used to determine the request category and fee structure.

Section 3004.51 Fees—request category. This rule describes that the fees the Commission charges for processing FOIA requests are determined by the category of the requester—commercial, educational and scientific institution, representative of the news media, and all other requesters.

Section 3004.52 Fees—general provisions. This rule describes when the Commission may charge fees, and how the fees are to be calculated for various activities. The proposed rule was modified to remove the ambiguous "other sensitive records" language and replace it with a reference to the exemptions.

Section 3004.53 Fee schedule. Rule 3004.53 describes the fees charged for various activities the Commission may complete to respond to a request. The duplication fees described in proposed rule 3004.53(a)(4) are reduced from 15 cents to 10 cents per page.

Section 3004.54 Procedure for assessing and collecting fees. Rule 3004.54 explains the Commission's assessment of interest and the circumstances under which the Commission requires advance payment of fees.

Section 3004.60 Chief Freedom of Information Act Officer. Rule 3004.60 designates the Secretary of the Commission as the Chief FOIA Officer. The Chief FOIA Officer is responsible for administration of and reporting on the Commission's FOIA program.

Section 3004.61 Freedom of Information Act Public Liaison. Rule 3004.61 designates the Director of the Office of Public Affairs and Government Relations as the FOIA Public Liaison. The FOIA Public Liaison provides an

avenue for the public to informally resolve FOIA disputes with the Commission.

Section 3004.70 Third-party submission of non-public materials. Rule 3004.70 describes how the Commission will respond to requests for confidential third-party materials, and how the FOIA standard overlaps with part 3007.

V. Ordering Paragraphs

It is ordered:

1. The Commission hereby adopts the set of final rules governing the Freedom of Information Act that follow the Secretary's signature as part of 39 CFR part 3004.

2. It is also making a conforming change to eliminate 39 CFR 3001.42.

3. These rules shall take effect 30 days after publication in the **Federal Register**.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

List of Subjects

39 CFR Part 3001

Administrative practice and procedure, Confidential business information, Postal Service.

39 CFR Part 3004

Administrative practice and procedure, Archives and records, Freedom of information, Organization, Privacy, Reporting and recordkeeping requirements.

By the Commission.

Shoshana M. Grove,
Secretary.

■ For the reasons discussed in the preamble, the Postal Regulatory Commission amends chapter III of title 39 of the Code of Federal Regulations as follows:

PART 3001—RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 3001 continues to read as follows:

Authority: 39 U.S.C. 404(d); 503, 3661.

§ 3001.42 [Removed]

■ 2. Remove § 3001.42.

■ 3. Part 3004 is revised to read as follows:

PART 3004—PUBLIC RECORDS AND FREEDOM OF INFORMATION ACT

Sec.

3004.1 Purpose.

3004.2 Presumption of openness.

3004.10 Public records.

3004.11 Use of exemptions.

3004.12 Reading room.

- 3004.13 Notice and publication of public information.
- 3004.20 Commission procedure when served a subpoena.
- 3004.30 Relationship among the Freedom of Information Act, the Privacy Act, and the Commission's procedures for according appropriate confidentiality.
- 3004.40 Hard copy requests for records and for expedited processing.
- 3004.41 Electronic requests for records and for expedited processing.
- 3004.42 Tracking of requests.
- 3004.43 Response to requests.
- 3004.44 Appeals.
- 3004.45 Extension of response time limit.
- 3004.50 Fees—definitions as used in this part.
- 3004.51 Fees—request category.
- 3004.52 Fees—general provisions.
- 3004.53 Fee schedule.
- 3004.54 Procedure for assessing and collecting fees.
- 3004.60 Chief Freedom of Information Act Officer.
- 3004.61 Freedom of Information Act Public Liaison.
- 3004.70 Third-party submission of non-public materials.

Authority: 5 U.S.C. 552; 39 U.S.C. 503.

§ 3004.1 Purpose.

(a) This part implements the Freedom of Information Act (FOIA), 5 U.S.C. 552, and describes the procedures by which a person may request copies of Commission records pursuant to FOIA. It contains the rules that the Commission follows in handling requests, such as the amount of time it has to make a determination regarding release of records and what fees to charge. It also describes how a submitter of trade secrets or confidential business information can identify information that the submitter believes to be exempt from disclosure under 5 U.S.C. 552(b).

(b) Information required to be published or made available pursuant to 5 U.S.C. 552(a)(1) and (a)(2) may be found in 39 CFR part 3002, and on the Commission's Web site at <http://www.prc.gov>. The Commission's guide to FOIA, all required FOIA indexes, and recent annual FOIA reports are also available on the Web site.

(c) Section 3004.10 identifies records that the Commission has determined to be public.

§ 3004.2 Presumption of openness.

(a) The Commission shall be proactive, and systematically, in a timely manner, post public records online in advance of any public request.

(b) It is the stated policy of the Commission that FOIA requests shall be administered with a clear presumption of openness.

§ 3004.10 Public records.

(a) Except as provided in § 3004.11 and in § 3007.10 of this chapter, the public records of the Commission include all submissions and filings as follows:

(1) Requests of the Postal Service for decisions or advisory opinions, notices, public reports, complaints (both formal and informal), and other papers seeking Commission action;

(2) Financial, statistical and other reports to the Commission, and other filings and submittals to the Commission in compliance with the requirements of any statute, executive order, or Commission rule, regulation or order;

(3) All answers, replies, responses, objections, protests, motions, stipulations, exceptions, other pleadings, notices, depositions, certificates, proofs of service, transcripts and briefs in any matter or proceeding;

(4) Exhibits, attachments and appendices to, amendments and corrections of, supplements to, or transmittals or withdrawals of any of the foregoing; and

(5) Commission correspondence related to the foregoing.

(b) All other parts of the formal record in any matter or proceeding before the Commission and correspondence related thereto, including:

(1) Notices or Commission orders initiating the matter or proceeding;

(2) Designation of the presiding officer;

(3) Transcript of hearings;

(4) Offers of proof, motions and stipulations made during a hearing;

(5) Exhibits received in evidence during a hearing;

(6) Certifications to the Commission; and

(7) Anything else upon which action of a presiding officer or the Commission may be based.

(c) Proposed testimony or exhibits filed with the Commission but not yet offered or received in evidence.

(d) Presiding officer actions and all presiding officer correspondence and memoranda to or from anyone other than staff assigned to provide assistance to the presiding officer.

(e) Commission decisions, reports, opinions, orders, notices, findings, determinations and other actions in any matter or proceeding and all Commission minutes which have been approved.

(f) Commission correspondence relating to any data or information request directed to the Postal Service.

(g) Commission correspondence with respect to the furnishing of data, information, comments, or

recommendations to or by another branch, department, or agency of the Government where furnished to satisfy a specific requirement of a statute or where made public by that branch, department, or agency.

(h) Commission correspondence and reports on legislative matters under consideration by the Office of Management and Budget or Congress, but only if and after authorized for release or publication by that office, the Commission, or the Member of Congress involved.

(i) Commission correspondence on the interpretation or applicability of any statute, rule, regulation, decision, advisory opinion, or public report issued by the Commission and letters of opinion on that subject signed by the General Counsel and sent to persons other than the Commission, a Commissioner, or any of the staff.

(j) Copies of all filings by the Commission, and all orders, judgments, decrees, and mandates directed to the Commission in court proceedings involving Commission action and all correspondence with the courts, or clerks of court.

(k) The Commission's administrative and operating manuals as issued.

§ 3004.11 Use of exemptions.

(a) Under FOIA, there are nine exemptions which may be used to protect information from disclosure. The Commission has paraphrased the exemptions in paragraphs (b) through (j) of this section. These paraphrases are not intended to be interpretations of the exemptions.

(b) National security information concerning national defense or foreign policy, provided that such information has been properly classified, in accordance with an Executive Order.

(c) Information related solely to the internal personnel rules and practices of an agency.

(d) Information specifically exempted from disclosure by statute, for example, 39 U.S.C. 410(c):

(1) The name or address, past or present, of any postal patron;

(2) Information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed;

(3) Information prepared for use in connection with the negotiation of collective bargaining agreements under 39 U.S.C. chapter 12, or minutes of, or notes kept during negotiating sessions conducted under such chapter;

(4) Information prepared for use in connection with proceedings under 39 U.S.C. chapter 36; and

(5) The reports and memoranda of consultants or independent contractors except to the extent that they would be required to be disclosed if prepared within the agency.

(e) Trade secrets and commercial or financial information which is obtained from a person and is privileged or confidential.

(f) Inter-agency or intra-agency memoranda or letters, which would not be available by law to a party other than an agency in litigation with the agency.

(g) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(h) Records or information compiled for law enforcement purposes, the release of which:

(1) Could reasonably be expected to interfere with enforcement proceedings;

(2) Would deprive a person of a right to a fair trial or an impartial adjudication;

(3) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(4) Could reasonably be expected to disclose the identity of a confidential source and investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or

(5) Could reasonably be expected to endanger the life or physical safety of any individual.

(i) Information contained in or related to examination, operating, or condition reports, prepared by, or on behalf of, or for the use of an agency responsible for regulating or supervising financial institutions.

(j) Geological and geophysical information and data, including maps, concerning wells.

(k) It is Commission policy to make records publicly available upon request, unless the record qualifies for exemption under one or more of the nine exemptions. It is Commission policy to make discretionary releases; however, a discretionary release is not normally appropriate for records exempt under exemptions identified in paragraphs (b), (d), (e), (g), (h)(3) and (h)(5) of this section. The remainder of the exemptions are discretionary.

(l) The following are examples of information that is not part of the public records of the Commission:

(1) Written communications between or among the Commission, members of the Commission, the Secretary, and expressly designated staff members while particularly assigned, in

accordance with all applicable legal requirements, to aid the Commission in the drafting of any decision, notice, order, advisory opinion, or public report and findings, with or without opinion, or report in any matter or proceeding;

(2) Reports and records compiled or created by the Inspector General of the Commission designated as confidential; and

(3) Unaccepted offers of settlement in any matter or proceeding unless or until made public by act of the offeror.

§ 3004.12 Reading room.

(a) The Commission maintains a public reading room at its offices (901 New York Avenue, NW., Suite 200, Washington, DC 20268-0001) and an electronic reading room at <http://www.prc.gov>. The public reading room at its offices is open during business hours.

(b) The records available for public inspection and printing include, for example, decisions; reports; opinions; orders; notices; findings; determinations; statements of policy; copies of selected records released under FOIA; indexes required to be maintained under FOIA; and records described in § 3004.10 relating to any matter or proceeding before the Commission.

(c) The Commission shall make available, in the electronic and physical reading rooms, records previously released under FOIA and which the Commission determines are or are likely to become of significant public interest.

§ 3004.13 Notice and publication of public information.

(a) Decisions, advisory opinions, orders, and public reports will be made available to the public by posting on the Commission's Web site at <http://www.prc.gov>.

(b) Descriptions of the Commission's organization, its methods of operation, statements of policy and interpretations, and procedural and substantive rules, are published in the **Federal Register** publication system, and are available on the Commission's Web site, <http://www.prc.gov>.

§ 3004.20 Commission procedure when served a subpoena.

If an officer or employee of the Commission is served with a subpoena duces tecum, material that is not part of the public files and records of the Commission shall be produced only as authorized by the Commission. Service of such a subpoena shall immediately be reported to the Commission with a statement of all relevant facts. The Commission will thereupon enter such

order or give such instructions as it deems advisable.

§ 3004.30 Relationship among the Freedom of Information Act, the Privacy Act, and the Commission's procedures for according appropriate confidentiality.

(a) *Coverage.* FOIA applies to all Commission records and provides the public with access to government records.

(b) *Requesting records subject to the Privacy Act.* A request by an individual for his or her own records contained in a system of records is governed by the Privacy Act. Release will first be considered under the Privacy Act pursuant to part 3003 of this chapter. However, if there is any record that the Commission need not release under the Privacy Act, the Commission will also consider the request under FOIA, and will release the record if FOIA requires it.

(c) *Requesting another individual's record.* Request for records of individuals which may not be granted under the Privacy Act shall be considered under FOIA.

(1) If the Commission makes a disclosure in response to a request and the disclosure is permitted by the Privacy Act's disclosure provision, 5 U.S.C. 552a(b), the Commission will rely on the Privacy Act to govern the disclosure.

(2) In some circumstances, the Privacy Act may prohibit the Commission's ability to release records which may be released under FOIA.

(d) *Requesting a Postal Service record.* The Commission maintains custody of records that are both Commission and Postal Service records.

(1) A request made pursuant to FOIA for records designated as non-public by the Postal Service shall be referred to the Postal Service; and

(2) A request made pursuant to part 3007 of this chapter for records designated as non-public by the Postal Service shall be considered under the applicable standards set forth in that part.

(e) *Requesting a third-party record submitted under seal.* The Commission maintains records of a confidential nature submitted by third parties as non-public materials.

(1) A request made pursuant to FOIA for records designated as non-public by a third party shall be considered in light of all applicable exemptions; and

(2) A request made pursuant to part 3007 of this chapter for records designated as non-public by a third party shall be considered under the applicable standards set forth in that part.

§ 3004.40 Hard copy requests for records and for expedited processing.

(a) A hard copy request for records must:

- (1) Be in writing;
- (2) Include the name and address of the requester;
- (3) Reasonably describe the records sought;
- (4) Include a daytime telephone number;
- (5) Be clearly identified as "Freedom of Information Act Request" both in the text of the request and on the envelope;
- (6) Identify the request category under § 3004.51; and
- (7) Be submitted to the Secretary of the Commission at the offices of the Commission (901 New York Avenue, NW., Suite 200, Washington, DC 20268-0001).

(b) *Expedited processing.* A person demonstrating a compelling need as defined in 5 U.S.C. 552(a)(6)(E)(v) may request expedited processing at the time of an initial request (or appeal) or at a later time. In addition to the requirements in paragraph (a) of this section, an expedited request for records must:

- (1) Demonstrate a compelling need as defined in 5 U.S.C. 552(a)(6)(E)(v);
- (2) Be clearly identified as "Expedited Freedom of Information Act Request" both in the text of the request and on the envelope; and
- (3) Certify the statement of compelling need to be true and correct to the best of the requester's knowledge and belief. At its discretion, the Commission may waive the requirement for certification.

§ 3004.41 Electronic requests for records and for expedited processing.

(a) An electronic request for records must:

- (1) Be submitted using the Commission's online FOIA request form at <http://www.prc.gov>;
- (2) Reasonably describe the records sought;
- (3) Include a daytime telephone number and valid e-mail address; and
- (4) Identify the request category under § 3004.51.

(b) *Expedited processing.* A person satisfying the requirements of paragraph (a) of this section may request expedited processing at the time of the initial request or at a later time by:

- (1) Demonstrating a compelling need as defined in 5 U.S.C. 552(a)(6)(E)(v);
- (2) Clearly identifying the request as an "Expedited Freedom of Information Act Request" in the body of the submission; and
- (3) Certifying the statement of compelling need to be true and correct to the best of the requester's knowledge

and belief. At its discretion, the Commission may waive the requirement for certification.

§ 3004.42 Tracking of requests.

(a) Upon receipt of a request, the Commission shall assign a unique tracking number to the request and within 3 days (excluding Saturdays, Sundays and legal holidays) provide that number to the person making the request.

(b) Any person with a tracking number may call or e-mail the Commission's Office of Public Affairs and Government Relations (PAGR) to check the status of a request. PAGR may be e-mailed at PRC-PAGR@prc.gov or called at 202-789-6800.

§ 3004.43 Response to requests.

(a) Within 20 days (excluding Saturdays, Sundays and legal holidays) after receipt of a request for a Commission record, the Secretary or Assistant Secretary will notify the requester of its determination to grant or deny the request.

(b) *Granting request.* If granting the request, the Secretary, or Assistant Secretary will notify the requester of any fees that must be paid.

(c) *Partial granting of request.* If the Commission is unable to grant the request in its entirety, any reasonably segregable portion of the request shall be provided, with deleted portions treated as specified in paragraph (d) of this section, and the Secretary or Assistant Secretary will notify the requester of any fees that must be paid.

(d) *Denying request.* If denying the request, in whole or in part, the Secretary or Assistant Secretary will inform the requester in writing of:

- (1) The reason for the denial, including each exemption used as a basis for withholding of the records sought and, if applicable, the harm to an interest protected by a statutory exemption;
- (2) An estimate of the volume of requested matter that was denied:
 - (i) If disclosure of a record has been partially denied, the amount of information deleted will be indicated on the released portion if technically feasible; and
 - (ii) If revealing the amount or location of a denied record will harm an interest protected by an exemption, then the description of the amount or location of deleted information shall be withheld.
- (3) The right to appeal the denial to the Commission within 1 year.

(e) *Expedited processing.* Within 10 days (excluding Saturdays, Sundays and legal holidays) after receipt of a request for expedited processing, the Secretary or Assistant Secretary will:

(1) Grant the request for expedited processing and process the request for records as soon as practicable; or

(2) Deny the request for expedited processing by informing the individual of:

(i) The denial in writing;

(ii) The right to appeal the denial to the Commission in writing; and

(iii) The procedures for appealing the denial.

(3) Any request for records that has been denied expedited processing will be processed in the same manner as a request that did not seek expedited processing.

(f) Where a compelling need is not shown in an expedited request as specified in § 3004.41(b)(1), the Commission may grant requests for expedited processing at its discretion.

§ 3004.44 Appeals.

(a) The Commission may review any decision of the Secretary or Assistant Secretary on its own initiative.

(b) A requester who seeks to appeal any denial must file an appeal with the Commission.

(c)(1) The Commission will grant or deny the appeal in writing within 20 days (excluding Saturdays, Sundays and legal holidays) of the date the appeal is received. If on appeal the denial of the request for records is upheld, the Commission will notify the requester of the provisions for judicial review of that determination pursuant to 5 U.S.C. 552(c).

(2) The Commission will expeditiously consider an appeal of a denial of expedited processing.

§ 3004.45 Extension of response time limit.

(a) The Commission may extend the time limit for a response at the request stage and at the appeal stage up to 10 working days due to unusual circumstances as specified in 5 U.S.C. 552(a)(6)(B)(iii).

(b) The Commission will:

(1) Notify the requester of any extension and the reason for the extension in writing; and

(2) Provide the requester with an opportunity to limit the scope of the request or to arrange an alternative timeframe for processing the request or a modified request. The applicable time limits are not tolled while the Commission waits for a response from the requester under this subsection.

§ 3004.50 Fees—definitions as used in this part.

Commercial use means a request from or on behalf of a person seeking information for a use or purpose that furthers the commercial, trade, or profit

interests of the requester or person on whose behalf the request is made. In determining the applicability of this term, the use to which a requester will put the document is considered first; where reasonable doubt exists as to the use, the Commission may seek clarification before assigning the request to a category.

Direct costs means the expenditures the Commission incurs in searching for, duplicating, and, where applicable, reviewing documents to respond to a request. They include (without limitation) the salary of the employee(s) performing work (the basic pay rate of such employee(s) plus 16 percent to cover benefits).

Duplication means copying the documents necessary to respond to a request. Such copies may be paper, microform, audiovisual, or machine-readable.

Educational institution means a preschool, a public or private elementary or secondary school, an institution of graduate or undergraduate higher education, an institution of professional education, and an institution of vocational education, which operates a program or programs of scholarly research.

Noncommercial scientific institution means an institution, not operated on a commercial basis (as referenced above), which is operated solely for the purpose of conducting scientific research whose results are not intended to promote any particular product or industry.

Representative of the news media means any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. The term “news” means information that is about current events or that would be of current interest to the public. Examples of news media entities are television or radio stations broadcasting to the public at large and publishers of periodicals (but only if such entities qualify as disseminators of “news”) who make their products available for purchase or by subscription or by free distribution to the general public. These examples are not all inclusive and may include alternate media to disseminate news. A freelance journalist shall be regarded as working for a news media entity if the journalist can demonstrate a solid basis for expecting publication through that entity (e.g., by a publication contract or prior publication record), whether or not the journalist is actually employed by the entity.

Review means examining documents located in response to a request to

determine whether any portion is exempt from disclosure, and processing or preparing documents for release, but not determination of general legal or policy issues regarding application of exemptions.

Search includes all time spent looking for material responsive to a request, including identification of pages or lines within documents. The term covers both manual and computerized searching.

§ 3004.51 Fees—request category.

(a) The level of fee charged depends on the request category.

(1) *Commercial use*. A request appearing to be for commercial use will be charged the full direct costs of searching for, reviewing, and duplicating the records sought.

(2) *Educational and noncommercial scientific institutions*. A request from an educational or noncommercial scientific institution will be charged for the cost of duplication only (excluding charges for the first 100 pages). To be eligible for this category, a requester must show that the request is made under the auspices of a qualifying institution and that the records are not sought for commercial use but are in furtherance of scholarly (in the case of educational institutions) or scientific (in the case of noncommercial scientific institutions) research.

(3) *News media*. A request from a representative of the news media will be charged the cost of duplication only (excluding charges for the first 100 pages).

(4) *Other requesters*. A request from any other person will be charged the full direct cost of searching for, reviewing, and duplicating records responsive to the request, except that the first 100 pages of duplication and the first 2 hours of search/review will be furnished without charge.

(b) *Privacy Act*. A request by an individual for his or her own records in a system of records will be charged fees as provided under the Commission's Privacy Act regulations in part 3003 of this chapter.

§ 3004.52 Fees—general provisions.

(a) The Commission may charge search fees even if no records are found or if the records found are exempt from disclosure.

(b) Except in the case of commercial use requesters, the first 100 pages of duplication and the first 2 hours of search time are provided without charge.

(1) A page for these purposes is a letter- or legal-size sheet, or the equivalent amount of information in a medium other than paper copy.

(2) Search time for these purposes refers to manual searching; if the search is performed by computer, the 2 hours provided without charge will be equal to 2 hours' salary of the person performing the search.

(c) No requester will be charged a fee when the Commission determines that the cost of collecting the fee would equal or exceed the fee itself. In determining whether cost of collection would equal or exceed the fee, the allowance for 2 hours' search or 100 pages of duplication will be made before comparing the remaining fee and the cost of collection.

(d) Records will be provided without charge or at a reduced charge if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(e) No requester will be charged a fee after any search or response which occurs after the applicable time limits as described in §§ 3004.43 and 3004.44, so long as there are no unusual or exceptional circumstances, such as those used to justify an extension of the time limit as described in § 3004.45. The Commission may, however, charge fees for a partial grant of a request while it reviews records that may be exempt and may be responsive to the request, if it is made within the applicable time limits.

§ 3004.53 Fee schedule.

(a) Fees will be calculated as follows:

(1) *Manual search.* At the salary rate (basic pay plus 16 percent) of the employee(s) making the search. Search time may be charged for even if the Commission fails to locate records or if records located are exempt from disclosure.

(2) *Computer search.* At the direct cost of providing the search, including computer search time directly attributable to searching for records responsive to the request runs and employee salary apportionable to the search.

(3) *Review (commercial use).* At the salary rate (basic pay plus 16 percent) of the employee(s) conducting the review. Charges are imposed only for the review necessary at the initial administrative level to determine the applicability of any exemption, and not for review at the administrative appeal level of an exemption already applied.

(4) *Duplication.* At 10 cents per page for paper copy, which the Commission has found to be the reasonable direct cost thereof. For copies of records prepared by computer the direct cost of

production, including employee time, will be charged.

(5) *Additional services.* Postage, insurance, and other additional services that may be arranged for by the requester will be charged at actually incurred cost.

(b) In addition to the fee waiver provisions of § 3004.52(d), fees may be waived at the discretion of the Commission.

§ 3004.54 Procedure for assessing and collecting fees.

(a) Advance payment may be required if the requester failed to pay previous bills in a timely fashion or when the fees are likely to exceed \$250.

(1) Where the requester has previously failed to pay within 30 days of the billing date, the Commission may require the requester to pay an advance payment of the estimated fee together with either the past due fees (plus applicable interest) or proof that the past fees were paid.

(2) When advance payment is required, the administrative time limits prescribed in 5 U.S.C. 552(a)(6) (§ 3004.43) begin only after such payment has been received.

(b) Interest at the rate published by the Secretary of the Treasury as prescribed in 31 U.S.C. 3717 will be charged on unpaid fee bills starting on the 31st day after the bill was sent. Receipt of a fee by the Commission, whether processed or not, will stay the accrual of interest.

§ 3004.60 Chief Freedom of Information Act Officer.

The Commission designates the Secretary of the Commission as the Chief FOIA Officer. The Chief FOIA Officer shall be responsible for the administration of and reporting on the Commission's Freedom of Information Act program.

§ 3004.61 Freedom of Information Act Public Liaison.

The Commission designates the Director of the Office of Public Affairs and Government Relations or his or her designee as the FOIA Public Liaison who shall assist in the resolution of any dispute between a requester and the Commission. The FOIA Public Liaison may be contacted via e-mail at *PRC-PAGR@prc.gov* or telephone at 202-789-6800.

§ 3004.70 Third-party submission of non-public materials.

(a) *Overlap with treatment of non-public materials.* Any person who submits materials to the Commission (submitter) that the submitter reasonably believes to be exempt from

public disclosure may submit materials under seal and lodge an application for nonpublic treatment as described in § 3007.10 of this chapter.

(b) *Notice of request.* Except as provided in § 3004.30(d), if a FOIA request seeks materials designated as nonpublic materials, the Commission will provide the submitter with notice of the request. The Commission may also provide notice when it has reason to believe that third-party materials possibly exempt from disclosure may fall within the scope of any FOIA request.

(c) *Objections to disclosure.* A submitter may file written objections to the request specifying all grounds for withholding the information under FOIA within 7 days of the date of the notice. If the submitter fails to respond to the notice, the submitter will be considered to have no objection, beyond those objections articulated in its application for nonpublic treatment pursuant to § 3007.10 of this chapter, to the disclosure of the information.

(d) *Notice of decision.* If, after considering the submitter's objections to disclosure the Commission decides to disclose the information, it will give the submitter written notice of the decision and a brief explanation of the reasons for not sustaining the submitter's objections. The actual disclosure will not be made before 3 days after publication of the Commission's decision.

[FR Doc. E9-26144 Filed 11-4-09; 8:45 am]

BILLING CODE 7710-FW-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket Nos. 07-294, 06-121, 02-277, 04-228; MM Docket Nos. 01-235, 01-317, 00-244; FCC 09-92]

Promoting Diversification of Ownership in Broadcast Services

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Communications Commission is correcting a document that appeared in the Federal Register at 74 FR 56135, October 30, 2009. The date's section contained an incorrect Federal Register citation and date which should reflect the correct citation of a previously published document.

DATES: Effective October 30, 2009.

FOR FURTHER INFORMATION CONTACT: For additional information, please contact

Cathy Williams, *Cathy.Williams@fcc.gov* or on (202) 418-2918.

SUPPLEMENTARY INFORMATION: In FR Doc. E9-26196 appearing on page 56135 in the **Federal Register** published on Friday, October 30, 2009, the following corrections are made:

On page 56135, in the second column, under the **DATES** section is corrected to read:

DATES: The amendments to 47 CFR 73.3615 and FCC Form 323, published on October 30, 2009, 74 FR 56131, are effective on October 30, 2009.

Federal Communications Commission.

William F. Caton,

Deputy Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. E9-26601 Filed 11-4-09; 8:45 am]

BILLING CODE 6712-01-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 040205043-4043-01]

RIN 0648-XP56

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2009 Commercial Harvest of Gulf of Mexico Greater Amberjack

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS closes commercial harvest of greater amberjack in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf). NMFS has determined that the commercial greater amberjack quota will have been reached by November 7, 2009. This closure is necessary to prevent overfishing of Gulf greater amberjack.

DATES: Closure is effective 12:01 a.m., local time, November 7, 2009, until 12:01 a.m., local time, on January 1, 2010.

FOR FURTHER INFORMATION CONTACT: Catherine Bruger, telephone 727-551-5727, fax 727-824-5308, e-mail *Catherine.Bruger@noaa.gov*.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of

Mexico Fishery Management Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. Those regulations set the commercial quota for greater amberjack in the Gulf at 503,000 lb (228,157 kg), round weight for the current fishing year, January 1 through December 31, 2009.

Background

Constraining harvest to the quota is crucial to meeting the legal requirements to prevent and end overfishing and rebuild greater amberjack in the Gulf. On August 4, 2008, new fishing regulations were implemented by NMFS (73 FR 38139) to reduce the harvest and discard of greater amberjack in the Gulf reef fish fishery. Regulatory changes for commercial greater amberjack included implementing a quota of 503,000 lb (228,157 kg), round weight and accountability measures.

Under 50 CFR 622.43(a), NMFS is required to close harvest for a species or species group when the quota for that species or species group is reached, or is projected to be reached, by filing a notification to that effect with the Office of the **Federal Register**. Based on current statistics, NMFS has determined that the available commercial quota of 503,000 lb (228,157 kg), round weight for greater amberjack will be reached on or before November 7, 2009. Accordingly, NMFS is closing commercial harvest of greater amberjack in the Gulf EEZ from 12:01 a.m., local time, on November 7, 2009, until 12:01 a.m., local time, on January 1, 2010. The operator of a vessel with a valid commercial vessel permit for Gulf reef fish having greater amberjack aboard must have landed and bartered, traded, or sold such greater amberjack prior to 12:01 a.m., local time, November 7, 2009.

During the closure, all harvest or possession of greater amberjack in or from the Gulf of Mexico EEZ, and the sale or purchase of greater amberjack taken from the EEZ is prohibited. The recreational harvest of greater amberjack in the Gulf closed on October 24, 2009 (74 FR 54489), and will remain closed through December 31, 2009. The prohibition on sale or purchase does not apply to sale or purchase of greater amberjack that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, November 7, 2009, and were held in cold storage by a dealer or processor. In addition to the Gulf EEZ closure, a person on board a vessel for which a commercial vessel permit for

Gulf reef fish has been issued must comply with these closure provisions regardless of where the Gulf greater amberjack are harvested, i.e., in state or Federal waters. This closure is intended to prevent overfishing of Gulf greater amberjack and increase the likelihood that the 2009 quota will not be exceeded.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(3)(B). Such procedures would be unnecessary because the rule implementing the quota and the associated requirement for closure of commercial harvest when the quota is reached or projected to be reached already has been subject to notice and comment, and all that remains is to notify the public of the closure.

Providing prior notice and opportunity for public comment on this action would be contrary to the public interest because any delay in the closure of commercial harvest could result in the commercial quota for greater amberjack being exceeded would trigger the accountability measure for greater amberjack. The accountability measure would require NMFS to reduce the quota for the following year by the amount of the quota overage from the prior fishing year. Reducing the quota the following year would produce additional adverse economic impacts for Gulf reef fish fishermen.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

This action is taken under 50 CFR 622.43(a) and is exempt from review under Executive Order 12866.

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

Dated: November 02, 2009.

Emily H. Menashes,

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

[FR Doc. E9-26699 Filed 11-2-09; 4:15 pm]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 0810141351-9087-02]

RIN 0648-XS72

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 ft (18.3 m) LOA and Longer Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher vessels greater than or equal to 60 ft (≥18.3 meters (m)) length overall (LOA) using hook-and-line gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2009 Pacific cod total allowable catch (TAC) allocated to catcher vessels ≥60 ft (18.3 m) LOA using hook-and-line gear in the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), November 2, 2009, through 2400 hrs, A.l.t., December 31, 2009.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2009 Pacific cod TAC allocated as a directed fishing allowance to catcher vessels ≥60 ft (18.3 m) LOA using hook-and-line gear in the BSAI is 314 metric tons (mt) as established by the final 2009 and 2010 harvest specifications for groundfish in the BSAI (74 FR 7359, February 17, 2009).

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that the 2009 Pacific cod directed fishing allowance allocated to catcher vessels ≥60 ft (18.3 m) LOA using hook-and-line gear in the BSAI has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by

catcher vessels ≥60 ft (18.3 m) LOA using hook-and-line gear in the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Pacific cod by catcher vessels ≥60 ft (18.3 m) LOA using hook-and-line gear in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of October 30, 2009.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by section 679.20 and is exempt from review under Executive Order 12866.

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

Dated: November 02, 2009.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. E9-26696 Filed 11-2-09; 4:15 pm]

BILLING CODE 3510-22-S

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating projected unused amounts of Pacific cod from catcher vessels using trawl gear, catcher vessels using pot gear, catcher vessels using hook and line gear, and vessels using jig to catcher/processors using pot gear and catcher/processors using hook-and-line gear in the Bering Sea and Aleutian Islands management area (BSAI). These actions are necessary to allow the 2009 total allowable catch (TAC) of Pacific cod to be harvested.

DATES: Effective October 30, 2009, until 2400 hours, A.l.t., December 31, 2009.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2009 Pacific cod TAC in the BSAI is 176,540 metric tons (mt) as established by the final 2009 and 2010 harvest specifications for groundfish in the BSAI (74 FR 7359, February 17, 2009). Pursuant to § 679.20(a)(7)(ii) and the reallocation on September 17, 2009 (74 FR 48170, September 22, 2009), the allocations of the Pacific cod TAC are 77,725 mt to catcher/processors using hook-and-line gear, 2,852 mt to catcher/processors using pot gear, 11,873 mt to catcher vessels greater than or equal to 60 feet (18.3 meters (m)) length overall (LOA) using pot gear, 314 mt to catcher vessels greater than or equal to 60 feet (18.3 meters (m)) length overall (LOA) using hook and line gear, and 30,641 mt to catcher vessels using trawl gear.

The allocation to catcher vessels less than 60 feet (18.3m) LOA using hook-and-line or pot gear is 4,737 mt after two reallocations (74 FR 9965, March 9, 2009 and 74 FR 19021, April 27, 2009). The allocation to vessels using jig gear is 57 mt after three reallocations (74 FR 9965, March 9, 2009, 74 FR 19021, April 27, 2009, and 74 FR 48170, September 22, 2009).

As of October 20, 2009, the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that catcher vessels greater than or equal to 60 feet (18.3 m) LOA using pot gear will not be able to harvest

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 0810141351-9087-02]

RIN 0648-XS69

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific cod in the Bering Sea and Aleutian Islands Management Area

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

5,000 mt of Pacific cod. The Regional Administrator has determined that the projected unharvested amount is unlikely to be harvested by any of the other catcher vessel sectors as described in § 679.20(a)(7)(iii)(A). Additionally, the Regional Administrator has determined that catcher/processors using pot gear will be unable to fully harvest this amount of Pacific cod. Therefore, in accordance with § 679.20(a)(7)(iii)(C), NMFS is reallocating 698 mt of Pacific cod allocated to catcher vessels greater than 60 feet (18.3 m) LOA using pot gear to catcher/processors using pot gear and 4,302 mt of Pacific cod allocated to catcher vessels greater than 60 feet (18.3 m) LOA using pot gear to catcher/processors using hook-and-line gear.

The Regional Administrator also has determined that catcher vessels using trawl gear will not be able to harvest 901 mt of Pacific cod allocated to those vessels under § 679.20(a)(7)(ii). The Regional Administrator has determined that the projected unharvested amount is unlikely to be harvested by any of the jig or other catcher vessel sectors as described in § 679.20(a)(7)(iii)(A) or trawl sectors as described in § 679.20(a)(7)(iii)(B). Additionally, the Regional Administrator has determined that catcher/processors using pot gear will be unable to harvest any additional amounts of Pacific cod. Therefore, in accordance with § 679.20(a)(7)(iii)(B), NMFS is reallocating 901 mt of Pacific cod from catcher vessels using trawl gear to catcher/processors using hook-and-line gear.

The Regional Administrator also has determined that catcher vessels greater than 60 feet (18.3 m) LOA using hook-and-line gear will not be able to harvest 312 mt of Pacific cod allocated to those vessels under § 679.20(a)(7)(ii). The Regional Administrator has determined that the projected unharvested amount is unlikely to be harvested by any of the jig or other catcher vessel sectors as described in § 679.20(a)(7)(iii)(A). Additionally, the Regional Administrator has determined that catcher/processors using pot gear will be unable to harvest any additional amounts of Pacific cod. Therefore, in accordance with § 679.20(a)(7)(iii)(B), NMFS is reallocating 312 mt of Pacific cod from catcher vessels greater than 60 feet (18.3 m) LOA using hook-and-line gear to catcher/processors using hook-and-line gear.

The Regional Administrator also has determined that catcher vessels less than 60 feet (18.3m) LOA using hook-and-line or pot gear will not be able to harvest 303 mt of Pacific cod allocated to those vessels under § 679.20(a)(7)(ii). The Regional Administrator has determined that the projected unharvested amount is unlikely to be harvested by any of the jig or other catcher vessel sectors as described in § 679.20(a)(7)(iii)(A). Additionally, the Regional Administrator has determined that catcher/processors using pot gear will be unable to harvest any additional amounts of Pacific cod. Therefore, in accordance with § 679.20(a)(7)(iii)(B), NMFS is reallocating 303 mt of Pacific cod from catcher vessels less than 60 feet (18.3m) LOA using hook-and-line or pot gear to catcher/processors using hook-and-line gear.

The Regional Administrator also has determined that vessels using jig gear will be unable to harvest 32 mt of Pacific cod. The Regional Administrator has determined that catcher vessels less than 60 feet (18.3m) LOA using hook-and-line or pot gear will be unable to harvest additional Pacific cod. Additionally, the Regional Administrator has determined that other catcher vessel sectors as described in § 679.20(a)(7)(iii)(A) will be unable to harvest any additional amounts of Pacific cod. Therefore, in accordance with § 679.20(a)(7)(iv)(C) and § 679.20(a)(7)(iii)(A), NMFS is reallocating 32 mt of Pacific cod allocated to jig vessels to catcher/processors using hook-and-line gear.

The allocations for Pacific cod specified in the final 2009 and 2010 harvest specifications for groundfish in the BSAI (74 FR 7359, February 17, 2009) and subsequent three reallocations (74 FR 9965, March 9, 2009, 74 FR 19021, April 27, 2009, and 74 FR 48170, September 22, 2009) are revised as follows: 83,575 mt to catcher/processor vessels using hook-and-line gear, 3,550 mt to catcher/processor vessels using pot gear, 6,873 mt to catcher vessels greater than or equal to 60 feet (18.3 m) length overall using pot gear, 2 mt to catcher vessels greater than or equal to 60 feet (18.3 m) length overall using hook and line gear, 29,740 mt to catcher vessels using trawl gear, 4,434 to catcher vessels less than 60 feet (18.3m) LOA using hook-and-line or pot gear and 25 mt to vessels using jig gear.

This will enhance the socioeconomic well-being of harvesters dependent upon Pacific cod in this area. The Regional Administrator considered the following factors in reaching this decision: (1) the current catch of Pacific cod by the applicable BSAI sectors and, (2) the harvest capacity and stated intent on future harvesting patterns of vessels in the sectors participating in this fishery.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the reallocation of Pacific cod. Since the fishery is currently open, it is important to immediately inform the industry as to the revised allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of October 29, 2009.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: October 30, 2009

Emily H. Menashes

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

[FR Doc. E9-26584 Filed 10-30-09; 4:15 pm]

BILLING CODE 3510-22-S

Proposed Rules

Federal Register

Vol. 74, No. 213

Thursday, November 5, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2009-1027; Directorate Identifier 2009-NM-143-AD]

RIN 2120-AA64

Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701 & 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) 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. 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: There have been several in-service cases reported of impact damage to the blowout (decompression) panel protective cage assemblies installed in the aft baggage cargo compartment. When damaged, these cages could prevent proper operation of the blowout panels, with potential degradation of smoke detection and fire extinguishing capabilities in the event of a fire.

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 December 21, 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 Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514-855-5000; fax 514-855-7401; e-mail thd.crj@aero.bombardier.com; Internet <http://www.bombardier.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:

Craig Yates, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE-171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7355; fax (516) 794-5531.

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-2009-1027; Directorate Identifier 2009-NM-143-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

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF-2009-30, dated July 6, 2009 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

There have been several in-service cases reported of impact damage to the blowout (decompression) panel protective cage assemblies installed in the aft baggage cargo compartment. When damaged, these cages could prevent proper operation of the blowout panels, with potential degradation of smoke detection and fire extinguishing capabilities in the event of a fire.

This directive mandates replacement of the existing cages with new cages that have greater damage resistance.

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

Relevant Service Information

Bombardier has issued Service Bulletin 670BA-25-071, dated May 15, 2009. 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 361 products of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$80 per work-hour. Required parts would cost about \$1,263 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 \$513,703, or \$1,423 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 adding the following new AD:

Bombardier Inc. (Formerly Canadair):

Docket No. FAA-2009-1027; Directorate Identifier 2009-NM-143-AD.

Comments Due Date

- (a) We must receive comments by December 21, 2009.

Affected ADs

- (b) None.

Applicability

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

(1) Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701, & 702) airplanes, serial numbers 10003 through 10268, inclusive.

(2) Bombardier Model CL-600-2D15 (Regional Jet Series 705) airplanes and Bombardier Model CL-600-2D24 (Regional Jet Series 900) airplanes, serial numbers 15001 through 15205, inclusive.

Subject

(d) Air Transport Association (ATA) of America Code 25: Equipment/Furnishings.

Reason

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

There have been several in-service cases reported of impact damage to the blowout (decompression) panel protective cage assemblies installed in the aft baggage cargo compartment. When damaged, these cages could prevent proper operation of the blowout panels, with potential degradation of smoke detection and fire extinguishing capabilities in the event of a fire.

This directive mandates replacement of the existing cages with new cages that have greater damage resistance.

Actions and Compliance

(f) Unless already done, within 5,000 flight hours after the effective date of this AD, replace the existing cage assemblies in the aft baggage cargo compartment, in accordance with Bombardier Service Bulletin 670BA-25-071, dated May 15, 2009.

FAA AD Differences

Note 1: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Airframe and Mechanical Systems Branch, ANE-170, New York 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:* Program Manager Continuing Operational Safety, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7300; fax (516) 794-5531. 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.

(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 (44 U.S.C. 3501 *et seq.*), 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 MCAI Transport Canada Civil Aviation Airworthiness Directive CF-2009-30, dated July 6, 2009; and Bombardier Service Bulletin 670BA-25-071, dated May 15, 2009; for related information.

Issued in Renton, Washington, on October 28, 2009.

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9-26627 Filed 11-4-09; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2009-1028; Directorate Identifier 2009-NM-188-AD]

RIN 2120-AA64

Airworthiness Directives; Gulfstream Aerospace LP Model Gulfstream G150 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. 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: IAI Company Flammability tests revealed that the baggage compartment rubber seals manufactured by Gumiyan are not compliant with FAR [Federal Aviation Regulation] 25, Appendix F, Part I requirements.

The unsafe condition is potential ignition of the baggage compartment rubber seals, which could lead to a larger fire. 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 December 21, 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 Gulfstream Aerospace Corporation, P.O. Box 2206, Mail Station D-25, Savannah, Georgia 31402-2206; telephone 800-810-4853; fax 912-965-3520; e-mail

pubs@gulfstream.com; Internet http://www.gulfstream.com/product_support/technical_pubs/pubs/index.htm. 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: Mike Borfitz, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-2677; 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-2009-1028; Directorate Identifier 2009-NM-188-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

The Civil Aviation Authority of Israel (CAAI), which is the aviation authority for Israel, has issued CAAI Airworthiness Directive 25-04-05-09R1, dated November 12, 2008 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

IAI Company Flammability tests revealed that the baggage compartment rubber seals manufactured by Gumiyan are not compliant with FAR [Federal Aviation Regulation] 25, Appendix F, Part I requirements.

The unsafe condition is potential ignition of the baggage compartment rubber seals, which could lead to a larger fire. Required actions include inspecting to determine the manufacturer of the baggage compartment rubber seals and replacing the baggage compartment rubber seals manufactured by Gumiyan, with seals manufactured by Rubbercraft. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Gulfstream Aerospace LP has issued Service Bulletin 150-25-055, dated October 28, 2008. 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 33 products of U.S. registry. We also estimate that it would take about 10 work-hours per product to comply with the 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 \$26,400, 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 adding the following new AD:

Gulfstream Aerospace LP (formerly Israel Aircraft Industries, Ltd.):
Docket No. FAA-2009-1028;
Directorate Identifier 2009-NM-188-AD.

Comments Due Date

- (a) We must receive comments by December 21, 2009.

Affected ADs

- (b) None.

Applicability

- (c) This AD applies to Gulfstream Aerospace LP Model Gulfstream G150 airplanes; certificated in any category; serial numbers 201 through 233 inclusive.

Subject

- (d) Air Transport Association (ATA) of America Code 25: Equipment/Furnishings.

Reason

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

IAI Company Flammability tests revealed that the baggage compartment rubber seals manufactured by Gumiyan are not compliant with FAR [Federal Aviation Regulation] 25, Appendix F, Part I requirements.

The unsafe condition is potential ignition of the baggage compartment rubber seals, which could lead to a larger fire. Required actions include inspecting to determine the manufacturer of the baggage compartment rubber seals and replacing the baggage compartment rubber seals manufactured by Gumiyan, with seals manufactured by Rubbercraft.

Actions and Compliance

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

- (1) Within 12 months after the effective date of this AD, inspect baggage compartment seals for manufacturer identification at Station 12247 around AFT liner location, at Station 10884 around FWD liner location, and at Station 10844 floor panel adjacent to FWD line, in accordance with the Accomplishment Instructions of Gulfstream Service Bulletin 150-25-055, dated October 28, 2008.

- (2) If during the inspection required by paragraph (f)(1) of this AD, all three seals are found to be imprinted Rubbercraft, no further action is required by this AD.

- (3) If during the inspection required by paragraph (f)(1) of this AD any seal is found to be imprinted Gumiyan, or any imprint is illegible, replace the affected seals before further flight with Rubbercraft manufactured seals, in accordance with the Accomplishment Instructions of Gulfstream Service Bulletin 150-25-055, dated October 28, 2008.

FAA AD Differences

Note 1: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

- (g) The following provisions also apply to this AD:

- (1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM-116, 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:* Mike Borfritz, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-2677; 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. The AMOC approval letter must specifically reference this AD.

(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 Civil Aviation Authority of Israel (CAAI) Airworthiness Directive 25-04-05-09R1, dated November 12, 2008; and Gulfstream Service Bulletin 150-25-055, dated October 28, 2008; for related information.

Issued in Renton, Washington, on October 28, 2009.

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9-26683 Filed 11-4-09; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2009-1033; Directorate Identifier 2009-NM-104-AD]

RIN 2120-AA64

Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701, & 702) Airplanes, Model CL-600-2D15 (Regional Jet Series 705) Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) 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: Following in-flight test deployments on CL-600-2B19 aircraft, several Air-Driven generators (ADGs) failed to come on-line. Investigation revealed that, as a result of a wiring anomaly that had not been detected during ADG manufacture, a short circuit was possible between certain internal wires and their metallic over-braided shields, which could result in the ADG not providing power when deployed.

The unsafe condition is that failure of the ADG could lead to loss of several functions essential for safe flight. 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 December 21, 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 Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514-855-5000; fax 514-855-7401; e-mail thd.crj@aero.bombardier.com; Internet <http://www.bombardier.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: Fabio Buttitta, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE-171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7303; fax (516) 794-5531.

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-2009-1033; Directorate Identifier 2009-NM-104-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 March 6, 2009, we issued AD 2009-06-18, Amendment 39-15855 (74 FR 13094, March 26, 2009). That AD required actions intended to address an unsafe condition on the products listed above.

Since we issued AD 2009-06-18, we have received notice that additional suspect air-driven generators may have been installed between the effective date of Canadian Airworthiness Directive CF-2008-10, and the effective date of the equivalent FAA AD, AD 2009-06-18. Therefore, we have determined that the actions required by paragraph (f)(1) of AD 2009-06-18 are also required for Model CL-600-2C10 airplanes having serial numbers 10266 through 10273, and Model CL-600-2D15 and CL-600-2D24 airplanes having serial numbers 15163 through 15223.

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 304 products of U.S. registry.

The actions that are required by AD 2009-06-18 and retained in this proposed AD take about 5 work-hours per product, at an average labor rate of \$80 per work hour. Required parts 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 \$121,600, or \$400 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 39-15855 (74 FR 13094, March 26, 2009) and adding the following new AD:

Bombardier, Inc. (Formerly Canadair):

Docket No. FAA-2009-1033; Directorate Identifier 2009-NM-104-AD.

Comments Due Date

(a) We must receive comments by December 21, 2009.

Affected ADs

(b) The proposed AD supersedes AD 2009-06-18, Amendment 39-15855.

Applicability

(c) This AD applies to Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701, & 702) airplanes, having serial numbers (SNs) 10004 and subsequent; and Model CL-600-2D15 (Regional Jet Series 705) airplanes and Model CL-600-2D24 (Regional Jet Series 900) airplanes, having SN 15002 and subsequent; certificated in any category.

Subject

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

Reason

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

Following in-flight test deployments on CL-600-2B19 aircraft, several Air-Driven generators (ADGs) failed to come on-line. Investigation revealed that, as a result of a wiring anomaly that had not been detected during ADG manufacture, a short circuit was possible between certain internal wires and their metallic over-braided shields, which could result in the ADG not providing power when deployed. This directive mandates checking of the ADG and modification of the ADG internal wiring, if required. It also prohibits future installation of unmodified ADGs.

The unsafe condition is that failure of the ADG could lead to loss of several functions essential for safe flight.

Restatement of Requirements of AD 2009-06-18

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

(1) For airplanes identified in Table 1 of this AD: Within 12 months after April 30, 2009 (the effective date of AD 2009-06-18), inspect the serial number of the installed ADG. A review of airplane maintenance records is acceptable in lieu of this inspection if the serial number of the ADG can be conclusively determined from that review.

TABLE 1—BOMBARDIER AIRPLANE IDENTIFICATION

Model	Serial Nos.
CL-600-2C10 airplanes	10004 through 10265.
CL-600-2D15 and CL-600-2D24 airplanes	15002 through 15162.

(i) If the serial number is not listed in paragraph 1.A of Bombardier Service Bulletin 670BA-24-015, Revision A, dated December 18, 2006, no further action is required by this AD.

(ii) If the serial number is listed in paragraph 1.A of Bombardier Service Bulletin 670BA-24-015, Revision A, dated December 18, 2006 (“the service bulletin”), within 12 months after April 30, 2009, inspect the ADG identification plate and, as applicable, do the actions of paragraph (f)(1)(ii)(A) or (f)(1)(ii)(B) of this AD.

(A) If the identification plate is marked with the symbol “24-2,” no further action is required by this AD.

(B) If the identification plate is not marked with the symbol “24-2,” modify the ADG wiring in accordance with the Accomplishment Instructions of the service bulletin.

(2) For all Model CL-600-2C10 airplanes having SN 10004 and subsequent, and Model CL-600-2D15 and CL-600-2D24 airplanes having SN 15002 and subsequent: As of April 30, 2009, no ADG part number 604-90800-19 (761339E), having SN 0101 through 0132, 0134 through 0167, 0169 through 0358, 0360 through 0438, 0440 through 0456, 0458 through 0467, 0469, 0471 through 0590, 0592 through 0597, 0599 through 0745, 0747 through 1005, or 1400 through 1439, may be installed on any airplane, unless the identification plate of the ADG is identified with the symbol “24-2.”

Note 1: Bombardier Service Bulletin 670BA-24-015, Revision A, dated December 18, 2006, refers to Hamilton Sundstrand Service Bulletin ERPS10AG-24-2, dated February 19, 2004, for further information on identifying the symbol “24-2.”

(3) Actions done before April 30, 2009, according to Bombardier Service Bulletin 670BA-24-015, dated May 17, 2004, are considered acceptable for compliance with the corresponding actions specified in paragraph (f)(1) of this AD, provided the ADG has not been replaced since those actions were done.

New Requirements of This AD: Actions and Compliance

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

(1) For airplanes identified in Table 2 of this AD: Within 12 months after the effective date of this AD, inspect the serial number of the installed ADG. A review of airplane maintenance records is acceptable in lieu of this inspection if the serial number of the ADG can be conclusively determined from that review.

TABLE 2—ADDITIONAL BOMBARDIER AIRPLANE IDENTIFICATION

Model	Serial Nos.
CL-600-2C10 airplanes	10266 through 10273.
CL-600-2D15 and CL-600-2D24 airplanes	15163 through 15223.

(i) If the serial number is not listed in paragraph 1.A of Bombardier Service Bulletin 670BA-24-015, Revision A, dated December 18, 2006, no further action is required by this AD.

(ii) If the serial number is listed in paragraph 1.A of Bombardier Service Bulletin 670BA-24-015, Revision A, dated December 18, 2006 (“the service bulletin”), within 12 months after the effective date of this AD, inspect the ADG identification plate and, as applicable, do the actions of paragraph (g)(1)(ii)(A) or (g)(1)(ii)(B) of this AD.

(A) If the identification plate is marked with the symbol “24-2,” no further action is required by this AD.

(B) If the identification plate is not marked with the symbol “24-2,” modify the ADG wiring in accordance with the Accomplishment Instructions of the service bulletin.

(2) Actions done before the effective date of this AD according to Bombardier Service Bulletin 670BA-24-015, dated May 17, 2004, are considered acceptable for compliance with the corresponding actions specified in paragraph (g)(1) of this AD, provided the ADG has not been replaced since those actions were done.

FAA AD Differences

Note 2: This AD differs from the MCAI and/or service information as follows: The MCAI specifies to inspect Model CL-600-2C10 airplanes having SNs 10004 through 10265 and Model CL-600-2D15 and CL-600-2D24 airplanes having SNs 15002

through 15162. This AD also specifies to inspect Model CL-600-2C10 airplanes having serial numbers 10266 through 10273, and Model CL-600-2D15 and CL-600-2D24 airplanes having serial numbers 15163 through 15223.

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York 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: Fabio Buttitta, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE-171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7303; fax (516) 794-5531. 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.

(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

(i) Refer to MCAI Canadian Airworthiness Directive CF-2008-10, dated February 5, 2008; and Bombardier Service Bulletin 670BA-24-015, Revision A, dated December 18, 2006; for related information.

Issued in Renton, Washington, on October 29, 2009.

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9-26684 Filed 11-4-09; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2009-1029; Directorate Identifier 2009-NM-103-AD]

RIN 2120-AA64

Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) 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: Following in-flight test deployments, several Air-Driven generators (ADGs) failed to come on-line. Investigation revealed that, as a result of a wiring anomaly that had not been detected during ADG manufacture, a short circuit was possible between certain internal wires and their metallic over-braided shields, which could result in the ADG not providing power when deployed. The unsafe condition is that failure of the ADG could lead to loss of several functions essential for safe flight. 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 December 21, 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 Bombardier, Inc., 400 Côte-Vertu Road West, Dorval,

Québec H4S 1Y9, Canada; telephone 514-855-5000; fax 514-855-7401; e-mail thd.crj@aero.bombardier.com; Internet <http://www.bombardier.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:

Fabio Buttitta, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE-171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7303; fax (516) 794-5531.

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-2009-1029; Directorate Identifier 2009-NM-103-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 March 6, 2009, we issued AD 2009-06-17, Amendment 39-15854 (74 FR 13086, March 26, 2009). That AD required actions intended to address an unsafe condition on the products listed above.

Since we issued AD 2009-06-17, we have been advised that additional air-driven generators may have been installed between the effective date of Canadian Airworthiness Directive CF-2008-09, and the effective date of the equivalent FAA AD 2009-06-17. Therefore, we have determined that the actions specified in paragraph (f)(1) of AD 2009-06-17 also must be done on airplanes having serial numbers 8084 through 8102.

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 686 products of U.S. registry.

The actions that are required by AD 2009-06-17 and retained in this proposed AD take about 5 work-hours per product, at an average labor rate of \$80 per work hour. Required parts 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 \$274,400, or \$400 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 39–15854 (74 FR 13086, March 26, 2009) and adding the following new AD:

Bombardier, Inc. (Formerly Canadair):

Docket No. FAA–2009–1029; Directorate Identifier 2009–NM–103–AD.

Comments Due Date

(a) We must receive comments by December 21, 2009.

Affected ADs

(b) The proposed AD supersedes AD 2009–06–17, Amendment 39–15854.

Applicability

(c) This AD applies to Bombardier Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes; certificated in any category; having serial numbers (SNs) 7305 through 7990, and 8000 and subsequent.

Subject

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

Reason

(e) The mandatory continuing airworthiness information (MCAI) states: Following in-flight test deployments, several Air-Driven generators (ADGs) failed to come on-line. Investigation revealed that,

as a result of a wiring anomaly that had not been detected during ADG manufacture, a short circuit was possible between certain internal wires and their metallic over-braided shields, which could result in the ADG not providing power when deployed. This directive mandates checking of the ADG and modification of the ADG internal wiring, if required. It also prohibits future installation of unmodified ADGs.

The unsafe condition is that failure of the ADG could lead to loss of several functions essential for safe flight.

Restatement of Requirements of AD 2009–06–17

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

(1) For airplanes having serial number (SN) 7305 through 7990 and 8000 through 8083: Within 12 months after April 30, 2009 (the effective date of AD 2009–06–17), inspect the SN of the installed ADG. A review of airplane maintenance records is acceptable in lieu of this inspection if the serial number of the ADG can be conclusively determined from that review.

(i) If the serial number is not listed in paragraph 1.A of Bombardier Service Bulletin 601R–24–113, Revision A, dated August 11, 2005, no further action is required by this paragraph.

(ii) If the serial number is listed in paragraph 1.A of Bombardier Service Bulletin 601R–24–113, Revision A, dated August 11, 2005, within 12 months after April 30, 2009, inspect the ADG identification plate and, as applicable, do the actions of paragraph (f)(1)(ii)(A) or (f)(1)(ii)(B) of this AD.

(A) If the identification plate is marked with the symbol "24–2," no further action is required by this paragraph.

(B) If the identification plate is not marked with the symbol "24–2," modify the ADG wiring in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 601R–24–113, Revision A, dated August 11, 2005.

(2) For airplanes having SNs 7305 through 7990, and 8000 and subsequent: As of April 30, 2009, no ADG as described in Table 1 of this AD may be installed on any airplane, unless the identification plate of the ADG is identified with the symbol "24–2."

Note 1: Bombardier Service Bulletin 601R–24–113, Revision A, dated August 11, 2005, refers to Hamilton Sundstrand Service Bulletin ERPS10AG–24–2, dated February 19, 2004, for further information on identifying the symbol "24–2."

TABLE 1—ADG IDENTIFICATION

ADG Part Number—	Having ADG Serial Number—
604–90800–1 (761339C), 604–90800–17 (761339D), or 604–90800–19 (761339E).	0101 through 0132, 0134 through 0167, 0169 through 0358, 0360 through 0438, 0440 through 0456, 0458 through 0467, 0469, 0471 through 0590, 0592 through 0597, 0599 through 0745, 0747 through 1005, or 1400 through 1439.

(3) Actions done before April 30, 2009, according to Bombardier Service Bulletin 601R-24-113, dated April 22, 2004, are considered acceptable for compliance with the corresponding actions specified in paragraph (f)(1) of this AD, provided the ADG has not been replaced since those actions were done.

New Requirements of This AD: Actions and Compliance

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

(1) *For airplanes having SNs 8084 through 8102:* Within 12 months after the effective date of this AD, inspect the SN of the installed ADG. A review of airplane maintenance records is acceptable in lieu of this inspection if the serial number of the ADG can be conclusively determined from that review.

(i) If the serial number is not listed in paragraph 1.A of Bombardier Service Bulletin 601R-24-113, Revision A, dated August 11, 2005, no further action is required by this paragraph.

(ii) If the serial number is listed in paragraph 1.A of Bombardier Service Bulletin 601R-24-113, Revision A, dated August 11, 2005, within 12 months after the effective date of this AD, inspect the ADG identification plate and, as applicable, do the actions of paragraph (g)(1)(ii)(A) or (g)(1)(ii)(B) of this AD.

(A) If the identification plate is marked with the symbol "24-2," no further action is required by this paragraph.

(B) If the identification plate is not marked with the symbol "24-2," modify the ADG wiring in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 601R-24-113, Revision A, dated August 11, 2005.

(2) Actions done before the effective date of this AD according to Bombardier Service Bulletin 601R-24-113, dated April 22, 2004, are considered acceptable for compliance with the corresponding actions specified in paragraph (g)(1) of this AD, provided the ADG has not been replaced since those actions were done.

FAA AD Differences

Note 2: This AD differs from the MCAI and/or service information as follows: The MCAI specifies to inspect SNs 7305 through 7990 and 8000 through 8083. This AD also specifies to inspect S/Ns 8084 through 8102.

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York 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:* Fabio Buttitta, Airframe and Mechanical Systems Branch, ANE-171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7303; fax (516) 794-5531. 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.

(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

(i) Refer to MCAI Canadian Airworthiness Directive CF-2008-09, dated February 5, 2008; and Bombardier Service Bulletin 601R-24-113, Revision A, dated August 11, 2005; for related information.

Issued in Renton, Washington, on October 29, 2009.

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9-26626 Filed 11-4-09; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2009-1021; Directorate Identifier 2009-NM-054-AD]

RIN 2120-AA64

Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) 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 revise 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:

[S]everal cases of wing anti-ice piccolo duct failure reported on CL-600-2B19 (CRJ) aircraft. Although there have been no failures

reported on Challenger aircraft, similar ducts are installed on the * * * [other] Challenger models. Cracking of the wing anti-ice piccolo ducts could result in air leakage, with an adverse effect on the anti-ice air distribution pattern and a possible unannounced insufficient heat condition.

The unsafe condition is anti-ice system air leakage with a possible adverse effect on the anti-ice air distribution pattern and anti-ice capability without annunciation to the flightcrew, and consequent reduced controllability of the airplane. 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 December 21, 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 Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514-855-5000; fax 514-855-7401; e-mail thd.crj@aero.bombardier.com; Internet <http://www.bombardier.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: Dan Parrillo, Aerospace Engineer, Airframe and Mechanical Systems, ANE-171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7305; fax (516) 794-5531.

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-2009-1021; Directorate Identifier 2009-NM-054-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 February 27, 2009, we issued AD 2009-06-05, Amendment 39-15841 (74 FR 12225, March 24, 2009). That AD required actions intended to address an unsafe condition on the products listed above.

Since we issued AD 2009-06-05, Bombardier submitted comments after the publication of that AD requesting that we change paragraphs (f)(2) and (f)(4) of AD 2009-06-05 to allow compliance within 2,000 flight hours or 60 months after the effective date of the AD, whichever occurs first, instead of prior to the accumulation of 2,000 total flight hours or within 60 months after the effective date of the AD, whichever occurs first. We agree and we have revised paragraphs (f)(2) and (f)(4) of this NPRM accordingly. The proposed compliance time matches the intent of Transport Canada Civil Aviation (TCCA) AD CF-2008-18, dated May 9, 2008, and represents the maximum interval of

time allowable for the affected airplanes to operate safely.

Bombardier has also requests that we change Table 2 of that AD to replace references to two temporary revisions (TRs): Canadair TR 600/23, dated August 16, 2006, to the Canadair Challenger Model CL-600-1A11 Airplane Flight Manual (AFM); and Canadair TR 600-1/19, dated August 16, 2006, to the Canadair Challenger Model CL-600-1A11 AFM (Winglets). These two TRs are approved by TCCA, and should be replaced in AD 2009-06-05 with references to the following FAA-approved TRs: Canadair TR 600/22, dated August 16, 2006, to the Canadair Challenger Model CL-600-1A11 AFM; and Canadair TR 600-1/17, dated August 16, 2006, to the Canadair Challenger Model CL-600-1A11 AFM (Winglets). We agree and we have revised Table 2 of this NPRM accordingly.

Relevant Service Information

Bombardier has issued the service information listed in the "Temporary Revisions (TRs)" and "Service Bulletins" tables, below. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

TEMPORARY REVISIONS (TRS)

Canadair TR—	Dated—	To the—
600/22	August 16, 2006	Canadair Challenger Model CL-600-1A11 AFM.
600-1/17	August 16, 2006	Canadair Challenger Model CL-600-1A11 AFM (Winglets).
601/14	August 16, 2006	Canadair Challenger Model CL-600-2A12 AFM, Product Support Publication (PSP) 601-1B-1.
601/15	August 16, 2006	Canadair Challenger Model CL-600-2A12 AFM, PSP 601-1A-1.
601/19	August 16, 2006	Canadair Challenger Model CL-600-2A12 AFM, PSP 601-1B.
601/26	August 16, 2006	Canadair Challenger Model CL-600-2B16 AFM, PSP 601A-1.
601/27	August 16, 2006	Canadair Challenger Model CL-600-2A12 AFM.
601/27	August 16, 2006	Canadair Challenger Model CL-600-2B16 AFM, PSP 601A-1-1.
604/20	April 17, 2006	Canadair Challenger Model CL-604 AFM, PSP 604-1.

SERVICE BULLETINS

Bombardier Service Bulletin—	Revision level—	Dated—
600-0734	Original	November 30, 2006.
601-0585	Original	November 30, 2006.
604-30-003	01	January 21, 2008.

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 108 products of U.S. registry. We also estimate that it would take about 37 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$80 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$319,680, or \$2,960 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 39–15841 (74 FR 12225, March 24, 2009) and adding the following new AD:

Bombardier, Inc. (Formerly Canadair):

Docket No. FAA–2009–1021; Directorate Identifier 2009–NM–054–AD.

Comments Due Date

- (a) We must receive comments by December 21, 2009.

Affected ADs

- (b) The proposed AD revises AD 2009–06–05, Amendment 39–15841.

Applicability

- (c) This AD applies to the airplanes identified in Table 1, paragraphs (c)(1), (c)(2), (c)(3), and (c)(4) of this AD, certificated in any category.

TABLE 1—AIRPLANES AFFECTED BY THIS AD

Bombardier model	Serial Nos.
(1) CL–600–1A11 (CL–600) airplanes	1004 through 1085 inclusive.
(2) CL–600–2A12 (CL–601) airplanes	3001 through 3066 inclusive.
(3) CL–600–2B16 (CL–601–3A & CL–601–3R) airplanes	5001 through 5194 inclusive.
(4) CL–600–2B16 (CL–604) airplanes	5301 through 5635 inclusive.

Subject

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

Reason

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

There have been several cases of wing anti-ice piccolo duct failure reported on CL–600–2B19 (CRJ) aircraft. Although there have been no failures reported on Challenger aircraft, similar ducts are installed on the * * * [other] Challenger models.

Upon investigation, it has been determined that ducts manufactured since June 2000, and installed since 1 August 2000, are susceptible to cracking due to the process used to drill the holes in the ducts. These ducts were installed on CL–600–2B16 aircraft, serial numbers 5469 through 5635 in production, but may also have been installed as

replacements on CL–600–1A11, CL–600–2A12 and other CL–600–2B16 aircraft.

Cracking of the wing anti-ice piccolo ducts could result in air leakage, with an adverse effect on the anti-ice air distribution pattern and a possible unannounced insufficient heat condition. As a result, the airplane flight manual (AFM) instructions have been revised to provide proper annunciation of an insufficient heat condition, utilizing existing messages and indications, with instructions, to the pilot, to leave icing conditions if sufficient heat cannot be achieved or maintained.

This directive mandates the amendment of the AFM procedures, in addition to checking the part numbers and serial numbers of the installed wing anti-ice piccolo ducts and replacing them as necessary.

The unsafe condition is anti-ice system air leakage with a possible adverse effect on the

anti-ice air distribution pattern and anti-ice capability without annunciation to the flightcrew, and consequent reduced controllability of the airplane.

Actions and Compliance

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

(1) For airplanes identified in paragraphs (c)(1), (c)(2), (c)(3), and (c)(4) of this AD: Within 30 days after the effective date of this AD, revise the Normal and Abnormal Procedures sections of the applicable Canadair Challenger Airplane Flight Manual (AFM) by inserting a copy of the applicable temporary revision (TR) listed in Table 2 of this AD. When the information in the applicable TR is included in the general revisions of the AFM, the general revisions may be inserted in the AFM, as applicable, and the TR may be removed.

TABLE 2—TEMPORARY REVISIONS

Canadair TR—	Dated—	To the—
(i) 600/22	August 16, 2006	Canadair Challenger Model CL-600-1A11 AFM.
(ii) 600-1/17	August 16, 2006	Canadair Challenger Model CL-600-1A11 AFM (Winglets).
(iii) 601/14	August 16, 2006	Canadair Challenger Model CL-600-2A12 AFM, Product Support Publication (PSP) 601-1B-1.
(iv) 601/15	August 16, 2006	Canadair Challenger Model CL-600-2A12 AFM, PSP 601-1A-1.
(v) 601/19	August 16, 2006	Canadair Challenger Model CL-600-2A12 AFM, PSP 601-1B.
(vi) 601/26	August 16, 2006	Canadair Challenger Model CL-600-2B16 AFM, PSP 601A-1.
(vii) 601/27	August 16, 2006	Canadair Challenger Model CL-600-2A12 AFM.
(viii) 601/27	August 16, 2006	Canadair Challenger Model CL-600-2B16 AFM, PSP 601A-1-1.
(ix) 604/20	April 17, 2006	Canadair Challenger Model CL-604 AFM, PSP 604-1.

(2) For airplanes identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, and for Model CL-600-2B16 (CL-604) airplanes, serial numbers 5301 through 5468 inclusive: Within 2,000 flight hours or 60 months after the effective date of this AD, whichever occurs first, review the airplane maintenance records to determine if any anti-ice piccolo ducts or complete leading edge sections were replaced on or after August 1, 2000.

(3) For airplanes identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, and for

Model CL-600-2B16 (CL-604) airplanes, serial numbers 5301 through 5468 inclusive: If, during the accomplishment of the action required by paragraph (f)(2) of this AD, it is determined that any anti-ice piccolo duct has been replaced on or after August 1, 2000, before further flight, inspect to determine if any affected serial number identified in paragraph 2.C. of the applicable service bulletin listed in Table 3 of this AD is installed. A review of airplane maintenance records is acceptable in lieu of this

inspection if the serial number of the duct can be conclusively determined from that review. If any affected serial number is installed, before further flight, replace the piccolo duct with a serviceable piccolo duct that does not have a serial number identified in paragraph 2.C. of the applicable service bulletin listed in Table 3 of this AD. Do all actions in accordance with the Accomplishment Instructions of the applicable service bulletin listed in Table 3 of this AD.

TABLE 3—SERVICE BULLETINS

Model—	Bombardier Service Bulletin—	Revision level—	Date—
(i) CL-600-1A11 (CL-600) airplanes	600-0734	Original	November 30, 2006.
(ii) CL-600-2A12 (CL-601) airplanes	601-0585	Original	November 30, 2006.
(iii) CL-600-2B16 (CL-601-3A, CL-601-3R) airplanes.	601-0585	Original	November 30, 2006.
(iv) CL-600-2B16 (CL-604) airplanes	604-30-003	01	January 21, 2008.

(4) For Model CL-600-2B16 (CL-604) airplanes, serial numbers 5469 through 5635 inclusive: Within 2,000 flight hours or 60 months after the effective date of this AD, whichever occurs first, inspect the anti-ice piccolo ducts to determine if any affected serial number identified in paragraph 2.C. of the Bombardier Service Bulletin 604-30-003, Revision 01, dated January 21, 2008, is installed. If any affected serial number is installed, before further flight, replace the piccolo duct with a serviceable piccolo duct that does not have a serial number identified in paragraph 2.C. of Bombardier Service Bulletin 604-30-003, Revision 01, dated January 21, 2008. Do all actions in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 604-30-003, Revision 01, dated January 21, 2008.

(5) As of April 28, 2009 (the effective date of AD 2009-06-05), no person may install on any airplane an anti-ice piccolo duct with a serial number identified in paragraph 2.C. of the applicable service bulletin identified in Table 3 of this AD.

(6) Actions done before April 28, 2009, in accordance with Bombardier Service Bulletin 604-30-003, dated November 30, 2006, are acceptable for compliance with the corresponding actions in this AD.

FAA AD Differences

Note 1: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York 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:* Dan Parrillo, Aerospace Engineer, Airframe and Mechanical Systems, ANE-171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7305; fax (516) 794-5531. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate 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 (44 U.S.C. 3501 *et seq.*), 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 MCAI Canadian Airworthiness Directive CF-2008-18, dated May 9, 2008, and the service information identified in Table 2 and Table 3 of this AD, for related information.

Issued in Renton, Washington, on October 26, 2009.

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. E9-26592 Filed 11-4-09; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2009-0889; Directorate Identifier 2009-NE-35-AD]

RIN 2120-AA64

Airworthiness Directives; Turbomeca Arriel 2B and 2B1 Turboshift Engines

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:

Several events of uncoupling of the low-pressure (LP) fuel pump impeller and the high-pressure (HP) fuel pump shaft have been reported on Arriel 2 engines which do not incorporate Modification TU 147. In most cases the "low fuel pressure switch" enlightened, the pilot activated the aircraft booster pump in accordance with the Flight Manual Instructions and landed safely with no other incident. One case, on a single-engine helicopter, led to a sudden engine power loss. The uncoupling of the LP fuel pump impeller and the HP fuel pump shaft may lead to a limitation of engine power or, at worst, an uncommanded in-flight shutdown. On a single-engine helicopter, the result may be an emergency autorotation landing.

We are proposing this AD to prevent forced autorotation landing, or an accident.

DATES: We must receive comments on this proposed AD by December 7, 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 Turbomeca, 40220 Tarnos, France; telephone (33) 05 59 74 40 00, fax (33) 05 59 74 45 15, 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:

James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: james.lawrence@faa.gov; telephone (781) 238-7176; fax (781) 238-7199.

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-2009-0889; Directorate Identifier 2009-NE-35-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 2009-0184,

dated August 14, 2009 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

Several events of uncoupling of the LP fuel pump impeller and the HP fuel pump shaft have been reported on Arriel 2 engines which do not incorporate Modification TU 147. In most cases the "low fuel pressure switch" enlightened, the pilot activated the aircraft booster pump in accordance with the Flight Manual Instructions and landed safely with no other incident. One case, on a single-engine helicopter, led to a sudden engine power loss. The uncoupling of the LP fuel pump impeller and the HP fuel pump shaft may lead to a limitation of engine power or, at worst, an uncommanded in-flight shutdown. On a single-engine helicopter, the result may be an emergency autorotation landing.

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

Relevant Service Information

Turbomeca has issued Mandatory Service Bulletin No. A292 73 2830, Version B, dated July 10, 2009. 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 France, and is approved for operation in the United States. Pursuant to our bilateral agreement with France, 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 products of the same type design. This proposed AD would require the checking of the transmissible torque between the LP pump impeller and the HP pump shaft, on HP/LP pump metering units (HMUs) that do not incorporate Modification TU 147. This proposed AD would also require replacing the HMU if it fails with an HMU that has not incorporated Modification TU 147 but passes the check, or with an HMU that incorporates Modification TU 147.

Differences Between This AD and the MCAI or Service Information

The MCAI requires the checking of the transmissible torque between the LP pump impeller and the HP pump shaft within 550 engine flight hours from the effective date of the AD, but no later than June 30, 2010.

This proposed AD would require the checking of the transmissible torque between the LP pump impeller and the HP pump shaft within 550 engine flight hours from the effective date of the proposed AD.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 414 engines installed on helicopters of U.S. registry. We also estimate that it would take about 2.5 work-hours per engine to comply with this proposed AD. The average labor rate is \$80 per work-hour. Replacement HMUs would cost about \$12,000 per engine. Based on these figures, if all of the HMUs were to fail the check, we estimate the cost of the proposed AD on U.S. operators to be \$5,050,800.

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:

Turbomeca: Docket No. FAA-2009-0889; Directorate Identifier 2009-NE-35-AD.

Comments Due Date

- (a) We must receive comments by December 7, 2009.

Affected Airworthiness Directives (ADs)

- (b) None.

Applicability

- (c) This AD applies to Turbomeca Arriel 2B and 2B1 turboshaft engines that have not incorporated Modification TU 147. These engines are installed on, but not limited to, Eurocopter AS 350 B3 and EC 130 B4, and Chaughe Z11, helicopters.

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 forced autorotation landing, or an accident.

Actions and Compliance

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

- (1) Within 550 engine flight hours from the effective date of this AD, check the transmissible torque between the low-pressure (LP) pump impeller and the high-pressure (HP) pump shaft of the HP/LP pump metering unit (HMU). Use paragraph 2 of the Instructions to be Incorporated of Turbomeca Alert Service Bulletin No. A292 73 2830, Version B, dated July 10, 2009, to do the check.

- (2) If the check is compliant, apply the nominal tightening torque to the screw of the LP pump impeller.

- (3) If the check is not compliant, replace the HP/LP pump metering unit with a unit that has not incorporated Modification TU

147 but has passed the check, or with a unit that has incorporated Modification TU 147.

FAA AD Differences

(f) This AD differs from the MCAI and/or service information as follows:

- (1) The MCAI requires the checking of the transmissible torque between the LP pump impeller and the HP pump shaft within 550 engine flight hours from the effective date of the AD, but no later than June 30, 2010.

- (2) This AD requires the checking of the transmissible torque between the LP pump impeller and the HP pump shaft within 550 engine flight hours from the effective date of this AD.

Alternative Methods of Compliance (AMOCs)

(g) The Manager, Engine 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 MCAI European Aviation Safety Agency Airworthiness Directive 2009-0184, dated August 14, 2009, and Turbomeca Mandatory Service Bulletin No. A292 73 2830, Version B, dated July 10, 2009, for related information. Contact Turbomeca, 40220 Tarnos, France; telephone (33) 05 59 74 40 00, fax (33) 05 59 74 45 15, for a copy of this service information.

(i) Contact James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: james.lawrence@faa.gov; telephone (781) 238-7176; fax (781) 238-7199, for more information about this AD.

Issued in Burlington, Massachusetts, on October 27, 2009.

Peter A. White,

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

[FR Doc. E9-26730 Filed 11-4-09; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910, 1915 and 1926

[Docket No. OSHA-H022K-2006-0062 (formerly Docket No. H022K)]

RIN 1218-AC20

Hazard Communication; Correction

AGENCY: Occupational Safety and Health Administration (OSHA), DOL.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects the OSHA Hazard Communication standard proposed rule and request for comment, published in the **Federal Register** of September 30, 2009. This notice corrects eight errors, four in the preamble and

four that appear in Appendix A: Table A.1.1, Table A.1.2, Table A.2.3, and Table A7.1.

FOR FURTHER INFORMATION CONTACT: For general information and press inquiries, contact Jennifer Ashley, Office of Communications, Room N-3647, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-1999. For technical information, contact Maureen Ruskin, Directorate of Standards and Guidance, Room N-3718, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-1950.

Correction

1. In the preamble of OSHA's Hazard Communication standard, published in

the **Federal Register** of September 30, 2009, (74 FR 50279) on page 50280, in the first column, correct the **FOR FURTHER INFORMATION CONTACT** section to read as follows:

FOR FURTHER INFORMATION CONTACT: For general information and press inquiries, contact Jennifer Ashley, Office of Communications, Room N-3647, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-1999. For technical information, contact Maureen Ruskin, Directorate of Standards and Guidance, Room N-3718, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-1950.

2. On page 50335, in column one, in the fifth full paragraph from the top of

the page, in the third line from the bottom of that paragraph, the dollar amount of "\$500 million" is corrected to read "\$700 million".

3. On page 50372, in column two, in the second full paragraph under Item 4, in the fifth line from the bottom of that paragraph, the quantity "4,215,404" is corrected to read "3,877,457".

4. On page 50378, in column one, in the last line of text in that column above footnote 17, the dollar amount of "\$610 million" is corrected to read "\$621 million".

5. In Appendix A to § 1910.1200 on page 50445, correct Table A.1.1: Acute toxicity hazard categories and acute toxicity estimate (ATE) values defining the respective categories, to read as follows:

Exposure route	Category 1	Category 2	Category 3	Category 4
Oral (mg/kg bodyweight) See: Notes (a), (b)	≤ 5	> 5 and ≤ 50	> 50 and ≤ 300	> 300 and ≤ 2000.
Dermal (mg/kg bodyweight) See: Notes (a), (b).	≤ 50	> 50 and ≤ 200	> 200 and ≤ 1000	> 1000 and ≤ 2000.
Inhalation—Gases (ppmV) See: Note (a), Note (b), Note (c).	≤ 100	> 100 and ≤ 500	> 500 and ≤ 2500	> 2500 and ≤ 20000.
Inhalation—Vapors (mg/l) See: Note (a), Note (b), Note (c), Note (d).	≤ 0.5	> 0.5 and ≤ 2.0	> 2.0 and ≤ 10.0	> 10.0 and ≤ 20.0.
Inhalation—Dusts and Mists (mg/l) See: Note (a), Note (b), Note (c).	≤ 0.05	> 0.05 and ≤ 0.5	> 0.5 and ≤ 1.0	> 1.0 and ≤ 5.0.

Note: Gases concentration are expressed in parts per million per volume (ppmV).

Notes to Table A.1.1:

- (a) The acute toxicity estimate (ATE) for the classification of a substance is derived using the LD₅₀/LC₅₀ where available ;
 - (b) The acute toxicity estimate (ATE) for the classification of a substance or ingredient in a mixture is derived using:
 - (i) the LD₅₀/LC₅₀ where available. Otherwise,
 - (ii) the appropriate conversion value from Table 1.2 that relates to the results of a range test, or
 - (iii) the appropriate conversion value from Table 1.2 that relates to a classification category;
 - (c) Inhalation cut-off values in the table are based on 4 hour testing exposures. Conversion of existing inhalation toxicity data which has been generated according to 1 hour exposure is achieved by dividing by a factor of 2 for gases and vapors and 4 for dusts and mists;
 - (d) For some chemicals the test atmosphere may consist of a vapor which is near the gaseous phase. In these cases, classification is based on ppmV as follows: Category 1 (100 ppmV), Category 2 (500 ppmV), Category 3 (2500 ppmV), Category 4 (20000 ppmV).
- The terms "dust," "mist," and "vapor" are defined as follows:
- (i) *Dust*: solid particles of a substance or mixture suspended in a gas (usually air);
 - (ii) *Mist*: liquid droplets of a substance or mixture suspended in a gas (usually air);
 - (iii) *Vapor*: the gaseous form of a substance or mixture released from its liquid or solid state.

6. In Appendix A on page 50447, correct Table A.1.2: Conversion from experimentally obtained acute toxicity

range values (or acute toxicity hazard categories) to acute toxicity point estimates for use in the formulas for the

classification of mixtures, to read as follows:

Exposure routes	Classification category or experimentally obtained acute toxicity range estimate	Converted acute toxicity point estimate
Oral (mg/kg bodyweight)	0 < Category 1 ≤ 5	0.5
	5 < Category 2 ≤ 50	5
	50 < Category 3 ≤ 300	100
	300 < Category 4 ≤ 2000	500
Dermal (mg/kg bodyweight)	0 < Category 1 ≤ 50	5
	50 < Category 2 ≤ 200	50
	200 < Category 3 ≤ 1000	300
	1000 < Category 4 ≤ 2000	1100
Gases (ppmV)	0 < Category 1 ≤ 100	10
	100 < Category 2 ≤ 500	100
	500 < Category 3 ≤ 2500	700
	2500 < Category 4 ≤ 20000	4500
Vapors (mg/l)	0 < Category 1 ≤ 0.5	0.05
	0.5 < Category 2 ≤ 2.0	0.5
	2.0 < Category 3 ≤ 10.0	3
	10.0 < Category 4 ≤ 20.0	11
Dust/mist (mg/l)	0 < Category 1 ≤ 0.5	0.005

Exposure routes	Classification category or experimentally obtained acute toxicity range estimate	Converted acute toxicity point estimate
	0.05 < Category 2 ≤ 2.0	0.05
	0.5 < Category 3 ≤ 10.0	0.5
	1.0 < Category 4 ≤ 20.0	1.5

Note: Gases concentration are expressed in parts per million per volume (ppmV).

7. In Appendix A on page 50450, correct Table A.2.3: Concentration of ingredients of a mixture classified as skin Category 1 or 2 that would trigger classification of the mixture as hazardous to skin (Category 1 or 2), to read as follows:

Sum of ingredients classified as:	Concentration triggering classification of a mixture as:	
	Skin corrosive Category 1	Skin irritant Category 2
Skin Category 1	≥ 5%	≥ 1% but < 5%.
Skin Category 2 .....	.....	≥10%.
(10 × Skin Category 1) + Skin Category 2 .....	.....	≥10%.

8. In Appendix A, on page 50467, correct Table A.7.1: Cut-off values/ concentration limits of ingredients of a mixture classified as reproductive toxicants or for effects on or via lactation that trigger classification of the mixture, to read as follows:

Ingredients classified as:	Cut-off values/concentration limits triggering classification of a mixture as:		
	Category 1 reproductive toxicant	Category 2 reproductive toxicant	Additional category for effects on or via lactation
Category 1 reproductive toxicant	≥ 0.1%	.....	.....
Category 2 reproductive toxicant .....	.....	≥ 0.1%	.....
Additional category for effects on or via lactation .....	.....	.....	≥ 0.1%

Authority

This document was prepared under the direction of Jordan Barab, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 29th day of October 2009.

Jordan Barab,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. E9-26579 Filed 11-4-09; 8:45 am]

BILLING CODE 4510-26-P

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2010-4; Order No. 327]

Periodic Reporting Rules

AGENCY: Postal Regulatory Commission.

ACTION: Proposed rule; availability of rulemaking petition.

SUMMARY: Under a new law, the Postal Service must file an annual compliance report on costs, revenues, rates, and

quality of service associated with its products. It recently filed documents with the Commission to change some of the methods it uses to compile the fiscal year 2008 report. In the Commission's view, these documents constitute a rulemaking petition. Therefore, this document provides notice of the Postal Service's filing and an opportunity for public comment.

DATES: 1. Initial comments on Proposals Twenty-Three through Twenty-Five are due November 16, 2009. 2. Initial comments on Proposal Twenty-Two are due November 30, 2009.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Commenters who cannot submit their views electronically should contact the person identified in **FOR FURTHER INFORMATION CONTACT** by telephone for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, 202-789-6820 or stephen.sharfman@prc.gov.

SUPPLEMENTARY INFORMATION:

Regulatory History, 74 FR 55504 (October 2, 2009).

On October 23, 2009, the Postal Service filed a petition to initiate an informal rulemaking proceeding to consider changes in the analytical methods approved for use in periodic reporting.¹ Proposal Twenty-Two proposes to calculate incremental costs for competitive products using the incremental cost model developed by witness Bradley and implemented by witness Kay in Docket No. R2000-1. In the attachment addressing Proposal Twenty-Two that accompanies the Petition, the Postal Service explains this methodology and how it applies to the current product structure.

Proposal Twenty-Three would remove an inconsistency between domestic and international mail with respect to the treatment of window service costs. Proposal Twenty-Four would change the format, but not the methodology, used to prepare the unit cost detail chart

¹ Petition of the United States Postal Service Requesting Initiation of a Proceeding to Consider Proposed Changes in Analytic Principles (Proposals Twenty-two-Twenty-five), October 23, 2009 (Petition).

that was most recently presented in library reference USPS–FY08–NP30 in Docket No. ACR2008. Proposal Twenty-Five consists of three proposed modifications to the Flats Costs Models that were previously presented in library reference USPS–FY08–NP11 in Docket No. ACR2008.

The attachments to the Postal Service's Petition explain each proposal in more detail, including its background, objective, rationale, and estimated impact. The Petition, including the attachments, are available for review on the Commission's Web site <http://www.prc.gov>.

Comments on Proposal Twenty-Two are due no later than November 30, 2009. Comments on Proposals Twenty-Three through Twenty-Five are due no later than November 16, 2009.

Pursuant to 39 U.S.C. 505, Diane Monaco is appointed to serve as the officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

It is ordered:

1. The Petition of the United States Postal Service Requesting Initiation of a Proceeding To Consider Proposed Changes in Analytic Principles (Proposals Twenty-two–Twenty-five), filed October 23, 2009, is granted.

2. The Commission establishes Docket No. RM2010–4 to consider the matters raised by the Postal Service's Petition.

3. Interested persons may submit comments on Proposal Twenty-Two no later than November 30, 2009, and on Proposals Twenty-Three through Twenty-Five no later than November 16, 2009.

4. The Commission will determine the need for reply comments after review of the initial comments.

5. Diane Monaco is designated to serve as the Public Representative representing the interests of the general public.

6. The Secretary shall arrange for publication of this notice in the **Federal Register**.

Authority: 39 U.S.C. 3652.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. E9–26726 Filed 11–4–09; 8:45 am]

BILLING CODE 7710–FW–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 09–2234; MB Docket No. 09–187; RM–11576]

Radio Broadcasting Services, Buffalo and Centerville, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Audio Division seeks comment on a petition filed by Katherine Pyeatt, the permittee of Station KKLb(FM), Channel 267A, Madisonville, Texas, proposing the substitution FM Channel 278A for vacant Channel 299A at Buffalo, Texas, and the substitution of Channel 267A for vacant Channel 278A at Centerville, Texas. The reference coordinates for Channel 278A at Buffalo are 31–21–09 NL and 95–59–47 WL. The reference coordinates for Channel 267A at Centerville are 31–14–17 NL and 96–05–34 WL.

DATES: Comments must be filed on or before December 7, 2009, and reply comments on or before December 22, 2009.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. In addition to filing comments with the FCC interested parties should serve the petitioner, as follows: Katherine Pyeatt, 2215 Cedar Springs Rd., #1605, Dallas, Texas 75201.

FOR FURTHER INFORMATION CONTACT: Andrew J. Rhodes, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MB Docket No. 09–187, adopted October 14, 2009, and released October 16, 2009. The full text of this Commission document is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC 20554.

The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW, Room CY–B402, Washington, DC 20554, 1–800–378–3160 or via the company's website, <http://www.bcpiweb.com>.

This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information

collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

The proposed channel changes are part of a hybrid application and rulemaking proceeding. In the application (File No. BMPH–20090831ADM), Pyeatt proposes the substitution of Channel 299A for Channel 267A at Madisonville, Texas, and the modification of the construction permit for Station KKLb(FM) to specify operation on Channel 299A.

Currently, Channel 278A is not listed in the FM Table of Allotments under Centerville, Texas, but is a vacant FM allotment at that community. Channel 278A was allotted at Centerville in MM Docket No. 99–257. See 64 FR 59124, published November 2, 1999. A construction permit for Channel 278A at Centerville was issued to Station KKEV(FM). See File No. BNPH–20060310AA1. As a result of the issuance of the construction permit, Channel 278A at Centerville was removed from the FM Table of Allotments in MB Docket 05–210. See 71 FR 76208, published December 20, 2006. However, the Station KKEV(FM) construction permit was cancelled on May 24, 2009, making the Channel 278A allotment vacant. As stated above, we are proposing to substitute Channel 267A for vacant Channel 278A at Centerville to accommodate the Station KKLb(FM) hybrid application.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible ex parte contact. For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 299A and adding Channel 278A at Buffalo and adding Channel 267A at Centerville.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E9-26602 Filed 11-4-09; 8:45 am]

BILLING CODE 6712-01-S

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 09-2269; MB Docket No. 09-180; RM-11569; RM-11570]

Radio Broadcasting Services, Kingsland, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Audio Division seeks comments on petitions filed by Munbilla Broadcasting Properties, Ltd. and Katherine Pyeatt, proposing the allotment of Channel 284A at Kingsland, Texas, as a first local service. The reference coordinates for Channel 284A at Kingsland are 30-40-03 NL and 98-28-29 WL.

DATES: Comments must be filed on or before December 14, 2009, and reply comments on or before December 29, 2009.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. In addition to filing comments with the FCC interested parties should serve the petitioners, as follows: John Joseph McVeigh, Esq., 16230 Falls Road, P.O. Box 128, Butler, Maryland 21023-0128 (Counsel for Munbilla Broadcasting Properties); and Katherine Pyeatt, 2215 Cedar Springs Rd., #1605, Dallas, Texas 75201.

FOR FURTHER INFORMATION CONTACT: Andrew J. Rhodes, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MB Docket No. 09-180, adopted October 21, 2009, and released October 23, 2009. The full text of this Commission document is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC.

The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW, Room CY-B402, Washington, DC 20554, 800-378-3160 or via the company's website, <http://www.bcpiweb.com>.

This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible ex parte contact. For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73 – RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM allotments under Texas, is amended by adding Kingsland, Channel 284A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E9-26590 Filed 11-4-09; 8:45 am]

BILLING CODE 6712-01-S

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 09-2268; MB Docket No. 09-179; RM-11568]

Table of Allotment; Chester, GA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Audio Division at the request of Georgia Eagle Broadcasting, Inc. proposes the allotment of Channel 244A at Chester, Georgia, as its first local service. A staff engineering analysis indicates that Channel 244A can be allotted to Chester consistent with the minimum distance separation requirements of the Rules with a site restriction 0.7 kilometers (0.4 miles) south of the community. The reference coordinates are 32-23-14 NL and 83-09-14 WL.

DATES: Comments must be filed on or before December 14, 2009, and reply comments on or before December 29, 2009.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. In addition to filing comments with the FCC interested parties should serve the petitioner, as follows: Dan J. Alpert, Esq., c/o Georgia Eagle Broadcasting, Inc., The Law Office of Dan J. Alpert, 2120 North 21st Road, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MB Docket No. 09-179, adopted October 21, 2009, and released October 23, 2009. The full text of this Commission document is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC.

The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW, Room CY-B402, Washington, DC 20554, 800-378-3160 or via the company's website, <http://www.bcpiweb.com>.

This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business

concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4).

Provisions of the Regulatory Flexibility Act of 1980 does not apply to this proceeding.

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comment may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1988).

Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. For submitting comments, filers should follow the instructions provided on the website.

For ECFS filer, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filer must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

For Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rule making number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

• The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236

Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelope must be disposed of before entering the building.

• Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

• U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Government Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by adding Chester, Channel 244A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E9-26589 Filed 11-4-09; 8:45 am]

BILLING CODE 6712-01-S

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 09-2339; MB Docket No. 09-196; RM-11578]

Television Broadcasting Services; High Point, NC

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has before it a petition for rulemaking filed by the Community Television of North Carolina, LLC ("CTNC"), the licensee of

WGHP(TV), channel 8, High Point, North Carolina. CTNC requests the substitution of channel 35 for channel 8 at High Point.

DATES: Comments must be filed on or before November 20, 2009, and reply comments on or before November 30, 2009.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 12th Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for petitioner as follows: Scott S. Patrick, Esq., Dow Lohnes PLLC, 1200 New Hampshire Avenue, NW., Suite 800, Washington, DC 20036-6802.

FOR FURTHER INFORMATION CONTACT:

Joyce L. Bernstein,
joyce.bernstein@fcc.gov, Media Bureau,
(202) 418-1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 09-196, adopted October 27, 2009, and released October 29, 2009. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC 20554. This document will also be available via ECFS (<http://www.fcc.gov/cgb/ecfs/>). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-478-3160 or via e-mail <http://www.BCPIWEB.com>. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to fcc504@fcc.gov or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until

the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television, Television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.622(i) [Amended]

2. Section 73.622(i), the Post-Transition Table of DTV Allotments under North Carolina, is amended by adding channel 35 and removing channel 8 at High Point.

Federal Communications Commission.

Clay C. Pendarvis,

Associate Chief, Video Division, Media Bureau.

[FR Doc. E9-26700 Filed 11-4-09; 8:45 am]

BILLING CODE 6712-01-P

Notices

Federal Register

Vol. 74, No. 213

Thursday, November 5, 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

Office of the Secretary

[USDA.FS-57]

Privacy Act of 1974; Notice of a Proposed New System of Records; Incident Suite (I-Suite) Database Application

AGENCY: Office of the Secretary, Department of Agriculture.

ACTION: Notice of proposed new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Department of Agriculture (USDA) is proposing to add a new Forest Service (FS) Privacy Act system of records to its inventory of records systems. USDA invites public comment on this new records system.

DATES: Comments must be received, in writing, on or before December 7, 2009. This system will be adopted without further notice on January 4, 2010, unless modified to respond to comments received from the public and published in a subsequent notice.

ADDRESSES: Send written comments to the FS Privacy Act Officer (Mail Stop 1143), USDA FS, 1400 Independence Avenue, SW., Washington, DC 20250-1143. Comments may also be sent via e-mail to wo_foia@fs.fed.us, or via facsimile to (202) 260-3245. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at 201 14th Street, SW., Yates Building, Washington, DC 20250. Visitors are encouraged to call ahead to (202) 205-1542 to facilitate entry to the building.

FOR FURTHER INFORMATION CONTACT: Mike Barrowcliff, Resource Information Manager, Fire & Aviation Management, 3833 South Development Avenue,

Boise, Idaho 83705; mbarrowcliff@fs.fed.us; (208) 387-5280.

Individuals who use telecommunication devices for the deaf may call the Federal Information Relay Service at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Pursuant to the Privacy Act (5 U.S.C. 552a), the USDA FS is proposing to add a new system of records entitled USDA/FS-57 Incident Suite (I-Suite) Database Application. This new system will support incident business operations conducted by Incident Management Teams (IMT). The interagency IMTs operate among the Wildland Fire agencies, including the USDA FS; Department of Interior's Bureau of Land Management, Bureau of Indian Affairs, U.S. Fish and Wildlife Service, and National Park Service; and the National Association of State Foresters.

The USDA FS is the administrative agency for this system, and it will be used by other Wildland Fire agencies. While the Privacy Act requires agencies to consider only comments regarding routine uses, USDA invites comment on all portions of this notice.

Those who submit comments should be aware that all comments, including names and addresses, when provided, are placed in the record and are available for public inspection. Individuals wishing to inspect comments should call the FS Freedom of Information Act and Privacy Act Office at (202) 205-1542 to make arrangements.

A "Report on the New System," required by 5 U.S.C. 552a (r) as implemented by the Office of Management and Budget (OMB) Circular A-130, was sent to the Chairman, Committee on Governmental Affairs, U.S. Senate; the Chairman, Committee on Government Reform and Oversight, U.S. House of Representatives; and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.

Dated: October 19, 2009.

Thomas J. Vilsack,
Secretary.

SYSTEM NAME:

Incident Suite (I-Suite) Database Application.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The Incident Suite (I-Suite) Database Application is located at incidents and offices throughout the country.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are USDA FS employees, administratively determined (AD) employees, and employees of other governmental agencies. Contractors, vendors, and cooperators who require budgetary or financial services from the Albuquerque Service Center are covered.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records will consist of the following *required* information about agency employees: first and last name, position performing, and request number. Contract and AD personnel information will consist of the following: first and last name, Social Security Number (SSN) or Tax ID Number, hourly rate, point of hire, request number, address, and telephone number. Optional information includes: agency, employment status, configuration (single source, strike team, or task force), actual release date and time, check in time/date to incident, number of crew members, demobilization city and State, jetport for mobilization/demobilization, method of travel to incident, mobilization date, length of assignment, vehicle ID, contract agency, Data Universal Numbering System (DUNS) number, and injury/illness information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

16 U.S.C. 554e.

PURPOSE(S):

The database consists of various functional modules to support business operations by an IMT. It is used by the Planning function to check-in and track resources, to create the Incident Action Plan and for demobilization planning. The finance unit uses the database to track hours worked by employees and vendors, create invoices and payment documents, track daily costs of the incident, and submits daily accruals for posting to the FS financial statement. The medical unit tracks statistics on types of injuries and illnesses that occur on the incident, and the supply unit can

use the database for maintaining an inventory of supplies in the incident cache. The reports module provides standard and ad hoc reporting on cost or resource data. The use of I-Suite will provide timely and necessary payment of invoices for contracted and AD (short term) personnel. Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(1) Disclose information to an appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting a violation of law, rule, or regulation or order issued pursuant thereto, when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative, or prosecutive responsibility of the receiving entity.

(2) Disclose information to the Department of Justice for the defense of suits against the United States or its officers, or for the institution of suits for the recovery of claims by the United States.

(3) Disclose information to a Member of Congress from the record of an individual in response to an inquiry from the Member of Congress made at the request of that individual. In such cases however, the member's right to a record is no greater than that of the individual.

(4) USDA FS may disclose information to the National Archives and Records Administration and to the General Services Administration and is authorized pursuant to 44 U.S.C. 2904 and 2906.

(5) USDA FS may disclose information to contractors and other parties it engages to assist it in administering the database. Such contractors and other parties will be bound by the nondisclosure provisions of the Privacy Act.

(6) USDA FS will disclose information in this system to other Wildland Fire agencies, both Federal and State.

(7) USDA FS may disclose information to appropriate agencies, entities, and persons when (a) the agency suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) USDA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or

property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by USDA or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with USDA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Only those specifically authorized individuals shall have access through role-based user accounts specific to each incident. This access is available using authentication by username and password.

STORAGE:

Authorized personnel may access this data. Information is stored on individual workstations only for the duration of the incident. Upon closure of the incident or reassignment/transition of the IMT, the data is provided to the incident host agency or incoming IMT and is exported to a central repository located at the National Information Technology Center (NITC) in Kansas City, Missouri. The data is then purged from the workstations.

RETRIEVABILITY:

Electronic records in the database can be retrieved using a combination of information in data fields (but not SSN) about a particular person.

SAFEGUARDS:

Access to the database and all electronic records with personal information will be password protected and stored on secure servers in secured rooms; access will be granted by role based permissions. Electronic access to records is controlled by permissions-based roles and a security authorization process established for authorized users. Each user is assigned a specific UserID linked to a specific role.

RETENTION AND DISPOSAL:

Electronic data on individual workstations will be retained until the closure of the incident. This same data is then purged of SSNs and exported to a central repository maintained at a secure USDA data center located at the NITC and retained for 6 years. After exporting to NITC the data is purged from the workstations.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Information Officer, USDA,
1400 Independence Avenue, SW.,
Washington, DC 20250.

NOTIFICATION PROCEDURE:

Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him or her from the system manager listed above. The request should be in writing and should contain the name and address of the requester.

RECORD ACCESS PROCEDURES:

Use the same procedures as those prescribed in Notification Procedures.

CONTESTING RECORD PROCEDURES:

Use same procedures as those prescribed in Notification Procedures.

RECORD SOURCE CATEGORIES:

Information in this system comes primarily from individuals who are members of an IMT on an as needed basis when an incident occurs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E9-26657 Filed 11-4-09; 8:45 am]

BILLING CODE 3410-11-P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; National Woodland Owner Survey

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on a previously approved information collection, the National Woodland Owner Survey, which the Forest Service is seeking to reinstate.

DATES: Comments must be received in writing on or before January 4, 2010 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Brett Butler, USDA Forest Service, 160 Holdsworth Way, Amherst, MA 01003.

Comments also may be submitted via facsimile to (413) 545-1860 or by e-mail to bbutler01@fs.fed.us.

The public may inspect comments received at 160 Holdsworth Way, Room 303, Amherst, MA 01003 during normal business hours. Visitors are encouraged to call ahead to (413) 545-1387 to

facilitate entry to the building. Additionally, comments can be viewed at <http://www.fia.fs.fed.us/nwos>.

FOR FURTHER INFORMATION CONTACT: Brett Butler, Northern Research Station, (413) 545-1387. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 twenty-four hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: National Woodland Owner Survey.

OMB Number: 0596-0078.

Expiration Date of Approval: December 31, 2006.

Type of Request: Reinstatement.

Abstract: Of the 751 million acres of forest land in the United States, 56 percent is privately owned. Understanding the attitudes and behaviors of the millions of corporations, families, individuals, Tribes, and other private groups that own forest land is critical for understanding the current and future state of the nation's forests. The Forest Service conducts the National Woodland Owner Survey (NWOS) to increase our understanding of:

- Who owns these private forests;
- Why they own it;
- How they have used it; and
- How they intend to use it.

This information is used by policy analysts, foresters, educators, and researchers to facilitate the planning and implementation of forest policies and programs.

The Forest Service's direction and authority to conduct the NWOS is from the Forest and Range Land Renewable Resources Planning Act of 1974 and the Forest and Range Land Renewable Resources Act of 1978. These acts assign responsibility for the inventory and assessment of forest and related renewable resources to the Forest Service. Additionally, the importance of an ownership survey in this inventory and assessment process is highlighted in Section 253(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 and the recommendations of the Second Blue Ribbon Panel on the Forest Inventory and Analysis program (FIA).

Previous iterations of the NWOS were conducted in 1978, 1993, and 2002-2006. Approval for the last iteration of the NWOS expired on December 31, 2006. Between 2002 and 2006, the NWOS was implemented on an annual basis to conform to the over-all FIA sampling protocols. As planned, approval for the information collection was allowed to lapse after 2006 to

permit a full assessment of the program that has now been completed. If reinstated, the NWOS will operate for another 5-year cycle, and federal approval will be sought as necessary to cover the full survey cycle, before the next full reassessment occurs.

Information will be collected related to:

- The characteristics of the owners' land holdings;
- Owners' attitudes and perceptions;
- Forest use and management activities;
- Planned uses of the forest land; and
- Landowner demographics.

The NWOS provides widely cited benchmarks for the number, extent, and characteristics of private forest-land owners of the United States. These results have been used to assess the sustainability of forest resources at national, regional, and state levels; to implement and assess forest-land owner assistance programs; and to answer a variety of questions with topics ranging from fragmentation to the economics of private timber production. This is the only effort to collect in-depth information about private forest landowners at the national scale. It provides longitudinal data to track ownership trends and broad spatial data to allow for comparisons across regions of the country.

The respondents will be a statistically selected group of individuals, families, American Indian Tribes, partnerships, corporations, nonprofit organizations, and other private groups that own forest land in the United States. A well distributed, random set of sampling points has been established across the country. At each point, remote sensing data, such as aerial photographs or satellite imagery, will use to identify forested points. For the forested points, public records will be used to identify the owners of record—the names and addresses of the landowners we will contact. The number of forest-land owners to be contacted in each state will be a function of the number of private forest-land owners and the sampling intensity.

The NWOS will utilize a mixed-mode survey technique involving focus groups, self-administered mail questionnaires, and telephone interviews. Focus groups will be used to test the questionnaire, provide more in-depth understanding of the responses, and to explore new areas of inquiry.

The mail portion of the survey will involve up to four mailings. First, a pre-notice postcard will be sent to all potential respondents describing this information collection and why the information is being collected. Second,

a questionnaire with a cover letter and pre-paid return envelope will be mailed to the potential respondents. The cover letter will reiterate the purpose of this information collection and provide the respondents with all legally required information. Third, a reminder will be mailed to thank the respondents and encourage the non-respondents to respond. Those who have yet to respond will be sent a new questionnaire, cover letter, and pre-paid return envelope. Telephone interviews will be used for follow-up with non-respondents.

Forest Service researchers will coordinate all components of this information collection. Focus groups and the mail portion of the survey will be conducted by Forest Service personnel with assistance provided by cooperators, such as university researchers, as appropriate. The telephone follow-ups will be conducted by the National Agricultural Statistics Service, U.S. Department of Agriculture. Data will be compiled and edited by Forest Service personnel. Forest Service researchers and cooperators will analyze the collected data. National, regional, and State-level results will be distributed through print and/or electronic media.

This information collection will generate scientifically-based, statically-reliable, up-to-date information about private forest-land owners in the United States. The results of these efforts will provide more reliable information on this important and dynamic segment of the United States population; thus facilitating more complete assessments of the country's forest resources and improved planning and implementation of forestry programs on both regional and national levels.

Estimate of Annual Burden: 20 minutes.

Type of Respondents: Individuals, families, American Indian Tribes, partnerships, corporations, nonprofit organizations, and other private groups that own forest land.

Estimated Annual Number of Respondents: 7,500.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 2,500 hours.

Comment Is Invited

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the agency, including whether the information will have practical or scientific utility; (2) the accuracy of the agency's estimate of the burden of the 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 respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request toward Office of Management and Budget approval.

Dated: October 27, 2009.

Ann Bartuska,

Deputy Chief, Research & Development.

[FR Doc. E9-26666 Filed 11-4-09; 8:45 am]

BILLING CODE 3410-11-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS-2009-0074]

Pale Cyst Nematode; Update of Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of changes to quarantined area.

SUMMARY: We are advising the public that we have made changes to the area in the State of Idaho that is quarantined to prevent the spread of pale cyst nematode. The description of the quarantined area was updated on May 22, 2009, when 1,834 acres were removed from the quarantined area, and on June 3, 2009, when an additional 283 acres were removed from the quarantined area.

FOR FURTHER INFORMATION CONTACT: Ms. Eileen Y. Smith, National Program Manager, Emergency and Domestic Programs, PPQ, APHIS, 4700 River Road, Unit 150, Riverdale, MD 20737-1236; (301) 734-5235.

SUPPLEMENTARY INFORMATION:

Background

The pale cyst nematode (PCN, *Globodera pallida*) is a major pest of potato crops in cool-temperature areas. Other solanaceous hosts include tomatoes, eggplants, peppers, tomatillos, and some weeds. The PCN is thought to have originated in Peru and is now widely distributed in many potato-growing regions of the world. PCN

infestations may be expressed as patches of poor growth. Affected potato plants may exhibit yellowing, wilting, or death of foliage. Even with only minor symptoms on the foliage, potato tuber size can be affected. Unmanaged infestations can cause potato yield loss ranging from 20 to 70 percent. The spread of this pest in the United States could result in a loss of domestic or foreign markets for U.S. potatoes and other commodities.

The PCN quarantine regulations (§§ 301.86 through 301.86-9, referred to below as the regulations) set out procedures for determining the areas quarantined for PCN and impose restrictions on the interstate movement of regulated articles from quarantined areas.

Section 301.86-3 of the regulations sets out the procedures for determining the areas quarantined for PCN. Paragraph (a) of § 301.86-3 states that, in accordance with the criteria listed in § 301.86-3(c), the Administrator will designate as a quarantined area each field that has been found to be infested with PCN, each field that has been found to be associated with an infested field, and any area that the Administrator considers necessary to quarantine because of its inseparability for quarantine enforcement purposes from infested or associated fields.

Paragraph (c) provides that the Administrator will designate a field as an infested field when PCN is found in the field. Paragraph (c) also provides that the Administrator will designate a field as an associated field when PCN host crops, as listed in § 301.86-2(b), have been grown in the field in the last 10 years and the field shares a border with an infested field; the field came into contact with a regulated article listed in § 301.86-2 from an infested field within the last 10 years; or, within the last 10 years, the field shared ownership, tenancy, seed, drainage or runoff, farm machinery, or other elements of shared cultural practices with an infested field that could allow spread of PCN, as determined by the Administrator.

Paragraph (b) describes the conditions for the designation of an area less than an entire State as a quarantined area. Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

- The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are equivalent to those imposed by the regulations on the interstate movement of regulated articles; and

- The designation of less than the entire State as a quarantined area will prevent the interstate spread of PCN.

We have determined that it is not necessary to designate the entire State of Idaho as a quarantined area. Idaho has adopted and is enforcing restrictions on the intrastate movement of regulated articles from that area that are equivalent to those we are imposing on the interstate movement of regulated articles.

Paragraph (d) provides for the removal of fields from quarantine. An infested field will be removed from quarantine when a protocol approved by the Administrator as sufficient to support the removal of infested fields from quarantine has been completed and the field has been found to be free of PCN. An associated field will be removed from quarantine when the field has been found to be free of PCN according to a protocol approved by the Administrator as sufficient to support removal of associated fields from quarantine. Any area other than infested or associated fields that has been quarantined by the Administrator because of its inseparability for quarantine enforcement purposes from infested or associated fields will be removed from quarantine when the relevant infested or associated fields are removed from quarantine.

Paragraph (a) of § 301.86-3 further provides that the Administrator will publish the description of the quarantined area on the Plant Protection and Quarantine (PPQ) Web site, (http://www.aphis.usda.gov/plant_health/plant_pest_info/potato/pcn.shtml). The description of the quarantined area will include the date the description was last updated and a description of the changes that have been made to the quarantined area. The description of the quarantined area may also be obtained by request from any local office of PPQ; local offices are listed in telephone directories. Finally, paragraph (a) establishes that, after a change is made to the quarantined area, we will publish a notice in the **FEDERAL REGISTER** informing the public that the change has occurred and describing the change to the quarantined area.

We are publishing this notice to inform the public of changes to the PCN quarantined area in accordance with § 301.86-3(a). On May 22, 2009, we updated the quarantined area to remove 1,834 acres. On June 3, 2009, we updated the quarantined area to remove an additional 283 acres. This acreage was composed of associated fields that were found to be free of PCN according to a survey protocol approved by the Administrator as sufficient to support

removal of associated fields from quarantine, under § 301.86-3. The fields removed from quarantine were in Bingham and Bonneville Counties.

The current map of the quarantined area can be viewed on the PPQ Web site at (http://www.aphis.usda.gov/plant_health/plant_pest_info/potato/pcn.shtml).

Authority: 7 U.S.C. 7701-7772 and 7781-7786; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 30th day of October 2009.

Kevin Shea

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E9-26676 Filed 11-04-09; 8:45 am]

BILLING CODE 3410-34-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Southwest Region Permit Family of Forms

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, 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.

DATES: Written comments must be submitted on or before January 4, 2010.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 7845, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patricia A. Culver, (562) 980-4239 or Trisha.Culver@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

Permits are required for persons to participate in Federally-managed fisheries off the West Coast. There are two types of permits, for coastal pelagic and highly migratory fisheries. Appeals and certain waiver requests can also be submitted. Transfer applications may also be required.

The permit application forms provide basic information about permit holders and the vessels and gear being used. This information is important for understanding the nature of the fisheries and provides a link to participants. It also aids in enforcement of regulations.

II. Method of Collection

Forms are available on the Internet; paper applications are also available and may be submitted by mail or FAX.

III. Data

OMB Control Number: 0648-0204.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,270.

Estimated Time per Response: Permit applications and transfers, 30 minutes; additional information (when requested) for the coastal pelagic fishery, 1 hour; and appeals, 2 hours.

Estimated Total Annual Burden Hours: 143.

Estimated Total Annual Cost to Public: \$20,603.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed 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 (including hours and cost) of the proposed collection of information; (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 respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 30, 2009.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E9-26560 Filed 11-4-09; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-960]

Certain Standard Steel Fasteners From the People's Republic of China: Amendment to Initiation of Antidumping Duty Investigation

DATES: *Effective Date:* November 5, 2009.

SUMMARY: The Department of Commerce ("Department") is currently conducting an antidumping duty investigation of certain standard steel fasteners from the People's Republic of China ("PRC"). The period of investigation ("POI") is January 1, 2009, through June 30, 2009. We are limiting the number of quantity and value questionnaires that will be sent directly to exporters and extending the deadline for parties to submit a response to the quantity and value questionnaire.

FOR FURTHER INFORMATION CONTACT: Susan Pulongbarit or Jerry Huang, AD/CVD Operations Office 9, (202) 482-4031 or (202) 482-4047, respectively; Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Background: On October 22, 2009, the Department of Commerce ("the Department") published a notice of initiation of antidumping duty investigations of certain standard steel fasteners ("fasteners") from the PRC and Taiwan. See *Certain Standard Steel Fasteners From the People's Republic of China and Taiwan: Initiation of Antidumping Duty Investigations*, 74 FR 54537 (October 22, 2009) ("*Initiation*").

SUPPLEMENTARY INFORMATION: In the *Initiation*, the Department stated that it intended to release quantity and value questionnaires to those PRC companies identified in the petitions by Nucor Fastener ("Petitioner"). See Petitions for the Imposition of Antidumping and Countervailing Duties: Certain Standard Steel Fasteners from the People's Republic of China and Taiwan, dated September 23, 2009, at Exhibit I-4 ("Petition") and Letter from Wiley Rein to the Secretary of Commerce Regarding Certain Standard Steel Fasteners from the People's Republic of China, dated October 14, 2009, at Attachment.

Given that Petitioner identified more than 400 producers and exporters of fasteners from the PRC, the Department has determined to limit the number of quantity and value questionnaires it will send out to exporters based on U.S. Customs and Border Protection ("CBP")

data for U.S. imports under the Harmonized Tariff Schedule of the United States ("HTSUS") numbers 7318.15.2030, 7318.15.2055, 7318.15.2065, 7318.15.8065, 7318.15.8085, and 7318.16.0085. These are the same HTSUS numbers used by Petitioner to demonstrate that dumping occurred during the POI. See Petition at Exhibit I-6.

Moreover, although the Department is limiting the number of quantity and value questionnaires it will send out, exporters of fasteners that do not receive quantity and value questionnaires that intend to submit a response can obtain a copy from the Import Administration Web site at <http://ia.ita.doc.gov/ia-highlights-and-news.html>. Accordingly, the Department is extending the deadline to submit responses to the quantity and value questionnaires from November 3, 2009, to November 19, 2009.

This notice is issued and published in accordance with section 777(i) of the Tariff Act of 1930, as amended.

Dated: October 29, 2009.

John M. Andersen,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9-26577 Filed 11-4-09; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-887]

Tetrahydrofurfuryl Alcohol From the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On July 1, 2009, the Department of Commerce ("Department") initiated a sunset review of the antidumping duty order on tetrahydrofurfuryl alcohol ("THFA") from the People's Republic of China ("PRC") pursuant to section 751(c) of the Tariff Act of 1930, as amended ("Act"). See *Initiation of Five-year ("Sunset") Review*, 74 FR 31412 (July 1, 2009) ("*Sunset Initiation*"); see also *Notice of Antidumping Duty Order: Tetrahydrofurfuryl Alcohol from the People's Republic of China*, 69 FR 47911 (August 6, 2004) ("*Order*"). On July 14, 2009, Penn A Kem LLC (formerly, Penn Specialty Chemicals) ("PAK"), the petitioner in the THFA investigation, notified the Department that it intended to participate in the sunset review. The

Department did not receive a substantive response from any respondent party. Based on the notice of intent to participate and adequate response filed by the domestic interested party, and the lack of response from any respondent interested party, the Department conducted an expedited sunset review of the *Order* pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2). As a result of this sunset review, the Department finds that revocation of the *Order* would likely lead to continuation or recurrence of dumping, at the levels indicated in the "Final Results of Sunset Review" section of this notice, *infra*.

DATES: *Effective Date:* November 5, 2009

FOR FURTHER INFORMATION CONTACT:

Frances Veith; AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone:* 202-482-4295.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 2009, the Department initiated a sunset review of the order on THFA pursuant to section 751(c) of the Act. See *Sunset Initiation*, 74 FR 31412. On July 14, 2009, the Department received a timely notice of intent to participate in the sunset review from PAK, pursuant to 19 CFR 351.218(d)(1)(i). In accordance with 19 CFR 351.218(d)(1)(ii)(A), PAK claimed interested party status under section 771(9)(C) of the Act as a producer of the domestic like product.

On July 29, 2009, PAK filed a substantive response in the sunset review, within the 30-day deadline as specified in 19 CFR 351.218(d)(3)(i). The Department did not receive a substantive response from any respondent interested party in the sunset review. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited sunset review of the *Order*.

Scope of the Order

The product covered by this order is tetrahydrofurfuryl alcohol (C₅H₁₀O₂) ("THFA"). THFA, a primary alcohol, is a clear, water white to pale yellow liquid. THFA is a member of the heterocyclic compounds known as furans and is miscible with water and soluble in many common organic solvents. THFA is currently classifiable in the Harmonized Tariff Schedules of the United States ("HTSUS") under subheading 2932.13.00.00. Although the

HTS subheadings are provided for convenience and for customs purposes, the Department's written description of the merchandise subject to the order is dispositive.

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review is addressed in the accompanying Issues and Decision Memorandum, which is hereby adopted by this notice. See the Department's memorandum entitled, "Issues and Decision Memorandum for the Final Results in the Expedited Sunset Review of the Antidumping Duty Order on Tetrahydrofurfuryl Alcohol from the People's Republic of China," dated October 29, 2009 ("I&D Memo"). The issues discussed in the accompanying I&D Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the dumping margin likely to prevail if the *Order* was revoked. Parties can obtain a public copy of the I&D Memo on file in the Central Records Unit, room 1117, of the main Commerce building. In addition, a complete public copy of the I&D Memo can be accessed directly on the Web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the I&D Memo are identical in content.

Final Results of Sunset Review

The Department determines that revocation of the *Order* on THFA would likely lead to continuation or recurrence of dumping. The Department also determines that the dumping margins likely to prevail if the order was revoked are as follows:

Manufacturers/Exporters/ Producers	Weighted-Average margin (Percent)
Qingdao Wenken (F.T.Z.) Trading Co., Ltd	136.86
PRC-Wide Entity	136.86

Notification Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or 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.

We are issuing and publishing these results and notice in accordance with

sections 751(c), 752, and 777(i)(1) of the Act.

Dated: October 29, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9-26702 Filed 11-4-09; 8:45 am]

BILLING CODE 3510-DS-P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the "Corporation"), 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 requirement on respondents can be properly assessed.

Currently, the Corporation is soliciting comments concerning its proposed request for information and participation from AmeriCorps VISTA alumni. The outreach plan to obtain the contact information for VISTA alumni includes the mailing of two postcards to 177,000 alumni. The postcard directs alumni to take several actions: create an online account on the *VISTACampus.org*, register on *My.AmeriCorps.gov*, and complete a questionnaire if interested in participating in recruitment and outreach. By reaching out to alumni and requesting that they sign-up through these two Corporation Web sites, we can obtain their contact information and send them notifications about various alumni activities. This is especially important as VISTA is celebrating its 45th anniversary in 2010 and there will be numerous activities for alumni to participate in across the country. Copies of the information collection requests can be obtained by contacting the office listed in the addresses section of this notice.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by January 4, 2010.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) *By mail sent to:* Corporation for National and Community Service, VISTA; Attention Elizabeth Matthews, VISTA Alumni and Outreach Specialist, Room 9110B; 1201 New York Avenue, NW., Washington, DC, 20525.

(2) *By hand delivery or by courier to:* The Corporation's mailroom at Room 8100 at the mail address given in paragraph (1) above, between 9 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

(3) *By fax to:* (202) 606-3475, Attention Elizabeth Matthews, VISTA Alumni and Outreach Specialist.

(4) *Electronically through the Corporation's e-mail address system:* *ematthews@cns.gov*.

FOR FURTHER INFORMATION CONTACT: Elizabeth Matthews, (202) 606-6774, or by e-mail at *ematthews@cns.gov*.

SUPPLEMENTARY INFORMATION: The Corporation is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, 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 expected to respond, including 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).

Background

The goal of this project is to contact the 177,000 VISTA Alumni and ask them to take three actions; (1) Go online to *VISTACampus.org* and create an account; (2) Go online to *My.AmeriCorps.gov* and register; (3) Fill out a questionnaire IF they are interested in promoting and recruiting for VISTA. By creating an account through the *VISTACampus.org* and registering through *MyAmeriCorps.gov*,

we can obtain their email addresses and keep them informed about future alumni related activities. This is especially important as VISTA is celebrating its 45th anniversary in 2010 and there will be numerous activities for alumni to participate in across the country.

Current Action

The Corporation has obtained the mailing addresses for all 177,000 alumni. There have been two postcards designed to mail to the alumni. The postcard text directs alumni to the *VISTACampus.org* and *MyAmeriCorps.gov* to update their contact information. When approved, the postcards will be mailed and there will be information posted on the VISTA Campus explaining how to register on *MyAmeriCorps.gov*. The questionnaire can be posted and alumni can help with recruitment.

Type of Review: New.

Agency: Corporation for National and Community Service.

Title: VISTA Alumni Outreach.

OMB Number:

Agency Number: None.

Affected Public: AmeriCorps VISTA Alumni.

Total Respondents: 177,000.

Frequency: Ongoing.

Average Time Per Response:

Estimated at 30 minutes for first time respondents and 15 minutes for previously registered alumni updating information. Estimated 30 minutes for VISTA alumni outreach questionnaire (estimated 500 people).

Estimated Total Burden Hours:

88,500/250.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

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 will also become a matter of public record.

Dated: October 30, 2009.

Paul Davis,

Acting Director, VISTA.

[FR Doc. E9-26728 Filed 11-4-09; 8:45 am]

BILLING CODE 6050-S5-P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive License; Raytheon IDS

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy gives notice of its intent to grant to Raytheon IDS, MST1FW1, 50 Apple Hill Road, Tewksbury, MA 01876, a revocable, nonassignable, exclusive license to practice in the United States, the Government-Owned inventions, as identified in United States Patent Number 5,520,331 issued on May 28, 1996, Navy Case Number 75983 entitled "Liquid Atomizing Nozzle".

DATES: Anyone wishing to object to the granting of this license must file written objections along with supporting evidence, if any, not later than November 20, 2009.

ADDRESSES: Written objections are to be filed with Naval Air Warfare Center Aircraft Division, Business and Partnership Office, Office of Research and Technology Applications, Building 505, Room 117, 22473 Millstone Road, Patuxent River, Maryland 20670.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Fritz, Naval Air Warfare Center Aircraft Division, Business and Partnership Office, Office of Research and Technology Applications, Building 505, Room 117, 22473 Millstone Road, Patuxent River, Maryland 20670, telephone (301) 342-5586, fax: (301) 342-1134, e-mail: paul.fritz@navy.mil.

Authority: 35 U.S.C. 207, 37 CFR Part 404.

Dated: October 29, 2009.

A.M. Vallandigham,

Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E9-26656 Filed 11-4-09; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF EDUCATION

Office of Postsecondary Education; Overview Information; Centers for International Business Education Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2010

*Catalog of Federal Domestic
Assistance (CFDA) Number: 84.220A.*

Dates:

Applications Available: November 5, 2009.

*Deadline for Transmittal of
Applications:* December 8, 2009.

*Deadline for Intergovernmental
Review:* February 11, 2010.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program

The purpose of the Centers for International Business Education (CIBE) Program is to coordinate programs of the

Federal government in the areas of research, education, and training in international business and trade competitiveness; and to provide grants to pay the Federal share of the cost of planning, establishing, and operating Centers for International Business Education that will—

1. Be national resources for the teaching of improved business techniques, strategies, and methodologies that emphasize the international context in which business is transacted;

2. Provide instruction in critical foreign languages and international fields needed to provide an understanding of the cultures and customs of United States trading partners;

3. Provide research and training in the international aspects of trade, commerce, and other fields of study;

4. Provide training to students enrolled in the institution, or combinations of institutions, in which a center is located;

5. Serve as regional resources to businesses proximately located by offering programs and providing research designed to meet the international training needs of these businesses; and

6. Serve other faculty, students, and institutions of higher education located within their region.

Priorities

Invitational Priorities: For FY 2010, these priorities are invitational priorities. Under 34 CFR 75.105(c)(1), we do not give an application that meets these invitational priorities a competitive or absolute preference over other applications.

These priorities are:

Invitational Priority I. Applicants that propose programs or activities focused on language instruction or performance testing and assessment for any of the following seventy-eight (78) languages deemed critical on the U.S. Department of Education's list of Less Commonly Taught Languages (LCTLs) found below.

This list includes the following: Akan (Twi-Fante), Albanian, Amharic, Arabic (all dialects), Armenian, Azeri (Azerbaijani), Balochi, Bamanakan (Bamana, Bambara, Mandikan, Mandingo, Maninka, Dyula), Belarusian, Bengali (Bangla), Berber (all languages), Bosnian, Bulgarian, Burmese, Cebuano (Visayan), Chechen, Chinese (Cantonese), Chinese (Gan), Chinese (Mandarin), Chinese (Min), Chinese (Wu), Croatian, Dari, Dinka, Georgian, Gujarati, Hausa, Hebrew (Modern), Hindi, Igbo, Indonesian, Japanese, Javanese, Kannada, Kashmiri, Kazakh,

Khmer (Cambodian), Kirghiz, Korean, Kurdish (Kurmanji), Kurdish (Sorani), Lao, Malay (Bahasa Melayu or Malaysian), Malayalam, Marathi, Mongolian, Nepali, Oromo, Panjabi, Pashto, Persian (Farsi), Polish, Portuguese (all varieties), Quechua, Romanian, Russian, Serbian, Sinhala (Sinhalese), Somali, Swahili, Tagalog, Tajik, Tamil, Telugu, Thai, Tibetan, Tigrigna, Turkish, Turkmen, Ukrainian, Urdu, Uyghur/Uigur, Uzbek, Vietnamese, Wolof, Xhosa, Yoruba, and Zulu.

Invitational Priority II. Applicants that propose programs or activities focused on outreach activities or consortia with business programs located at other institutions of higher education (including those that are eligible to receive assistance under part A or B of Title III or under Title V) for the purpose of providing expertise regarding the internationalization of such programs, such as assistance in research, curriculum development, faculty development, or educational exchange programs.

Program Authority: 20 U.S.C. 1130-1.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 81, 82, 84, 85, 86, 97, 98, and 99.

As there are no program-specific regulations, we encourage each potential applicant to read the authorizing statute for the CIBE program in Section 612 of Title VI, Part B, of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. 1130-1.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

Areas of National Need: In accordance with section 601(c) of the HEA, (20 U.S.C. 1121(c)), the Secretary has consulted with and received recommendations regarding national need for expertise in foreign languages and world regions from the head officials of a wide range of Federal agencies. The Secretary has taken these recommendations into account, and a list of foreign languages and world regions identified by the Secretary as areas of national need may be found on the following Web sites: <http://www.ed.gov/about/offices/list/ope/policy.html>, <http://www.ed.gov/programs/iegpscibe/legislation.html>. Also included on these Web sites are the specific recommendations the Secretary received from Federal agencies.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration has requested \$102,335,000 for International Education and Foreign Language Studies: Domestic Programs for FY 2010, of which we intend to allocate \$11,115,000 for new awards under this program. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Estimated Range of Awards: \$350,000–\$390,000.

Estimated Average Size of Awards: \$358,548.

Maximum Award: We will reject any application that proposes a budget exceeding \$450,000 for a single budget period of 12 months.

Estimated Number of Awards: 31.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 48 months.

III. Eligibility Information

1. *Eligible Applicants:* Institutions of higher education or combinations of such institutions.

2. *Cost Sharing or Matching:* The matching requirement is described in section 612(e) of the HEA. The HEA requires that the Federal share of the cost of planning, establishing and operating centers under this program shall be—

- a. Not more than 90 percent for the first year in which Federal funds are received;
- b. Not more than 70 percent for the second year; and
- c. Not more than 50 percent for the third year and for each year thereafter.

The non-Federal share of the cost of planning, establishing, and operating centers under this section may be provided either in cash or in-kind.

Waiver of non-Federal share: In the case of an institution of higher education receiving a grant under the CIBE program and conducting outreach or consortia activities with another institution of higher education in accordance with section 612(c)(2)(E) of the HEA, the Secretary may waive a portion of the requirements for the non-Federal share equal to the amount provided by the institution of higher education receiving the grant to the other institution of higher education for carrying out the outreach or consortia activities. Any such waiver is subject to the terms and conditions the Secretary deems necessary for carrying out the purposes of the program.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: <http://e-grants.ed.gov>. To obtain a copy from ED Pubs, write, fax, or call the following: Education Publications Center, P.O. Box 1398, Jessup, MD 20794–1398. Telephone, toll free: 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: <http://www.ed.gov/pubs/edpubs.html> or at its e-mail address: edpubs@inet.ed.gov.

If you request an application from ED Pubs, be sure to identify this program or competition as follows: CFDA number 84.220A.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer diskette) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

Page Limit: The application narrative [Part III of the application] is the section where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative [Part III] to no more than 55 typed pages, using the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, *except* titles, headings, footnotes, quotations, references, and captions. Charts, tables, figures, and graphs in the application narrative may be single spaced and will count toward the page limit.
- Use a font that is either 12 point or larger; or, no smaller than 10 pitch (characters per inch). However, you may use a 10 point font in charts, tables, figures, and graphs.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman and Arial Narrow) will not be accepted.
- The page limit does not apply to Part I, the Application for Federal

Assistance face sheet (SF 424); the supplemental information form required by the Department of Education; Part II, the budget summary form (ED Form 524); Part IV, assurances, certifications, and the response to Section 427 of the General Education Provisions Act (GEPA); the table of contents; the one-page project abstract; the appendices; or the line item budget.

We will reject your application if you exceed the page limit.

3. *Submission Dates and Times:*
Applications Available: November 5, 2009.

Deadline for Transmittal of Applications: December 8, 2009.

Applications for grants under this program must be submitted electronically using the Electronic Grant Application system (e-Application) accessible through the Department’s e-Grants system. For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to Section IV. 6. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in Section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual’s application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: February 11, 2010.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. Electronic Submission of Applications

Applications for grants under the CIBE Program—CFDA number 84.220A must be submitted electronically using e-Application, accessible through the Department's e-Grants portal page at: <http://e-grants.ed.gov>.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

While completing your electronic application, you will be entering data online that will be saved into a database. You may not e-mail an electronic copy of a grant application to us.

Please note the following:

- You must complete the electronic submission of your grant application by 4:30:00 p.m., Washington, DC time, on the application deadline date. E-Application will not accept an application for this program after 4:30:00 p.m., Washington, DC time, on the application deadline date.

Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process.

- The hours of operation of the e-Grants Web site are 6:00 a.m. Monday until 7:00 p.m. Wednesday; and 6:00 a.m. Thursday until 8:00 p.m. Sunday, Washington, DC time. Please note that, because of maintenance, the system is unavailable between 8:00 p.m. on Sundays and 6:00 a.m. on Mondays, and between 7:00 p.m. on Wednesdays and 6:00 a.m. on Thursdays, Washington, DC time. Any modifications to these hours are posted on the e-Grants Web site.

- You will not receive additional point value because you submit your application in electronic format nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of

Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password protected file, we will not review that material.

- Your electronic application must comply with any page limit requirements described in this notice.
- Prior to submitting your electronic application, you may wish to print a copy of it for your records.
- After you electronically submit your application, you will receive an automatic acknowledgment that will include a PR/Award number (an identifying number unique to your application).

Within three working days after submitting your electronic application, fax a signed copy of the SF 424 to the Application Control Center after following these steps:

- Print SF 424 from e-Application.
- The applicant's Authorizing Representative must sign the form (or enter the name of your program-specific cover page.)

- Place the PR/Award number in the upper right hand corner of the hard-copy signature page of the SF 424.
- Fax the signed SF 424 to the Application Control Center at (202) 245-6272.

- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of e-Application Unavailability: If you are prevented from electronically submitting your application on the application deadline date because e-Application is unavailable, we will grant you an extension of one business day to enable you to transmit your application electronically, by mail, or by hand delivery. We will grant this extension if—(1) You are a registered user of e-Application and you have initiated an electronic application for this competition; and (2)(a) e-Application is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the application deadline date; or

(b) E-Application is unavailable for any period of time between 3:30 p.m. and 4:30:00 p.m., Washington, DC time, on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting you an extension. To request

this extension or to confirm our acknowledgment of any system unavailability, you may contact either (1) the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** (see VII. Agency Contact) or (2) the e-Grants help desk at 1-888-336-8930. If e-Application is unavailable due to technical problems with the system and, therefore, the application deadline is extended, an e-mail will be sent to all registered users who have initiated an e-Application. Extensions referred to in this section apply only to the unavailability of e-Application.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement and may submit your application in paper format, if you are unable to submit an application through e-Application because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to e-Application; *and*
- No later than two weeks before the application deadline date (14 calendar days; or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Susanna Easton, Centers for International Business Education Program, U.S. Department of Education, 1990 K Street, NW., Room 6093, Washington, DC 20006-8521. FAX: (202) 502-7860.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. Submission of Paper Applications by Mail

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education, Application Control Center, *Attention:* (CFDA Number 84.220A), LBJ Basement Level 1, 400 Maryland Avenue, SW., Washington, DC 20202-4260.

You must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

- (1) A private metered postmark.
- (2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. Submission of Paper Applications by Hand Delivery

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application, by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, *Attention:* (CFDA Number 84.220A), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202-4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

- (1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and
- (2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this grant notification within 15 business days from the application

deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program from EDGAR (34 CFR 75.209 and 75.210) are as follows: (a) Meeting the purpose of the authorizing statute (20 points), (b) significance (20 points), (c) quality of the project design (10 points), (d) quality of the management plan (10 points), (e) quality of project personnel (10 points), (f) adequacy of resources (10 points), and (g) quality of the project evaluation (20 points).

Note: Applicants should address these selection criteria only in the context of the program requirements in section 612 of the HEA.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section in this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section in this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. Grantees are required to use the electronic data instrument *International Resource Information System (IRIS)* to complete the final report. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to <http://www.ed.gov/fund/grant/apply/appforms/appforms.html>.

4. *Performance Measures:* Under the Government Performance and Results

Act of 1993, the following measure will be used by the Department in evaluating the success of the program: (a) Percent of graduates of a doctoral or Master's, including MBA, program with significant international business concentration at the postsecondary institution who are employed in business-related fields, including teaching at a business school; (b) Cost per Master's, including MBA, degree recipient or doctoral graduate; (c) Percentage of Centers for International Business Education projects judged to be successful by the program officer, based on a review of information provided in annual performance reports.

The information provided by grantees in their performance reports submitted via the electronic International Resource Information System (IRIS) will be the source of data for this measure.

Reporting screens for institutions can be viewed at: <http://iris.ed.gov/iris/pdfs/CIBE.pdf>.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT:

Susanna Easton, Centers for International Business Education Program, U.S. Department of Education, 1990 K Street, NW., Room 6093, Washington, DC 20006-8521. Telephone: (202) 502-7628 or by e-mail: susanna.easton@ed.gov. The agency contact person does not mail application materials and does not accept applications.

If you use a TDD, call the FRS, toll-free, at 1-800-877-8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer diskette) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in Section VII of this notice.

Electronic Access to This Document: You can 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>.

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>.

Delegation of Authority: The Secretary of Education has delegated authority to Daniel T. Madzellan, Director, Forecasting and Policy Analysis for the Office of Postsecondary Education, to perform the functions and duties of the Assistant Secretary for Postsecondary Education.

Dated: October 30, 2009.

Daniel T. Madzellan,

Director, Forecasting and Policy Analysis.

[FR Doc. E9-26625 Filed 11-4-09; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years, an information collection request with the Office of Management and Budget (OMB). This information collection request has expired; however, reinstatement is requested because the collection of information is still required when selling Government High Risk personal property. Comments are invited on: (a) Whether the extended 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 proposed collection of information, 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 the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before January 4, 2010. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Written comments should be sent to the following: Helene Mattiello, Industrial Property

Management Specialist, MA-632/ L'Enfant Plaza Building, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-1615, helene.mattiello@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT:

Helene Mattiello, at the above address, or by telephone at (202) 287-1593, or by fax at (202) 287-1656.

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) OMB No. 1910-5121; (2) *Information Collection Request Title:* End-Use Certificate; (3) *Type of Review:* Renewal; (4) *Purpose:* The End-Use Certificate (EUC) is intended to determine the acceptability of the individual(s) acquiring High Risk Personal Property; inform buyers of the laws and regulations governing the use, disposition, export and re-export of High Risk Personal Property and ensure that the property is used as stipulated in the EUC.; (5) *Respondents:* 1000 annually; and (6) *Estimated Number of Burden Hours:* 334 (approximately 20 minutes per respondent).

Authority: Department of Energy Personal Property Management Guide, DOE G 580.1-1.

Issued in Washington, DC on October 29, 2009.

Edward R. Simpson,

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

[FR Doc. E9-26698 Filed 11-4-09; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years, an information collection request with the Office of Management and Budget (OMB). This information collection request has expired; however, reinstatement is requested because the collection of information is still required by OMB Circular A-11 and the Federal Management Regulations. Comments are invited on: (a) Whether the extended 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 proposed collection of information, 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 the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before January 4, 2010. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Written comments should be sent to the following: Helene Mattiello, Industrial Property Management Specialist, MA-632/ L'Enfant Plaza Building, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-1615, helene.mattiello@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT:

Helene Mattiello, at the above address, or by telephone at (202) 287-1593, or by fax at (202) 287-1656.

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) OMB No. 1910-1000; (2) *Information Collection Request Title:* Exchange/Sale Report, Excess Personal Property Furnished to Non-Federal Recipients, Agency Report of Motor Vehicle Data, Annual Motor Vehicle Fleet Report; (3) *Type of Review:* Renewal; (4) *Purpose:* See the Information Collection description above; (5) *Respondents:* 44 respondents for each of the four reports equals 176 total respondents; and (6) *Estimated number of burden hours:* The total estimated number of burden hours is 2,552. A breakout of burden hours for each report is listed below:

- The burden hours for responding to the Exchange/Sale Report is estimated at 5 hours for each of the 44 estimated respondents, for a total of 220 burden hours.

- The burden hours for responding to the Excess Personal Property Furnished to Non-Federal Recipients is estimated at 5 hours for each of the 44 estimated respondents, for a total of 220 burden hours.

- The burden hours for responding to the Agency Report for Motor Vehicle Data is estimated at 24 hours for each of the 44 estimated respondents, for a total of 1056 burden hours.

- The burden hours for responding to the Annual Motor Vehicle Fleet Report

is estimated at 24 hours for each of the 44 estimated respondents, for a total of 1056 burden hours.

Authority: 41 CFR 102–39.75, 41 CFR 102–36.295 and 102–36.300, 41 CFR 102–34.335, OMB Circular A–11 section 25.5.

Issued in Washington, DC, on October 29, 2009.

Edward R. Simpson,

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

[FR Doc. E9–26695 Filed 11–4–09; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Availability of the Draft Environmental Impact Statement for the Kemper County IGCC Project, Kemper County, MS

AGENCY: Department of Energy.

ACTION: Notice of availability and public hearing.

SUMMARY: The U.S. Department of Energy (DOE) announces the availability of the Draft Environmental Impact Statement for the Kemper County IGCC Project (DOE/EIS–0409D) for public review and comment, as well as the date, location, and time for a public hearing. The U.S. Army Corps of Engineers (USACE) is participating as a cooperating agency in the preparation of this document. The draft environmental impact statement (EIS) analyzes the potential environmental impacts associated with the construction and operation of a project proposed by Southern Company, through its affiliate Mississippi Power Company (Mississippi Power), which was selected by DOE to receive financial assistance under the Clean Coal Power Initiative (CCPI) program. In addition, DOE may issue a loan guarantee to the project pursuant to the Energy Policy Act of 2005 (EPAct05). The loan guarantee would apply to the planning, design, permitting, equipment procurement, construction, and startup of the power plant.

DOE prepared this draft EIS in accordance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality (CEQ) regulations that implement the procedural provisions of NEPA (40 CFR parts 1500–1508), and the DOE procedures implementing NEPA (10 CFR part 1021).

DATES: DOE invites the public to comment on the Draft EIS during the public comment period, which ends December 21, 2009. DOE will consider

all comments postmarked or received during the public comment period in preparing the Final EIS, and will consider late comments to the extent practicable.

DOE will hold a public hearing on December 1, 2009, at Kemper County High School, 429 Philadelphia Road, DeKalb, Mississippi beginning at 7 p.m. An informational session will be held at the same location from 5 p.m. to 7 p.m., preceding the public hearing on the same day. Requests to speak at the public hearing can be made by calling or writing the EIS Document Manager (see **ADDRESSES**). Requests to speak not submitted prior to the hearing will be accepted in the order in which they are received during the hearing. Speakers are encouraged to provide a written version of their oral comments for the record. Each speaker will be allowed five minutes to present comments unless more time is requested and available. Comments will be recorded by a court reporter and will become part of the public hearing record. Oral and written comments will be given equal consideration.

The public hearing will be accessible to people with disabilities. Any individual with a disability requiring special assistance, such as a sign language interpreter or a translator, should contact Mr. Richard A. Hargis, Jr., NEPA Document Manager, (see **ADDRESSES**) at least 48 hours before the meeting so that arrangements can be made.

ADDRESSES: Requests for information about this Draft EIS or to receive a copy of it should be directed to: Richard A. Hargis, Jr., NEPA Document Manager, U.S. Department of Energy, National Energy Technology Laboratory, M/S 922–M217, P.O. Box 10940, Pittsburgh, PA 15236. Additional information about the Draft EIS may also be requested by electronic mail: *Kemper-EIS@netl.doe.gov* or by telephone at (412) 386–6065, or toll free at: (888) 322–7436, x6065.

The Draft EIS will be available at <http://www.gc.energy.gov/NEPA/>. Copies of the Draft EIS are also available for review at the locations listed in the **SUPPLEMENTARY INFORMATION** section of this Notice. Written comments on the Draft EIS can be mailed to Richard A. Hargis, Jr., NEPA Document Manager, at the address noted above. Written comments may also be submitted by fax to: (412) 386–4604, or submitted electronically to: *Kemper-EIS@netl.doe.gov*. Oral comments on the Draft EIS will be accepted only during the public hearing scheduled for the

date and location provided in the **DATES** section of this Notice.

FOR FURTHER INFORMATION: For further information on the proposed project or the draft EIS, please contact Mr. Richard A. Hargis, Jr., (see **ADDRESSES**). For general information regarding the DOE NEPA process, please contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (GC–54), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0103; telephone: 202–586–4600; fax: 202–586–7031; or leave a message at: (800) 472–2756.

SUPPLEMENTARY INFORMATION: The proposed project would demonstrate Integrated Gasification Combined Cycle (IGCC) technology using lignite coal as a feedstock for a new electricity generating plant at a site in Kemper County, Mississippi. The facilities would convert lignite coal, produced at a new mine to be developed near the power plant site by North American Coal Company, into synthesis gas (syngas) for generating a nominal 582 megawatts of electricity while reducing sulfur dioxide, oxides of nitrogen, mercury, and particulate emissions as compared to conventional lignite-fired power plants. The project would also be designed to capture up to 67 percent of the carbon dioxide (CO₂) that would otherwise be emitted when firing syngas. The captured CO₂ would be transported by pipeline for beneficial use and geologic storage in existing enhanced oil recovery (EOR) operations in Mississippi.

The EIS will inform DOE's decisions on whether to provide a total of \$294 million in cost-shared funding (15 percent or less of the total project cost, which is currently projected to be greater than \$2 billion) for the proposed project under the CCPI program. It will also inform DOE's decision on whether to issue a loan guarantee to the project pursuant to EPAct05. The USACE will evaluate the potential environmental impacts before deciding whether to issue permits under the Clean Water Act (CWA) for stream and wetland disturbances that would result from the proposed mine, power plant, electrical transmission lines, and pipelines.

The EIS evaluates the potential impacts of the proposed project, connected actions, and reasonable alternatives. Because the proposed project may affect floodplains and wetlands, the Draft EIS includes an assessment of impacts to floodplains and wetlands in accordance with DOE regulations for Compliance with Floodplains and Wetlands

Environmental Review Requirements (10 CFR part 1022).

DOE analyzed two main alternatives in the Draft EIS—the Proposed Action (with or without additional mitigation) and the No Action Alternative. Under the Proposed Action, DOE would provide a total of \$294 million in cost-shared funding under the CCPI program to the proposed project. DOE has already provided a portion of the total funding (\$24.4 million) to Southern Company for DOE's share of the preliminary design and project definition. In addition, DOE may issue a loan guarantee pursuant to section 1703 of the Energy Policy Act of 2005 to the project.

Under the No Action Alternative, DOE would not provide continued funding under the CCPI Program or issue a loan guarantee to the project. In the absence of DOE funding, Mississippi Power could pursue two options. First, the facility and supporting infrastructure could be built as proposed without DOE funding or a loan guarantee. The connected actions would remain unchanged. The potential environmental impacts of this option would be essentially the same as the proposed action. Second, Mississippi Power could choose to cancel the IGCC project, and none of the connected actions would likely be built. This option would not contribute to the goal of the CCPI program, which is to accelerate commercial deployment of advanced coal technologies that provide the United States with clean, reliable, and affordable energy. Similarly, the No Action Alternative would not contribute to the loan guarantee program's goal of supporting energy projects that "avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases; and employ new or significantly improved technologies." For purposes of this Draft EIS, DOE assumes that the project would not be built under the No Action Alternative.

DOE has developed an overall strategy for compliance with NEPA for the CCPI program consistent with CEQ regulations (40 CFR parts 1500 through 1508) and DOE regulations (10 CFR part 1021). This strategy has two principal elements. The first element involved an open solicitation and competitive selection process to obtain a set of projects that best meets program needs. The applications that meet the mandatory eligibility requirements constitute the range of reasonable alternatives available to DOE to meet the program's purpose and needs. Following reviews by technical, environmental, and financial panels and a comprehensive assessment by a merit

review board, DOE officials selected those projects that they concluded best met the program's purposes and needs. By broadly soliciting proposals to meet the programmatic purposes and needs for DOE action and by evaluating the potential environmental impacts associated with each proposal before selecting projects that would go forward to the second step in the NEPA process, DOE considered a reasonable range of alternatives for implementing CCPI. The second step in the NEPA process consists of preparing more detailed NEPA analyses for each selected project. For this project, DOE determined that providing financial assistance or a loan guarantee (or both) to the proposed project would constitute a major federal action that may significantly affect the quality of the human environment. Therefore, DOE has prepared this EIS to assess the potential impacts on the human environment of the proposed action and reasonable alternatives.

Alternatives considered by Mississippi Power in developing the proposed project are presented in the EIS, including alternative sources of water supply, alternative routes for linear facilities (a natural gas pipeline, a reclaimed water supply pipeline, a CO₂ pipeline, and new and upgraded transmission lines), and alternative levels of CO₂ capture.

The draft EIS analyzes the environmental consequences that may result from the proposed action, with or without additional mitigation, and the no action alternative. The environmental consequences of connected actions are also analyzed, including: Development and operation of the adjacent lignite mine and construction and operation of linear facilities. Potential impacts identified during the scoping process and analyzed in the draft EIS relate to the following: Atmospheric resources, including climate change and options for CO₂ capture, transport, and beneficial use and geologic storage; groundwater and surface water resources, including impacts on Lake Okauchee operations; infrastructure and land use; solid wastes; visual impacts; floodplains; wetlands and streams; ecological resources; safety and health; construction-related impacts; community impacts; cultural and archaeological resources; and cumulative impacts.

Copies of the draft EIS have been distributed to Members of Congress; Native American tribal governments; Federal, state, and local officials; and agencies, organizations, and individuals who may be interested or affected. The draft EIS will be available on the

Internet at <http://www.gc.doe.gov/nepa/>. Copies of the draft EIS are available for public review at the following locations: DeKalb Public Library, Bell St. and Main St., DeKalb, Mississippi; Meridian-Lauderdale County Public Library, 2517 Seventh St., Meridian, Mississippi; Quitman Public Library, 116 Water St., Quitman, Mississippi; Bay Springs Municipal Library, 815 S. Court St., Bay Springs, Mississippi. Additional copies also can be requested (see **ADDRESSES**).

Dated: October 30, 2009.

Carl O. Bauer,

Director, National Energy Technology Laboratory, Office of Fossil Energy.

[FR Doc. E9-26693 Filed 11-4-09; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Biomass Research and Development Technical Advisory Committee

AGENCY: Department of Energy, Office of Energy Efficiency and Renewable Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open meeting of the Biomass Research and Development Technical Advisory Committee under Section 9008(d) of the Food, Conservation, and Energy Act of 2008. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that agencies publish these notices in the **Federal Register** to allow for public participation. This notice announces the meeting of the Biomass Research and Development Technical Advisory Committee.

DATES AND TIMES: December 1, 2009 at 8 a.m. to 5:30 p.m.; December 2, 2009 at 8 a.m. to 3 p.m.

ADDRESSES: Hyatt Regency Washington on Capitol Hill, 400 New Jersey Avenue, NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Laura McCann (formerly Neal), Designated Federal Official for the Committee, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; (202) 586-7766; *E-mail:* laura.neal@ee.doe.gov or T.J. Heibel at (410) 997-7778 ext. 223; *E-mail:* theibel@bcs-hq.com.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: To provide advice and guidance that promotes research and development leading to the production of biobased fuels and biobased products.

Tentative Agenda:

- Update on USDA Biomass R&D Activities.

- Update on DOE Biomass R&D Activities.
- Presentation from the Biomass R&D Board.
- Panel Discussion on the “Valley of Death.”
- Presentation from the Joint BioEnergy Institute (JBEI).
- Subcommittee Report-Outs discussing Committee’s 2009 recommendations.
- Committee Discussion on 2010 Work Plan.

Public Participation: In keeping with procedures, members of the public are welcome to observe the business of the Biomass Research and Development Technical Advisory Committee. To attend the meeting and/or to make oral statements regarding any of the items on the agenda, you should contact Laura McCann (formerly Neal) at 202–586–7766; *E-mail:* laura.neal@ee.doe.gov or T.J. Heibel at (410) 997–7778 ext. 223; *E-mail:* theibel@bcs-hq.com. You must make your request for an oral statement at least 5 business days before the meeting. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chair of the Committee will make every effort to hear the views of all interested parties. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. The Chair will conduct the meeting to facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying at <http://www.brdisolutions.com/publications/default.aspx#meetings>.

Issued at Washington, DC on October 29, 2009.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. E9–26691 Filed 11–4–09; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12576–004]

CRD Hydroelectric, LLC; Notice Soliciting Scoping Comments

October 29, 2009.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Original Major License.

b. *Project No.:* P–12576–004.

c. *Date filed:* February 24, 2009.

d. *Applicant:* CRD Hydroelectric, LLC.

e. *Name of Project:* Red Rock Hydroelectric Project.

f. *Location:* On the Des Moines River, in Marion County, Iowa. The project would be located at U.S. Army Corps of Engineer facilities.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)-825(r).

h. *Applicant Contact:* Douglas A. Spaulding, Nelson Energy LLC, 8441 Wayzata Blvd., Suite 101, Golden Valley, MN 55426; (952) 544–8133.

i. *FERC Contact:* Timothy Konnert, Timothy.Konnert@ferc.gov, (202) 502–6359.

j. *Deadline for filing scoping comments:* November 30, 2009.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission’s Web site (<http://www.ferc.gov/docs-filing/ferconline.asp>) under the “eFiling” link. For a simpler method of submitting text only comments, click on “Quick Comment.” For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov; call toll-free at (866) 208–3676; or, for TTY, contact (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and eight copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission’s Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application is not ready for environmental analysis at this time.

The proposed Red Rock Hydroelectric Project would be located at the existing U.S. Army Corps of Engineers (Corps) Red Rock dam, which was constructed by the Corps in 1969 for flood control. The existing Corps facilities consist of: (1) A 110-foot-high, 6,260-foot-long earth-fill dam with a 241-foot-long gated ogee spillway equipped with five 45-foot-high tainter gates; and (2) a 15,253-acre reservoir with a normal conservation pool water surface

elevation of 742.0 feet National Geodetic Vertical Datum of 1929.

The proposed project would utilize the head created by the existing Corps dam and consist of: (1) A new 127-foot-long by 19-foot-wide intake structure connected to; (2) three new 19-foot-diameter, 211-foot-long penstocks passing through the left side of the spillway leading to; (3) a new 59-foot-long by 132-foot-wide powerhouse located directly downstream of the existing spillway structure containing three new 12.13-megawatt (MW) generating units with a total generating capacity of 36.4 MW; (4) a new 8.4-mile-long, 69-kilovolt transmission line; and (5) appurtenant facilities. The estimated average annual generation would be 158,000 megawatt-hours.

The project would be operated in run-of-river mode and use flows released by the Corps in accordance with its present operations.

l. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission’s Web site at <http://www.ferc.gov> using the “eLibrary” link. Enter the docket number excluding the last three digits in the docket number field to address the document. For assistance, contact FERC Online Support. A copy is available for inspection and reproduction at the address in Item h above.

m. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. **Scoping Process**

The Commission staff intends to prepare a single Environmental Assessment (EA) for the Red Rock Hydroelectric Project in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

Commission staff does not propose to conduct any on-site scoping meetings at this time. Instead, we are soliciting comments, recommendations, and information, on the Scoping Document (SD) issued on October 29, 2009.

Copies of the SD outlining the subject areas to be addressed in the EA were distributed to the parties on the Commission’s mailing list and the applicant’s distribution list. Copies of the SD may be viewed on the Web at <http://www.ferc.gov> using the “eLibrary” link. Enter the docket number excluding the last three digits in the docket number field to access the

document. For assistance, call 1-866-208-3676 or for TTY, (202) 502-8659.

Kimberly D. Bose,
Secretary.

[FR Doc. E9-26632 Filed 11-4-09; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2407-132]

Alabama Power Company; Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

October 29, 2009.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Request for Waiver.

b. *Project No.:* 2407-132.

c. *Date Filed:* October 28, 2009.

d. *Applicant:* Alabama Power Company.

e. *Name of Project:* The Yates and Thurlow Project.

f. *Location of Project:* The Yates and Thurlow Project is located on the Tallapoosa River in Tallapoosa and Elmore Counties, Alabama.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.

h. *Applicant Contact:* Keith Bryant, Alabama Power Company, 600 N. 18th Street, Birmingham, AL 35203-8180, (205) 257-1403.

i. *FERC Contact:* Henry Woo, (202) 502-8872.

j. *Deadline for filing comments, protests, or motions to intervene:* November 20, 2009.

All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.gov> under the "e-Filing" link. The Commission strongly encourages electronic filings.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an

issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

k. *Background and Description of Request:* The Alabama Power Company (APC) is requesting a temporary variance of the reservoir drawdown limits of the Yates and Thurlow Project license. Article 402 of the license requires that the licensee operate the project so that maximum drawdowns do not exceed 1 foot at the Thurlow impoundment below normal pool elevation of 288.7 feet mean sea level. Limits on impoundment elevations may be temporarily modified for short periods for project maintenance purposes upon mutual agreement between the licensee and the Alabama Department of Conservation and Natural Resources (ADCNR). APC requests that it be allowed to draw down the Thurlow pool to within one foot of elevation 277.5 feet for a period not to exceed 90 days between December 1, 2009 and March 15, 2010. Included in APC's request was concurrence received from the Alabama Department of Conservation and Natural Resources

By order issued April 1, 1996, the Commission defined a temporary modification as a few weeks or less. Therefore, the licensee cannot use the provisions of article 402 to authorize the long term suspension of the drawdown limitation. Such a long-term modification would be an amendment of license and must be processed as such.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number (P-2407-132) in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should

so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,
Secretary.

[FR Doc. E9-26633 Filed 11-4-09; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

October 28, 2009.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER97-324-015.

Applicants: Detroit Edison Company.

Description: Quarterly Report of The Detroit Edison Company for the Third Quarter of 2009 Pursuant to 18 CFR 35.42(d).

Filed Date: 10/22/2009.

Accession Number: 20091022-5120.

Comment Date: 5 p.m. Eastern Time on Thursday, November 12, 2009.

Docket Numbers: ER97-870-016.

Applicants: Sunoco Power Marketing, LLC.

Description: Sunoco Power Marketing, LLC submits Order 697

compliance filing and request for FERC acknowledge that Sunoco is a Category I Seller in all six regions of the United States.

Filed Date: 10/23/2009.

Accession Number: 20091026-0285.

Comment Date: 5 p.m. Eastern Time on Friday, November 13, 2009.

Docket Numbers: ER97-2801-029.

Applicants: PacifiCorp.

Description: PacifiCorp submits an amendment to its market-based rate tariff to permit the sale of certain ancillary services.

Filed Date: 10/26/2009.

Accession Number: 20091027-0035.

Comment Date: 5 p.m. Eastern Time on Monday, November 16, 2009.

Docket Numbers: ER00-2603-008; ER05-570-005; ER06-1291-004; ER06-226-002; ER07-1040-005; ER07-565-003; ER09-1414-002; ER98-3774-008; ER07-566-003; ER08-200-004.

Applicants: Hopewell Cogeneration Ltd Partnership, FirstLight Power Resources Management, LL, MT. Tom Generating Company LLC, Waterbury Generation, LLC, Choctaw Gas Generation, LLC, Choctaw Generation Limited Partnership, Hot Spring Power Company, LLC, Syracuse Energy Corporation, GDF SUEZ Energy Marketing NA, Inc., FirstLight Hydro Generating Company, LLC.

Description: Notice of Change in Status of the GDF SUEZ Sellers.

Filed Date: 10/26/2009.

Accession Number: 20091026-5094.

Comment Date: 5 p.m. Eastern Time on Monday, November 16, 2009.

Docket Numbers: ER02-556-011; ER06-1280-004.

Applicants: Hess Corporation, Select Energy New York, Inc.

Description: Hess Corporation, *et al.* Notice of Change in Status.

Filed Date: 10/28/2009.

Accession Number: 20091028-5005.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 18, 2009.

Docket Numbers: ER04-268-016; ER07-157-009; ER99-845-018.

Applicants: Puget Sound Energy, Inc., Duquesne Power, LLC, Macquarie Cook Power, Inc.

Description: Notice of Change in Status Sites for New Generation Capacity Development.

Filed Date: 10/27/2009.

Accession Number: 20091027-5080.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 17, 2009.

Docket Numbers: ER04-879-001.

Applicants: Sunoco Power Generation, LLC.

Description: Sunoco Power Generation, LLC submits Order No 697 compliance filing and request for Category I Status.

Filed Date: 10/23/2009.

Accession Number: 20091027-0005.

Comment Date: 5 p.m. Eastern Time on Friday, November 13, 2009.

Docket Numbers: ER06-1185-003.

Applicants: Pace Global Asset Management, LLC.

Description: Pace Global Asset Management, LLC submits a revised market-based rate tariff and updated market power analysis, and an application for status as Category 1 Seller.

Filed Date: 10/26/2009.

Accession Number: 20091027-0037.

Comment Date: 5 p.m. Eastern Time on Monday, November 16, 2009.

Docket Numbers: ER06-455-002.

Applicants: Duquesne Power, LLC.

Description: Duquesne Power, LLC submits First Revised Sheet 1 *et al.* to Rate Schedule FERC No 1.

Filed Date: 10/26/2009.

Accession Number: 20091027-0006.

Comment Date: 5 p.m. Eastern Time on Monday, November 16, 2009.

Docket Numbers: ER08-129-006.

Applicants: Southern Company Services, Inc.

Description: Alabama Power Company *et al.* submits compliance filing to the FERC in accordance with the Commission's Order on Clarification and Compliance Filing issued on 9/24/09.

Filed Date: 10/26/2009.

Accession Number: 20091028-0009.

Comment Date: 5 p.m. Eastern Time on Monday, November 16, 2009.

Docket Numbers: ER09-1379-002.

Applicants: Ameren Services Company.

Description: Ameren Services Company submits its refund report for the Wholesale Distribution Service Agreement between Union Electric Company and the City of Jackson Missouri.

Filed Date: 10/23/2009.

Accession Number: 20091026-0286.

Comment Date: 5 p.m. Eastern Time on Friday, November 13, 2009.

Docket Numbers: ER09-1746-001.

Applicants: ISO New England Inc. & New England Power Pool.

Description: ISO New England Inc requests that FERC accept the errata and approve the changes for the FCM rules.

Filed Date: 10/26/2009.

Accession Number: 20091027-0038.

Comment Date: 5 p.m. Eastern Time on Monday, November 16, 2009.

Docket Numbers: ER09-502-002; ER09-666-003; ER09-667-003; ER09-668-003; ER09-669-003; ER09-670-003; ER09-671-003.

Applicants: EDF Development, Inc.; EDFD-Handsome Lake; EDFD-Perryman;

EDFD-Keystone; EDFD-Conemaugh; EDFD-C.P. Crane; EDFD-West Valley.

Description: EDF Development, Inc. submits non-material change in status pursuant to Section 35.42 of the Commission's Regulations *etc.*

Filed Date: 10/26/2009.

Accession Number: 20091027-0036.

Comment Date: 5 p.m. Eastern Time on Monday, November 16, 2009.

Docket Numbers: ER10-88-001.

Applicants: E.ON U.S., LLC.

Description: E.ON U.S., LLC submits an unexecuted interconnection agreement.

Filed Date: 10/23/2009.

Accession Number: 20091026-0287.

Comment Date: 5 p.m. Eastern Time on Friday, November 13, 2009.

Docket Numbers: ER10-94-000.

Applicants: Sierra Pacific Power Company.

Description: Sierra Pacific Power Co. submits revisions to Exhibit F of the General Transfer Agreement with Bonneville Power Administration.

Filed Date: 10/23/2009.

Accession Number: 20091023-0029.

Comment Date: 5 p.m. Eastern Time on Friday, November 13, 2009.

Docket Numbers: ER10-95-000.

Applicants: New York Independent System Operator, Inc.

Description: New York Independent System Operator, Inc submits Fourth Revised Sheet 231 *et al.* to its FERC Electric Tariff, Original Volume 1, Schedule 1 to be effective 1/1/10.

Filed Date: 10/23/2009.

Accession Number: 20091026-0271.

Comment Date: 5 p.m. Eastern Time on Friday, November 13, 2009.

Docket Numbers: ER10-96-000.

Applicants: American Electric Power Company, Inc.

Description: American Electric Power submits third revisions to the Interconnection and Local Delivery Service Agreement No. 1428 with the Village of Shiloh and AEP.

Filed Date: 10/23/2009.

Accession Number: 20091026-0277.

Comment Date: 5 p.m. Eastern Time on Friday, November 13, 2009.

Docket Numbers: ER10-97-000.

Applicants: ISO New England Inc. & New England Power Pool.

Description: ISO New England Inc. *et al.* submit market rule revision relating to the Reserve Constraint Penalty Factor for Thirty Minute Operating Reserve.

Filed Date: 10/23/2009.

Accession Number: 20091026-0272.

Comment Date: 5 p.m. Eastern Time on Friday, November 13, 2009.

Docket Numbers: ER10-99-000.

Applicants: Midwest Independent System Transmission Operation, Inc., American Transmission Company, LLC.

Description: Midwest Independent Transmission System Operator, Inc. *et al.* submit clarifying revisions to Attachment O—ATC of the Midwest ISO Tariff.

Filed Date: 10/23/2009.

Accession Number: 20091026–0273.

Comment Date: 5 p.m. Eastern Time on Friday, November 13, 2009.

Docket Numbers: ER10–100–000.

Applicants: Westar Energy, Inc.

Description: Westar Energy Inc. submits Balancing Area Services Agreement between Westar and the City of West Plains.

Filed Date: 10/26/2009.

Accession Number: 20091026–0274.

Comment Date: 5 p.m. Eastern Time on Monday, November 16, 2009.

Docket Numbers: ER10–101–000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Company submits revised rate sheets for the Interconnection Facilities Agreement between SCE and Sierra Power Corporation.

Filed Date: 10/26/2009.

Accession Number: 20091026–0275.

Comment Date: 5 p.m. Eastern Time on Monday, November 16, 2009.

Docket Numbers: ER10–102–000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Company submits First Revised Sheet 22 *et al.* to FERC Electric Tariff, First Revised Volume 5 Service Agreement No 200 to be effective 12/26/09.

Filed Date: 10/26/2009.

Accession Number: 20091026–0270.

Comment Date: 5 p.m. Eastern Time on Monday, November 16, 2009.

Docket Numbers: ER10–103–000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Company submits Large Generator Interconnection Agreement with Western Wind Energy Company.

Filed Date: 10/26/2009.

Accession Number: 20091026–0276.

Comment Date: 5 p.m. Eastern Time on Monday, November 16, 2009.

Docket Numbers: ER10–106–000.

Applicants: Mississippi Power Company.

Description: Mississippi Power Co submits the Transmission Facilities Agreement with Gulf States Utilities Co.

Filed Date: 10/26/2009.

Accession Number: 20091027–0013.

Comment Date: 5 p.m. Eastern Time on Monday, November 16, 2009.

Docket Numbers: ER10–107–000.

Applicants: Upper Peninsula Power Company.

Description: Upper Peninsula Power Company submits revised cover sheets cancelling their Service Agreement No. 10U for Ancillary Services and Wholesale Distribution Service with Ontonagon County Rural Electrification Association.

Filed Date: 10/26/2009.

Accession Number: 20091027–0007.

Comment Date: 5 p.m. Eastern Time on Monday, November 16, 2009.

Docket Numbers: ER10–108–000.

Applicants: ISO New England, Inc.

Description: ISO New England submits tariff revisions to create centralized definitions section.

Filed Date: 10/26/2009.

Accession Number: 20091027–0040.

Comment Date: 5 p.m. Eastern Time on Monday, November 16, 2009.

Docket Numbers: ER10–109–000.

Applicants: NSTAR Electric Company.

Description: NSTAR Electric Company submits errata to the Transfer Agreement with H.Q. Energy Services, Inc.

Filed Date: 10/26/2009.

Accession Number: 20091028–0003.

Comment Date: 5 p.m. Eastern Time on Monday, November 16, 2009.

Docket Numbers: ER10–110–000.

Applicants: ISO New England, Inc.

Description: ISO New England, Inc. submits 3rd Revised Sheet 8560 *et al.* to its FERC Electric Tariff No 3, Section IV. A Schedule 5—Collection of NESCOE Budget to be effective 1/1/10.

Filed Date: 10/27/2009.

Accession Number: 20091028–0004.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 17, 2009.

Docket Numbers: ER10–111–000.

Applicants: Bangor Hydro-Electric Company.

Description: Bangor Hydro-Electric Company submits Settlement Agreement with PPL Maine, LLC *et al.*

Filed Date: 10/26/2009.

Accession Number: 20091028–0005.

Comment Date: 5 p.m. Eastern Time on Monday, November 16, 2009.

Docket Numbers: ER10–112–000.

Applicants: ISO New England, Inc.

Description: ISO New England, Inc. submits its capital budget for calendar year 2010 and supporting material.

Filed Date: 10/27/2009.

Accession Number: 20091028–0006.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 17, 2009.

Docket Numbers: ER10–113–000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Company submits Eighth Revised Sheet 54 *et al.* to Rate Schedule FERC 424 to be effective 1/1/10.

Filed Date: 10/27/2009.

Accession Number: 20091028–0007.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 17, 2009.

Docket Numbers: ER10–114–000.

Applicants: Florida Power & Light Company.

Description: Florida Power & Light Company submits Original Service Agreement 266 to FERC Electric Tariff, 2 Rev. Volume 6 to be effective 1/1/10.

Filed Date: 10/27/2009.

Accession Number: 20091028–0008.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 17, 2009.

Docket Numbers: ER10–116–000.

Applicants: Trans Bay Cable LLC.

Description: Trans Bay Cable submits implementing regulations, supporting materials to establish Trans Bay Cable's revenue requirement in connection with the development, financing, construction, operation *etc.*

Filed Date: 10/23/2009.

Accession Number: 20091028–0015.

Comment Date: 5 p.m. Eastern Time on Friday, November 13, 2009.

Take notice that the Commission received the following PURPA 210(m)(3) filings:

Docket Numbers: QM10–2–000.

Applicants: The Detroit Edison Company.

Description: Application for Authorization to Terminate the Obligation of The Detroit Edison Company to Purchase Power from Qualified Facilities Over Twenty Megawatts on a Service Territory-Wide Basis.

Filed Date: 10/26/2009.

Accession Number: 20091026–5080.

Comment Date: 5 p.m. Eastern Time on Monday, November 23, 2009.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and

interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. E9-26615 Filed 11-4-09; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 2

October 19, 2009.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP09-704-002.

Applicants: Destin Pipeline Company, L.L.C.

Description: Destin Pipeline Company, LLC submits Second Sub Eighth Revised No 136 to its FERC Gas Tariff, Original Volume No. 1.

Filed Date: 10/09/2009.

Accession Number: 20091013-0036.

Comment Date: 5 p.m. Eastern Time on Friday, October 23, 2009.

Docket Numbers: RP09-855-002.

Applicants: Natural Gas Pipeline Company of America LLC.

Description: Natural Gas Pipeline Company of America LLC submits First Revised Sheet No 465 *et al.* to its FERC Gas Tariff, Seventh Revised Volume No. 1.

Filed Date: 10/09/2009.

Accession Number: 20091013-0037.

Comment Date: 5 p.m. Eastern Time on Friday, October 23, 2009.

Docket Numbers: RP09-117-001.

Applicants: El Paso Natural Gas Company.

Description: El Paso Natural Gas Company submits Second Revised Volume 1A *et al.* to be effective 10/1/09.

Filed Date: 10/15/2009.

Accession Number: 20091016-0110.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 27, 2009.

Docket Numbers: RP09-1019-001.

Applicants: Quest Pipelines (KPC).

Description: Quest Pipelines submits First Revised Sheet No 185 *et al.* to its FERC Gas Tariff, Second Revised Volume No 1.

Filed Date: 10/09/2009.

Accession Number: 20091013-0035.

Comment Date: 5 p.m. Eastern Time on Friday, October 23, 2009.

Docket Numbers: RP09-1089-001.

Applicants: Northwest Pipeline GP.
Description: Northwest Pipeline GP submits Sub. Fifth Revised Sheet 399 *et al.* of its FERC Gas Tariff, Fourth Revised Volume 1.

Filed Date: 10/07/2009.

Accession Number: 20091008-0240.

Comment Date: 5 p.m. Eastern Time on Friday, October 23, 2009.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before 5 p.m. Eastern time on the specified comment date. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail

FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E9-26616 Filed 11-4-09; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 1

October 19, 2009.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10-46-000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Algonquin Gas Transmission, LLC submits the Second Revised Sheet No. 625 to FERC Gas Tariff, Fifth Revised Volume No. 1.

Filed Date: 10/13/2009.

Accession Number: 20091015-0118.

Comment Date: 5 p.m. Eastern Time on Monday, October 26, 2009.

Docket Numbers: RP10-49-000.

Applicants: Rockies Express Pipeline, LLC.

Description: Third Revised Sheet No. 7B Superseding Second Revised Sheet No. 7B *et al.* to its FERC Gas Tariff, Second Volume No. 1, to be effective October 14, 2009.

Filed Date: 10/14/2009.

Accession Number: 20091014-0097.

Comment Date: 5 p.m. Eastern Time on Monday, October 26, 2009.

Docket Numbers: RP10-50-000.

Applicants: Centra Pipelines Minnesota Inc.

Description: Centra Pipelines Minnesota Inc. submits Sixth Revised Sheet No 35 to FERC Gas Tariff, Second Revised Volume No 2.

Filed Date: 10/15/2009.

Accession Number: 20091016-0111.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 27, 2009.

Docket Numbers: RP10-51-000.

Applicants: Equitrans, L.P.

Description: Equitrans, LP submits an executed copy of base transportation agreement 457.

Filed Date: 10/16/2009.

Accession Number: 20091016-0112.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 28, 2009.

Docket Numbers: RP10-52-000.

Applicants: ANR Pipeline Company.

Description: ANR Pipeline Company submits Original Sheet No. 7A to FERC Gas Tariff, Second Revised Volume No. 1.

Filed Date: 10/16/2009.
Accession Number: 20091016-0113.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 28, 2009.

Docket Numbers: RP10-53-000.
Applicants: Texas Eastern Transmission LP.

Description: Texas Eastern Transmission, LP submits Second Revised Sheet 10 *et al.* of its FERC Gas Tariff Seventh Revised Volume 1 effective 11/16/09.

Filed Date: 10/16/2009.
Accession Number: 20091016-0114.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 28, 2009.

Docket Numbers: RP10-54-000.
Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits a negotiated rate letter agreement executed by Gulf South and Okaloosa Gas District Contract 37337.

Filed Date: 10/16/2009.
Accession Number: 20091016-0109.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 28, 2009.

Docket Numbers: RP10-55-000.
Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits an amendment to a negotiated rate letter agreement executed by Gulf South and its customers in relation to the East Texas to Mississippi Expansion Project.

Filed Date: 10/16/2009.
Accession Number: 20091016-0108.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 28, 2009.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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www.ferc.gov. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E9-26617 Filed 11-4-09; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

October 15, 2009.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10-37-000.
Applicants: Guardian Pipeline, L.L.C.
Description: Guardian Pipeline, LLC submit Fourth Revised Sheet No 9A *et al.* to its FERC Gas Tariff, Original Volume No 1.

Filed Date: 10/09/2009.
Accession Number: 20091013-0034.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 21, 2009.

Docket Numbers: RP10-38-000.
Applicants: Rockies Express Pipeline LLC.

Description: Rockies Express Pipeline LLC submits Eighth Revised Sheet No 8A *et al.* to its FERC Gas Tariff, Second Revised Volume No 1.

Filed Date: 10/09/2009.
Accession Number: 20091013-0033.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 21, 2009.

Docket Numbers: RP10-38-001.
Applicants: Rockies Express Pipeline LLC.

Description: Rockies Express Pipeline, LLC submits Third Revised Sheet 7B *et al.* to FERC Gas Tariff, Second Revised Volume 1 to be effective 10/14/09.

Filed Date: 10/14/2009.
Accession Number: 20091014-0097.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 21, 2009.

Docket Numbers: RP10-39-000.
Applicants: ANR Pipeline Company.

Description: ANR Pipeline Company submits amendment to Rate Schedule FSS negotiated rate agreement between ANR and BP Canada Energy Marketing Corp.

Filed Date: 10/09/2009.
Accession Number: 20091014-0075.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 21, 2009.

Docket Numbers: RP10-40-000.
Applicants: Southern Natural Gas Company.

Description: Southern Natural Gas Company submits revised Pro Forma Exhibit B to the Maser firm Transportation Service Agreement under Rate Schedule FT between Southern and Atlanta Gas Light Company.

Filed Date: 10/13/2009.
Accession Number: 20091014-0074.
Comment Date: 5 p.m. Eastern Time on Monday, October 26, 2009.

Docket Numbers: RP10-41-000.
Applicants: Guardian Pipeline, L.L.C.
Description: Guardian Pipeline, LLC submits Fifth Revised Sheet No 7 to FERC Gas Tariff, Original Volume No 1.

Filed Date: 10/13/2009.
Accession Number: 20091014-0069.
Comment Date: 5 p.m. Eastern Time on Monday, October 26, 2009.

Docket Numbers: RP10-42-000.
Applicants: Guardian Pipeline, L.L.C.
Description: Guardian Pipeline's, LLC submits Third Revised Sheet No 8 to its FERC Gas Tariff, Original Volume 1 to be effective 11/1/09.

Filed Date: 10/13/2009.
Accession Number: 20091014-0070.
Comment Date: 5 p.m. Eastern Time on Monday, October 26, 2009.

Docket Numbers: RP10-43-000.
Applicants: Midwestern Gas Transmission Company.

Description: Midwestern Gas Transmission Company submits Twelfth Revised Sheet 7 *et al.* to its FERC Gas Tariff, Third Revised Volume 1 to be effective 12/1/09.

Filed Date: 10/13/2009.
Accession Number: 20091014-0071.
Comment Date: 5 p.m. Eastern Time on Monday, October 26, 2009.

Docket Numbers: RP10-44-000.

Applicants: Gulf States Transmission Corporation.

Description: Gulf States Transmission Corporation submits Sixth Revised Sheet 5 and Fourth Revised Sheet 6 to its FERC Gas Tariff, Original Volume to be effective 11/1/09.

Filed Date: 10/13/2009.

Accession Number: 20091014-0072.

Comment Date: 5 p.m. Eastern Time on Monday, October 26, 2009.

Docket Numbers: RP10-45-000.

Applicants: North Baja Pipeline, LLC.

Description: North Baja Pipeline, LLC submits non-conforming, negotiated rate, firm transportation service agreement with Gazprom Marketing & Trading USA, Inc.

Filed Date: 10/13/2009.

Accession Number: 20091014-0073.

Comment Date: 5 p.m. Eastern Time on Monday, October 26, 2009.

Docket Numbers: RP10-47-000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits capacity release agreement.

Filed Date: 10/13/2009.

Accession Number: 20091014-0096.

Comment Date: 5 p.m. Eastern Time on Monday, October 26, 2009.

Docket Numbers: RP10-48-000.

Applicants: Southern Natural Gas Company.

Description: Southern Natural Gas Company submits Final True Up Filing for its Maintenance Capital Surcharge.

Filed Date: 10/14/2009.

Accession Number: 20091014-0098.

Comment Date: 5 p.m. Eastern Time on Monday, October 26, 2009.

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E9-26618 Filed 11-4-09; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

October 29, 2009.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC06-129-003.

Applicants: Capital Research and Management Company.

Description: Capital Research and Management Company's Request for Reauthorization and Extension of Blanket Authorization under Section 203 of the Federal Power Act.

Filed Date: 10/28/2009.

Accession Number: 20091028-5122.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 18, 2009.

Docket Numbers: EC10-9-000.

Applicants: Aircraft Services Corporation, Blue Canyon Windpower V LLC.

Description: Application for Authorization for Disposition of Jurisdictional Facilities and Acquisition

of Securities by a Holding Company and Request for Expedited Action of Blue Canyon Windpower V LLC, *et al.*

Filed Date: 10/28/2009.

Accession Number: 20091028-5125.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 18, 2009.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER97-2846-016; ER99-2311-013.

Applicants: Florida Power Corporation; Carolina Power & Light Company.

Description: Carolina Power & Light Co *et al.* submits notice of change in status in compliance with requirements set forth in Section 35.42 of the regulations.

Filed Date: 10/28/2009.

Accession Number: 20091029-0058.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 18, 2009.

Docket Numbers: ER98-1643-016.

Applicants: Portland General Electric Company.

Description: Portland General Electric Company Notice of Non-Material Change in status.

Filed Date: 10/27/2009.

Accession Number: 20091027-5087.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 17, 2009.

Docket Numbers: ER01-462-002.

Applicants: DPL Energy Resources, Inc.

Description: DPL Energy Resources, Inc submits an application to modify market based rate tariffs, to request waivers of requirements for transactions among affiliates and for approvals in conformance with Order No 697.

Filed Date: 10/27/2009.

Accession Number: 20091028-0074.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 17, 2009.

Docket Numbers: ER08-83-003.

Applicants: Gilberton Power Company.

Description: Gilberton Power Company submits First Revised Sheet No 1 *et al.* to its FERC Electric Tariff, Original Volume No 1 & request for blanket authority under Section 204 of the FPA and Part 34.

Filed Date: 10/28/2009.

Accession Number: 20091029-0059.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 18, 2009.

Docket Numbers: ER08-1457-004.

Applicants: PPL Electric Utilities Corporation.

Description: PJM Interconnection's refund report in compliance with Order approving settlement.

Filed Date: 10/28/2009.

Accession Number: 20091028–5123.
Comment Date: 5 p.m. Eastern Time on Wednesday, November 18, 2009.

Docket Numbers: ER08–1600–002.
Applicants: Basin Electric Power Cooperative, Inc.

Description: Compliance Refund Report of Basin Electric Power Cooperative.

Filed Date: 10/28/2009.

Accession Number: 20091028–5129.
Comment Date: 5 p.m. Eastern Time on Wednesday, November 18, 2009.

Docket Numbers: ER09–1049–003.
Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Informational Filing of Midwest Independent Transmission System Operator, Inc.

Filed Date: 10/26/2009.

Accession Number: 20091026–5095.
Comment Date: 5 p.m. Eastern Time on Monday, November 09, 2009.

Docket Numbers: ER09–1051–001.
Applicants: ISO New England Inc. & New England Power Pool.

Description: ISO New England Inc *et al.* submits a filing in compliance with Order No. 719–A.

Filed Date: 10/27/2009.

Accession Number: 20091028–0069.
Comment Date: 5 p.m. Eastern Time on Tuesday, November 10, 2009.

Docket Numbers: ER09–1650–000; OA09–32–000; TS09–12–000.

Applicants: BP Wind Energy North America Inc., Fowler Ridge Wind Farm LLC, Fowler Ridge II Wind Farm LLC, Fowler Ridge III Wind Farm LLC, Dominion Fowler Ridge Wind II, LLC.

Description: Response of BP Wind Energy North America Inc., Fowler Ridge Wind Farm LLC, Fowler Ridge II Wind Farm LLC, Fowler Ridge III Wind Farm LLC, and Dominion Fowler Ridge Wind II LLC, to Request for Additional Information.

Filed Date: 10/28/2009.

Accession Number: 20091028–5130.
Comment Date: 5 p.m. Eastern Time on Monday, November 09, 2009.

Docket Numbers: ER09–1748–001.
Applicants: Inupiat Energy Marketing, LLC.

Description: Inupiat Energy Marketing, LLC submits a revised application for Order Accepting Initial Rate Schedule, Blanket Authorizations and Certain Waivers *etc.*

Filed Date: 10/27/2009.

Accession Number: 20091028–0072.
Comment Date: 5 p.m. Eastern Time on Tuesday, November 17, 2009.

Docket Numbers: ER10–90–000.
Applicants: Lonestar Energy Partners, LLC.

Description: Lonestar Energy Partners, LLC submits petition for acceptance of

initial rate schedule, FERC Rate Schedule 1, waivers and blanket authority.

Filed Date: 10/27/2009.

Accession Number: 20091029–0147.
Comment Date: 5 p.m. Eastern Time on Tuesday, November 17, 2009.

Docket Numbers: ER10–98–000.
Applicants: Southern Company Services, Inc.

Description: Alabama Power Company *et al.* submit a transmittal letter and the amendment to the Open Access transmission Tariff (FERC Electric Tariff, Fourth Revised Volume 5).

Filed Date: 10/23/2009.

Accession Number: 20091026–0278.
Comment Date: 5 p.m. Eastern Time on Friday, November 13, 2009.

Docket Numbers: ER10–105–000.
Applicants: Southern California Edison Company.

Description: Southern California Edison Company submits revision to its Transmission Owner Tariff, FERC Electric Tariff Second Revised Volume 6 *etc.*

Filed Date: 10/23/2009.

Accession Number: 20091028–0010.
Comment Date: 5 p.m. Eastern Time on Friday, November 13, 2009.

Docket Numbers: ER10–119–000.
Applicants: New York Independent System Operator, Inc.

Description: ISO New England Inc *et al.* submits a filing in compliance with Order No. 719–A.

Filed Date: 10/27/2009.

Accession Number: 20091028–0070.
Comment Date: 5 p.m. Eastern Time on Tuesday, November 17, 2009.

Docket Numbers: ER10–120–000.
Applicants: Pacific Gas and Electric Company.

Description: Pacific Gas and Electric Company submits Twenty-Seventh Quarterly filing of facilities agreements.

Filed Date: 10/27/2009.

Accession Number: 20091028–0075.
Comment Date: 5 p.m. Eastern Time on Tuesday, November 17, 2009.

Docket Numbers: ER10–122–000.
Applicants: PJM Interconnection, LLC.

Description: PJM Interconnection, LLC submits a revised interconnection service agreement.

Filed Date: 10/28/2009.

Accession Number: 20091028–0066.
Comment Date: 5 p.m. Eastern Time on Wednesday, November 18, 2009.

Docket Numbers: ER10–123–000.
Applicants: PJM Interconnection, LLC.

Description: PJM Interconnection, LLC submits a Network Integration Transmission Service Agreement.

Filed Date: 10/28/2009.

Accession Number: 20091028–0067.
Comment Date: 5 p.m. Eastern Time on Wednesday, November 18, 2009.

Docket Numbers: ER10–124–000.
Applicants: PJM Interconnection, LLC.

Description: PJM Interconnection, LLC submits a Network Integration Transmission Service Agreement.

Filed Date: 10/28/2009.

Accession Number: 20091028–0068.
Comment Date: 5 p.m. Eastern Time on Wednesday, November 18, 2009.

Docket Numbers: ER10–125–000.
Applicants: Xcel Energy Services Inc.

Description: Xcel Energy on behalf of NSP Companies submits a notice of cancellation of the Mobile Transformer Agreement.

Filed Date: 10/28/2009.

Accession Number: 20091028–0073.
Comment Date: 5 p.m. Eastern Time on Wednesday, November 18, 2009.

Docket Numbers: ER10–129–000.
Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc submits executed Service Agreement for Network Integration Transmission Service between SPP as Transmission Provider and Kansas Electric Power cooperative, Inc as Network Customer, *etc.*

Filed Date: 10/28/2009.

Accession Number: 20091029–0055.
Comment Date: 5 p.m. Eastern Time on Wednesday, November 18, 2009.

Docket Numbers: ER10–130–000.
Applicants: Duke Energy Carolinas, LLC.

Description: Duke Energy Carolinas, LLC submits 8/6/09 confirmation between Duke Energy Carolinas and North Carolina Electric Membership Corporation.

Filed Date: 10/28/2009.

Accession Number: 20091029–0056.
Comment Date: 5 p.m. Eastern Time on Wednesday, November 18, 2009.

Docket Numbers: ER10–131–000.
Applicants: Mid-Continent Area Power Pool.

Description: Mid-Continent Area Power Pool submits revisions to their Restated Agreement, FERC Electric Tariff, First Revised Volume No 2, effective 12/31/09.

Filed Date: 10/28/2009.

Accession Number: 20091029–0057.
Comment Date: 5 p.m. Eastern Time on Wednesday, November 18, 2009.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES09–54–001.

Applicants: Midwest Independent Transmission System Operation, Inc.

Description: Supplement to Section 204 Application of Midwest Independent Transmission System Operator, Inc.

Filed Date: 10/28/2009.

Accession Number: 20091028-5087.

Comment Date: 5 p.m. Eastern Time on Monday, November 09, 2009.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA08-81-002.

Applicants: NorthWestern Corporation.

Description: NorthWestern Corporation submits an errata to its 9/18/09 filing in compliance with the FERC 9/3/09 Letter Order etc.

Filed Date: 10/22/2009.

Accession Number: 20091026-0288.

Comment Date: 5 p.m. Eastern Time on Thursday, November 12, 2009.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They

are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. E9-26614 Filed 11-4-09; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL10-7-000]

Power and Water Resources Pooling Authority, Complainant v. Pacific Gas and Electric Company, Respondent; Notice of Complaint

October 29, 2009.

Take notice that on October 21, 2009, the Power and Water Resources Pooling Authority (PWRPA) filed a formal complaint against Pacific Gas and Electric Company (PG&E) pursuant to section 206 of the Federal Power Act, 16 U.S.C. 824e, and Rule 206 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206, alleging that PG&E has unjustifiably refused to provide wholesale distribution service to PWRPA, an eligible customer under PG&E's open-access Wholesale Distribution Tariff on file with the Commission. PWRPA requests fast-track processing of the complaint and seeks an order requiring PG&E to provide an interconnection and wholesale distribution service for delivery of power to one of PWRPA's retail customers, Glenn-Colusa Irrigation District, not later than January 1, 2010.

PWRPA certifies that copies of the complaint were served on the contacts for PPG&E as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer

and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on November 10, 2009.

Kimberly D. Bose,
Secretary.

[FR Doc. E9-26634 Filed 11-4-09; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10828-007]

Fairfax County Water Authority; Notice of Availability of Final Environmental Assessment

October 29, 2009.

In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47879), the Commission has reviewed an application, filed January 15, 2009, to surrender the project license for the Occoquan River Hydroelectric Project, FERC Project No. 10828. The Environmental Assessment (EA) analyzes the environmental impacts of the proposed license surrender, decommissioning of hydroelectric facilities, and various dam safety related repairs, and concludes that approval of the application, with appropriate environmental measures, would not constitute a major federal action significantly affecting the quality of the

human environment. The project is located on the Occoquan River in Prince William and Fairfax Counties, Virginia.

The EA was written by staff in the Office of Energy Projects, Federal Energy Regulatory Commission (Commission). A copy of the EA is attached to a Commission order titled "Order Modifying and Accepting Surrender of License" issued October 29, 2009, and is on file with the Commission and available for public inspections. The EA may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at 1-866-208-3372, or for TTY, (202) 502-8659.

Kimberly D. Bose,
Secretary.

[FR Doc. E9-26631 Filed 11-4-09; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Fuel Storage Performance Requirements for Early Market Cell Applications

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Notice of request for information; notice of public meeting.

SUMMARY: The U.S. Department of Energy (DOE) Office of Energy Efficiency and Renewable Energy (EERE) has issued a Request for Information (RFI) seeking input from prospective fuel cell system users, fuel cell component and system suppliers and other stakeholders on performance and cost requirements for fuel storage subsystems for near-term, early market fuel cell applications (e.g., for mobile applications such as fork lifts, stationary back-up power, portable power, etc). This RFI is intended to be "fuel neutral" with the focus on defining the fuel storage needs and requirements for early market fuel cell applications to facilitate successful market transformation in a competitive environment. This information will be used by DOE in a preliminary assessment and ultimate determination of the storage system performance requirements. A public Workshop on the same topic will be held the afternoon of November 16th, in

conjunction with the Fuel Cell Seminar, Nov 16-20, Palm Springs, CA.

DATES:

- *November 16, 2009—DOE Workshop: Fuel Storage Performance Requirements for Early Market Fuel Cell Applications*

- *December 15, 2009—Deadline for Responses to This RFI*

ADDRESSES: The RFI is posted on: http://www1.eere.energy.gov/hydrogenandfuelcells/news_detail.html?news_id=1556.

Responses and questions may be submitted to

StorageTargets2009@ee.doe.gov.

The DOE Workshop on Fuel Storage Performance Requirements will be the afternoon of November 16, 2009 in conjunction with the Fuel Cell Seminar to be held at the Palm Springs Convention Center and associated hotels, Palm Springs, CA, USA.

FOR FURTHER INFORMATION CONTACT: Dr. Sara Dillich, Hydrogen Storage Team Lead, Fuel Cells Technologies Program; EE-2H; 1000 Independence Ave., SE.; Washington, DC 20585; (202) 586-9995. More information on DOE's hydrogen storage program, targets and current research information can be found at <http://www1.eere.energy.gov/hydrogenandfuelcells/storage/>.

SUPPLEMENTARY INFORMATION:

Background

The EERE Fuel Cell Technologies Program seeks to advance the development and deployment of fuel cells for power generation in a variety of stationary, portable, and transportation applications. In support of this goal, EERE funds a broad range of hydrogen and fuel cell technologies research, development and demonstration (RD&D) activities.

The Program is currently working to identify appropriate performance and cost requirements for fuel storage subsystems for near-term, early markets for fuel cells. The requirements will be driven by consumer/user expectations for the various applications, rather than by the operating parameters or constraints of specific technologies. Cost and performance requirements and their accompanying time-based targets will be set with industry and market input and will help guide the RD&D required for improvements in physical storage systems and/or solid state storage materials, designs, and systems.

RFI Guidelines

Comments in response to this RFI must be provided as an attachment to an e-mail message addressed to StorageTargets2009@ee.doe.gov. All

responses to this RFI should be delivered electronically to the aforementioned e-mail address using Microsoft Word (.doc) format and/or the fillable table. DOE would prefer that responses to this RFI, in addition to those provided in the fillable table, be no more than one page in length *per each application category* with a five page total maximum. Commercial product descriptions, marketing information and technical presentations/publications should not be included in response to this RFI.

According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit two copies: one copy of the document including all the information believed to be confidential, and one copy of the document with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Disclaimer

DOE will not reimburse costs associated with preparing any documents for this RFI. Note that the intent of this RFI is to provide an opportunity for stakeholders to submit input on targets, and will not lead directly to a Funding Opportunity Announcement.

For more information about the DOE Fuel Cell Technologies Program and related storage activities visit the Program's Web site at <http://www.hydrogen.energy.gov> and <http://www.eere.energy.gov/hydrogenandfuelcells>.

Issued in Washington, DC on November 2, 2009.

Sunita Satyapal,

Acting Program Manager, DOE-EERE Fuel Cell Technologies Program.

[FR Doc. E9-26690 Filed 11-4-09; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Privacy Act of 1974: Notice of New System of Records

October 29, 2009.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of new system of records.

SUMMARY: The Federal Energy Regulatory Commission (the Commission), under the requirements of

the Privacy Act of 1974, 5 U.S.C. 552a, is publishing a description of a new system of records.

ADDRESSES: Comments and requests for further information should be directed to the following address: Director, Division of Payroll, Application and Integration, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Jennifer Nye, Director, Division of Payroll, Application and Integration, Office of the Executive Director, 888 First Street, NE., Washington, DC 20426, (202) 502-6679.

SUPPLEMENTARY INFORMATION:

I. Report on the New System

A. Background

The Privacy Act of 1974, 5 U.S.C. 552a, requires that each agency publish a notice of the existence and character of each new or altered "system of records." 5 U.S.C. 552a(a)(5). This Notice identifies and describes the Commission's new system of records. A copy of this report has been distributed to the Speaker of the House of Representatives and the President of the Senate as the Act requires. The Commission has adopted a new system of records under the Privacy Act of 1974. This system does not duplicate any existing agency system. The notice includes for the system of records the name; location; categories of individuals on whom the records are maintained; categories of records in the system; authority for maintenance of the system; each routine use; the policies and practices governing storage, retrievability, access controls, retention and disposal; the title and business address of the agency official responsible for the system of records; procedures for notification, access and contesting the records of each system; and the sources for the records in the system. 5 U.S.C. 552(a)(4).

B. New System of Records

FERC-57 FEDERAL PERSONNEL AND PAYROLL SYSTEM (FPPS)

FERC-57 SYSTEM NAME:

Federal Personnel and Payroll System (FPPS).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Automated personnel records are maintained in the Federal Personnel Payroll System (FPPS) managed by the National Business Center, U.S.

Department of the Interior, 7301 West Mansfield Avenue, MS D-2400, Denver, CO 80235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee name, employee address, employee phone numbers, employee emergency contact information (including name, address and phone number), employee Social Security Number and organizational code; employee common identifier (ECI), pay rate, grade, length of service, individual's pay and leave records; source documents for posting time and leave attendance; allowances, and cost distribution records; deductions for Medicare, Old Age, Survivors, and Disability Insurance (OASDI, also known as Social Security), bonds, Federal Employees Group Life Insurance (FEGLI), union dues, taxes, allotments, quarters, retirement, charities, health benefits, Flexible Spending Account, Long Term Care, Thrift Savings Fund contributions, awards, shift schedules, and pay differentials, tax lien data, commercial garnishments, child support and/or alimony wage assignments; and related payroll and personnel data. Also included is information on debts owed to the government as a result of overpayment, refunds owed, or a debt referred for collection on a transferred employee or emergency worker. The payroll, attendance, retirement, and leave records described in this notice form a part of the information contained in the Department of the Interior's integrated Federal Personnel and Payroll System (FPPS). Personnel records contained in the FPPS are covered under the government-wide system of records notice published by the Office of Personnel Management (OPM/GOVT-1) and the Department-wide system of records notice, DOI-79, "Interior Personnel Records".

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 2951, 5 U.S.C. 5101, *et seq.*

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The official personnel records provide basic data for preparation and verification of personnel reports and documents. They also provide a comprehensive and continuing record of each employee's service, status, skills, and personnel history, for use in the merit promotion program, reduction in force program, and to effect other personnel actions. Automated records

are used to generate reports and listings, produce standard personnel management documents, establish and verify entitlements to pay and benefits, and provide historical data. The payroll, attendance, and leave records provide for fiscal operations for payroll, time and attendance, leave, insurance, tax, retirement, debt, budget, and cost accounting programs; to prepare related reports to FERC's parent agency, the Department of Energy; and other Federal agencies including the Department of the Treasury and the Office of Personnel Management; for reporting purposes by the FERC; and for human capital management purposes.

Disclosure outside the FERC may be made to the Commission's parent agency, the Department of Energy (DOE) for reporting purposes; as well as individuals, entities, and agencies identified in:

(a) Payroll, Attendance, Retirement, and Leave Records—Interior, DOI-85.

(b) Interior Personnel Records—Interior, DOI-79.

(c) General Personnel Records—OPM, OPM/GOVT-1.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper and electronic file folders, on lists and forms, and in electronic storage media.

RETRIEVABILITY:

Records may be retrieved by employee identification such as name, Social Security Number, common identifier, birthday, organizational code, *etc.*

SAFEGUARDS:

Access to records covered by the system will be permitted only to authorized personnel in accordance with requirements found in the Departmental Privacy Act regulations (43 CFR 2.51). Paper or micro format records are maintained in locked metal file cabinets or in secured rooms. Electronic records are maintained with safeguards meeting the security requirements of 43 CFR 2.51 for automated records, which conform to Office of Management and Budget and

Departmental guidelines reflecting the implementation of the Federal Information Security Management Act. The electronic data are protected through user identification, passwords, database permissions, encryption and software controls. Such security measures establish different degrees of access for different types of users. An audit trail is maintained and reviewed periodically to identify unauthorized access. A Privacy Impact Assessment was completed and is updated at least annually to ensure that Privacy Act requirements and personally identifiable information safeguard requirements are met.

RETENTION AND DISPOSAL:

The records contained in this system of records have varying retention periods as described in the General Records Schedule, Sections 1, 2, and 20, (at <http://www.archives.gov>), issued by the Archivist of the United States, and are disposed of in accordance with the National Archives and Records Administration Regulations, 36 CFR part 1228 *et seq.* The records are also covered by item 7551 of the Department of the Interior, Office of the Secretary's pending records schedule.

SYSTEM MANAGER(S) AND ADDRESS:

The following system manager is responsible for the payroll records contained in the FPPS system: Director, Human Resources Division, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-6088. Personnel records contained in the system fall under the jurisdiction of the Office of Personnel Management as prescribed in 5 CFR part 253 and 5 CFR part 297.

NOTIFICATION PROCEDURE:

A request for record access should be addressed to the System Manager. The request must be in writing, signed by the requester, and meet the requirements of 43 CFR 2.63.

RECORD ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager. The request must be in writing, signed by the requester, and meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

The source data for the system comes from individuals on whom the records are maintained, official personnel records of individuals on whom the records are maintained, supervisors,

timekeepers, previous employers, the Internal Revenue Service and state tax agencies, the Department of the Treasury, other Federal agencies, courts, State child support agencies, employing agency accounting offices, and third-party benefit providers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Kimberly D. Bose,

Secretary.

[FR Doc. E9-26630 Filed 11-4-09; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TX02-1-002]

Pinnacle West Capital Corp.; Notice of Technical Conference

October 29, 2009.

On July 15, 2008, Electrical District No. 3 of the County of Pinal, State of Arizona (ED-3) submitted for filing, pursuant to sections 211 and 212 of the Federal Power Act,¹ a change to the transmission service agreement (service agreement) between ED-3 and Pinnacle West Capital Corporation (Pinnacle West). Take notice that the Commission staff will hold a technical conference on November 19, 2009, from 9 a.m. to 5 p.m. (Eastern Time) in room 3M-3 at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The purpose of this technical conference is to obtain additional information regarding ED-3's submittal in order that the Commission staff is able to develop a complete record for review. Specifically, the conference is to focus on issues related to the degree of integration of the ED-3 transmission and distribution system. In order to facilitate this discussion, the Commission staff will seek additional information regarding, but not limited to, the following:

1. The topology and operational characteristics of ED-3's transmission and distribution systems.
2. How ED-3 delineates transmission and distribution facilities;
3. The point(s) of receipt for energy received from the Arizona Public Service Company (APS) system; the point(s) of interconnection where energy is delivered to APS customers; the location of lines (indicate voltage levels), transformers, breakers, switches,

meters used to serve such customers; APS extensions used to serve APS load outside of the ED-3 system; and the location of facilities currently under construction and planned for the next five years;

4. Whether there are there any customers other than APS served simultaneously from the point(s) or connected to the line(s) where APS customers receive energy; and,

5. Identification of all paths by which APS customers are served and the identification of any alternative paths by which APS customers may be served in both normal system state and during contingencies.

ED-3 should be prepared to provide a brief presentation to address the above information as well as provide any necessary support for each response. Support for the issues identified above should include color-coded system-wide and voltage level specific one-line diagrams, power flow and other completed system studies, long-term transmission plans, load forecast studies and any additional information that will assist the Commission staff. This information should be filed with the Commission at least ten days prior to the date of the technical conference. The opportunity for comments on any additionally filed supplemental information will be governed by a future Commission notice regarding that filing.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an e-mail to accessibility@ferc.gov or call toll free 1-866-208-3372 (voice) or 202-208-1659 (TTY), or send a FAX to 202-208-2106 with the required accommodations.

For more information about this conference, please contact Christopher Thomas, 202-502-8412, christopher.thomas@ferc.gov, regarding substantive concerns.

Kimberly D. Bose,

Secretary.

[FR Doc. E9-26629 Filed 11-4-09; 8:45 am]

BILLING CODE 6717-01-P

¹ 16 U.S.C. 824j, 824k (2006).

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-RCRA-2009-0758, FRL-8977-9]

Agency Information Collection Activities; Proposed Collection; Comment Request; Recordkeeping and Reporting—Solid Waste Disposal Facilities and Practices; EPA ICR No. 1381.09, OMB Control No. 2050-0122**AGENCY:** Environmental Protection Agency.**ACTION:** Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR is scheduled to expire on March 31, 2010. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before January 4, 2010.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-RCRA-2009-0758, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

- *E-mail:* rcra-docket@epa.gov.

- *Fax:* 202-566-9744.

- *Mail:* RCRA Docket (2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

- *Hand Delivery:* 1301 Constitution Ave., NW., Room 3334, Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-HQ-RCRA-2009-0758. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at 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, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

FOR FURTHER INFORMATION CONTACT:

Craig Dufficy, Municipal and Industrial Solid Waste Division, Office of Solid Waste, Mail Code 5306P, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; *telephone number:* 703-308-9037; *fax number:* 703-308-8686; *e-mail address:* dufficy.craig@epa.gov.

SUPPLEMENTARY INFORMATION:**How Can I Access the Docket and/or Submit Comments?**

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-RCRA-2009-0758, which is available for online viewing at <http://www.regulations.gov>, or in person viewing at the RCRA Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the RCRA Docket is (202) 566-0270.

Use <http://www.regulations.gov> to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified in this document.

What Information Is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

(i) 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;

(ii) 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;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) 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. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What Should I Consider When I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Offer alternative ways to improve the collection activity.
6. Make sure to submit your comments by the deadline identified under **DATES**.
7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What Information Collection Activity or ICR Does This Apply to?

Affected entities: Entities potentially affected by this action are business or other for-profit, as well as Federal, State, local, and tribal governments.

Title: Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Recordkeeping and Reporting—Solid Waste Disposal Facilities and Practices.

ICR numbers: EPA ICR No. 1381.09, OMB Control No. 2050-0122.

ICR status: This ICR is currently scheduled to expire on March 31, 2010. 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 OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: In order to effectively implement and enforce final changes to 40 CFR Part 258 on a State level, owners/operators of municipal solid waste landfills have to comply with the final reporting and recordkeeping requirements. Respondents include owners or operators of new municipal solid waste landfills (MSWLFs), existing MSWLFs, and lateral expansions of existing MSWLFs. The respondents, in complying with 40 CFR Part 258, are required to record information in the facility operating record, pursuant to § 258.29, as it becomes available. The operating record must be supplied to the State as requested until the end of the post-closure care period of the MSWLF. The information collected will be used by the State Director to confirm owner or operator compliance with the regulations under Part 258. These owners or operators could include Federal, State, and local governments, and private waste management companies.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 101 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any

previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 1,900.

Frequency of response: On occasion.

Estimated total average number of responses for each respondent: 1.

Estimated total annual burden hours: 204,508 hours.

Estimated total annual costs: \$2,211,000. This includes an estimated burden cost of \$380,000 for capital investment and an estimated cost of \$1,831,000 for operational & maintenance costs.

What Is the Next Step in the Process for This ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: October 27, 2009.

Matthew Hale,

Director, Office of Resource Conservation and Recovery.

[FR Doc. E9-26685 Filed 11-4-09; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2009-0718; FRL-8792-6]

National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances; Notice of Charter Renewal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given that EPA has determined that, in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix, the National Advisory

Committee for Acute Exposure Guideline Levels for Hazardous Substances (NAC/AEGL Committee) is a necessary committee which is in the public interest. Accordingly, the NAC/AEGL Committee will be renewed for an additional 2-year period. The purpose of the NAC/AEGL Committee is to provide advice and recommendations to the EPA Administrator on issues associated with acute exposure guideline levels which can be used by Federal, State, and local agencies and the private sector for emergency planning response and prevention activities related to release of hazardous substances through accident or chemical terrorism activity. The NAC/AEGL Committee's recommended values will represent standardized national acute exposure guideline levels developed by a cross-section of the U.S. scientific community and based on the use of consistent methodology developed by the National Academy of Sciences.

FOR FURTHER INFORMATION CONTACT: *For general information contact:* Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Paul S. Tobin, Designated Federal Officer (DFO), Risk Assessment Division (7403M), Office of Pollution Prevention and Toxics, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 564-8557; e-mail address: tobin.paul@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

This action is directed to the public in general. This action may be of particular interest to anyone who may be affected if AEGL values are adopted by government agencies for emergency planning, prevention, or response programs, such as EPA's Risk Management Program under the Clean Air Act and Amendments Section 112r. It is possible that other Federal agencies besides EPA, as well as State agencies and private organizations may adopt AEGL values for their programs. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

II. How Can I Get Copies of this Document and Other Related Information?

EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPPT-2009-0718. All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically at <http://www.regulations.gov>, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

List of Subjects

Environmental protection, Acute exposure guideline levels, Administrative practice and procedure, Hazardous substances, Health and safety.

Dated: October 28, 2009.

Stephen A. Owens,

Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. E9-26704 Filed 11-4-09; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[Regional Docket Nos. V-2008-1, FRL-8978-1]

Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for Columbia Generating Station

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final order on petition to object to Clean Air Act (Act) operating permit.

SUMMARY: This document announces that the EPA Administrator has responded to a petition asking EPA to object to an operating permit issued by the Wisconsin Department of Natural Resources (WDNR). Specifically, the Administrator granted in part and denied in part the petition submitted by the Sierra Club to object to the operating permit for Columbia Generating Station (Columbia).

Pursuant to sections 307(b) and 505(b)(2) of the Act, a petition for judicial review of those portions of the petition which EPA denied may be filed in the United States Court of Appeals for the appropriate circuit. Any petition for review shall be filed within 60 days from the date this notice appears in the **Federal Register**, pursuant to section 307 of the Act.

ADDRESSES: You may review copies of the final order, the petition, and other supporting information at the EPA Region 5 Office, 77 West Jackson Boulevard, Chicago, Illinois 60604. If you wish to examine these documents, you should make an appointment at least 24 hours before visiting day. Additionally, the final order for the Columbia petition is available electronically at: <http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitiondb.htm>.

FOR FURTHER INFORMATION CONTACT: Pamela Blakley, Chief, Air Permits Section, Air Programs Branch, Air and Radiation Division, EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886-4447.

SUPPLEMENTARY INFORMATION: The Act affords EPA a 45-day period to review, and object, as appropriate, to Title V operating permits proposed by state permitting authorities. Section 505(b)(2) of the Act authorizes any person to petition the EPA Administrator within 60 days after the expiration of the EPA review period to object to a Title V operating permit if EPA has not done so. A petition must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise issues during the comment period, or the grounds for the issues arose after this period.

On September 3, 2008, EPA received a petition from the Sierra Club requesting that EPA object to the Title V operating permit for Columbia. The

Petitioner alleges that the permit is not in compliance with the requirements of the Act. Specifically, the Petitioner alleges that: (1) Certain projects should have been subject to the prevention of significant deterioration program; (2) Wisconsin did not adequately respond to comments on the draft permit; (3) a schedule of compliance should have been included for opacity violations; and, (4) a case-by-case maximum achievable control technology standard should have been included in the permit.

On October 8, 2009, the Administrator issued an order granting the Columbia petition in part, and denying it in part. The order explains the reasons behind EPA's conclusion.

Dated: October 26, 2009.

Richard C. Karl,

Acting Regional Administrator, Region 5.

[FR Doc. E9-26697 Filed 11-4-09; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8977-6; Docket ID No. EPA-HQ-ORD-2009-0217]

Draft Toxicological Review of Chloroprene: In Support of the Summary Information in the Integrated Risk Information System (IRIS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of listening session.

SUMMARY: EPA is announcing a listening session to be held on November 23, 2009, during the public comment period for the external review draft document entitled, "Toxicological Review of Chloroprene: In Support of Summary Information on the Integrated Risk Information System (IRIS)." The purpose of the listening session is to allow all interested parties to present scientific and technical comments on draft IRIS health assessments to EPA and other interested parties during the public comment period and prior to the external peer review meeting. EPA welcomes the scientific and technical comments that will be provided to the Agency by the listening session participants. The comments will be considered by the Agency as it revises the draft assessment in response to the independent external peer review and public comments. All presentations will become part of the official and public record.

The EPA's draft assessment and peer review charge are available via the Internet on the National Center for

Environmental Assessment's (NCEA) home page under the Recent Additions and Publications menus at <http://www.epa.gov/ncea>.

DATES: The listening session on the draft IRIS health assessment for chloroprene will be held on November 23, 2009, beginning at 9 a.m. and ending at 4 p.m., Eastern Standard Time. If you wish to make a presentation at the listening session, you should register by November 16, 2009, indicate that you wish to make oral comments at the session, and indicate the length of your presentation. At the time of your registration, please indicate if you require audio-visual aid (e.g., lap top and slide projector). In general, each presentation should be no more than 30 minutes. If, however, there are more requests for presentations than the allotted time will allow, then the time limit for each presentation will be adjusted accordingly. A copy of the agenda for the listening session will be available at the meeting. If no speakers have registered by November 16, 2009, the listening session will be cancelled. EPA will notify those registered to attend of the cancellation.

The public comment period for review of this draft assessment was announced previously in the **Federal Register** (FR) (74 FR 49874) on September 29, 2009. As stated in that FR notice, the public comment period began on September 29, 2009, and ends November 30, 2009. Any technical comments submitted during the public comment period should be in writing and must be received by EPA by November 30, 2009, according to the procedures outlined below. Only those public comments submitted using the procedures identified in the September 29, 2009, FR notice by the November 30, 2009, deadline will be provided to the independent peer-review panel prior to the peer-review meeting. The date and logistics for the peer-review meeting will be announced later in a separate FR notice.

Listening session participants who wish to have their comments available to the external peer reviewers should also submit written comments during the public comment period using the detailed and established procedures included in the aforementioned September 29, 2009, FR notice (74 FR 49874). Comments submitted to the docket prior to the end of the public comment period will be submitted to the external peer reviewers and considered by EPA in the disposition of public comments. Comments received in the docket after the public comment

period closes will not be submitted to the external peer reviewers.

ADDRESSES: The listening session on the draft chloroprene assessment will be held at the EPA offices at Two Potomac Yard (North Building), 7th Floor, Room 7100, 2733 South Crystal Drive, Arlington, Virginia 22202. To attend the listening session, please register by November 16, 2009, by contacting Ms. Karie Riley, of Versar, Inc, by e-mail at KRiley@versar.com (subject line: Chloroprene Listening Session), or by phone: (703) 750-3000, ext. 579 or toll free at 1-800-2-VERSAR (1-800-283-7727), ext. 579. Ask for the Chloroprene Listening Session Coordinator, Karie Riley. Please note that to gain entrance to this EPA building to attend the meeting, attendees must have photo identification with them and must register at the guard's desk in the lobby. The guard will retain your photo identification and will provide you with a visitor's badge. At the guard's desk, attendees should give the name Christine Ross and the telephone number, 703-347-8592, to the guard on duty. The guard will contact Ms. Ross who will meet you in the reception area to escort you to the meeting room. Upon your exit from the building please return your visitor's badge and you will receive the photo identification that you provided.

A teleconference line will also be available for registered attendees/speakers. The teleconference number is 866-299-3188 and the access code is 926-378-7897 followed by the pound sign (#). The teleconference line will be activated at 8:45 am, and you will be asked to identify yourself and your affiliation at the beginning of the call.

Information on Services for Individuals with Disabilities: EPA welcomes the attendance of the public at the "Chloroprene Listening Session" and will make every effort to accommodate persons with disabilities. For information on access or services for individuals with disabilities, please contact Christine Ross at 703-347-8592 or ross.christine@epa.gov. To request accommodation of a disability, please contact Ms. Ross, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

FOR FURTHER INFORMATION CONTACT: For information on the public listening sessions, please contact Christine Ross, IRIS Staff, National Center for Environmental Assessment, (8601P), U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; *telephone:* 703-347-8592; *facsimile:* 703-347-8689; or *e-mail:* ross.christine@epa.gov.

If you have questions about the draft chloroprene assessment, contact Allen Davis, IRIS Staff, National Center for Environmental Assessment, U.S. EPA, 109 T.W. Alexander Drive, B243-01, Durham, NC 27711; *telephone:* 919-541-3789; *facsimile:* 919-541-0245; or *e-mail:* davis.allen@epa.gov.

SUPPLEMENTARY INFORMATION: IRIS is a database that contains potential adverse human health effects information that may result from chronic (or lifetime) exposure to specific chemical substances found in the environment. The database (available on the Internet at <http://www.epa.gov/iris>) contains qualitative and quantitative health effects information for more than 540 chemical substances that may be used to support the first two steps (hazard identification and dose-response evaluation) of a risk assessment process. When supported by available data, the database provides oral reference doses (RfDs) and inhalation reference concentrations (RfCs) for chronic health effects, and oral slope factors and inhalation unit risks for carcinogenic effects. Combined with specific exposure information, government and private entities can use IRIS data to help characterize public health risks of chemical substances in a site-specific situation and thereby support risk management decisions designed to protect public health.

Dated: October 27, 2009.

Peter W. Preuss,

Director, National Center for Environmental Assessment.

[FR Doc. E9-26692 Filed 11-4-09; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting Notice

October 30, 2009.

TIME AND DATE: 10 a.m., Thursday, November 12, 2009.

PLACE: The Richard V. Backley Hearing Room, 9th Floor, 601 New Jersey Avenue, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor v. Coal River Mining, LLC*, Docket No. WEVA 2006-125-R, *et al.* (Issues include whether the Administrative Law Judge erred in finding that a violation of 30 CFR 75.340(a) was not attributable to the operator's unwarrantable failure, and whether the Judge erred in reducing the

penalties proposed by the Secretary of Labor with respect to that citation and three orders.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFORMATION:

Jean Ellen (202) 434-9950/(202) 708-9300 for TDD Relay/1-800-877-8339 for toll-free.

Jean H. Ellen,
Chief Docket Clerk.

[FR Doc. E9-26865 Filed 11-3-09; 4:15 pm]

BILLING CODE 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 November 20, 2009.

A. Federal Reserve Bank of Cleveland (Nadine Wallman, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. *The Davis family, consisting of Clay Parker Davis; Jodie Davis Owings; Scott H. Owings; Charles W. Owings; The Cooper Family, consisting of Cornelia D. Cooper, individually, and as Executrix of The Estate of Richard E. Cooper, all of Somerset Kentucky; Cornelia C. Vaughan; Frank D. Cain, both of Lexington, Kentucky; The Merrick family, consisting of Odell Merrick; Deborah L. Merrick—Eades; Cameron D. Merrick; Stephanie D. Merrick; Stephen D. Merrick; The Rakestraw family, consisting of Harris Rakestraw, III; Angel L. Rakestraw—Godby; Joy B. Carroll; Harris Rakestraw, III and Connie Belle Harris—Rakestraw, as Co—Trustees of The Benjamin H.*

Rakestraw—Godby Irrevocable Trust; The Waddle family, consisting of Cy Waddle, individually, and as Trustee of The Cy Waddle Revocable Living Trust; Gary C. Waddle; Thomas P. Waddle; Jean Waddle, individually, and as Trustee of The Jean Waddle Revocable Living Trust; The Hawkins Family, consisting of Virginia Hawkins, individually, and as Trustee of the James F. Hawkins Revocable Living Trust; James F. Hawkins, III; Judith A. Holtzclaw; James Hawkins, IV; Samantha Jo Hawkins; Amy Barnett, all of Somerset, Kentucky; and Marsha E. Hawkins—Barnett, Corbin, Kentucky; to acquire voting shares of Citizens Bancshares, Inc., and thereby indirectly acquire voting shares of Citizens National Bank of Somerset, both of Somerset, Kentucky.

B. Federal Reserve Bank of Kansas City (Todd Offenbacher, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198-0001:

1. *David G. Trimble, Vici, Oklahoma; as trustee of the Glenn W. Trimble, Jr. Trust, to retain control of Vici Bancorporation, and thereby indirectly retain control of Bank of Vici, both in Vici, Oklahoma.*

Board of Governors of the Federal Reserve System, November 2, 2009.

Robert deV. Frierson,
Deputy Secretary of the Board.

[FR Doc. E9-26694 Filed 11-4-09; 8:45 am]

BILLING CODE 6210-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice concerning the final effect of the HHS decision to designate a class of employees at the Lake Ontario Ordnance Works, Niagara Falls, New York, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000. On September 29, 2009, as provided for under 42 U.S.C. 7384q(b), the Secretary of HHS designated the following class of employees as an addition to the SEC:

All employees of the DOE, its predecessor agencies, and their contractors and subcontractors who worked at Lake Ontario

Ordnance Works in Niagara Falls, New York from January 1, 1944 through December 31, 1953, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees in the SEC.

This designation became effective on October 29, 2009, as provided for under 42 U.S.C. 7384l(14)(C). Hence, beginning on October 29, 2009, members of this class of employees, defined as reported in this notice, became members of the SEC.

FOR FURTHER INFORMATION CONTACT:

Larry Elliott, Director, Office of Compensation Analysis and Support, National Institute for Occupational Safety and Health (NIOSH), 4676 Columbia Parkway, MS C-46, Cincinnati, OH 45226, Telephone 513-533-6800 (this is not a toll-free number). Information requests can also be submitted by e-mail to OCAS@CDC.GOV.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. E9-26718 Filed 11-4-09; 8:45 am]

BILLING CODE 4163-19-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice concerning the final effect of the HHS decision to designate a class of employees at the Norton Company, Worcester, Massachusetts, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000. On September 29, 2009, as provided for under 42 U.S.C. 7384q(b), the Secretary of HHS designated the following class of employees as an addition to the SEC:

All AWE employees who worked at the Norton Company in Worcester, Massachusetts, from January 1, 1945 through December 31, 1957, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

This designation became effective on October 29, 2009, as provided for under 42 U.S.C. 7384l(14)(C). Hence, beginning on October 29, 2009, members of this class of employees, defined as reported in this notice, became members of the SEC.

FOR FURTHER INFORMATION CONTACT:

Larry Elliott, Director, Office of Compensation Analysis and Support, National Institute for Occupational Safety and Health (NIOSH), 4676 Columbia Parkway, MS C-46, Cincinnati, OH 45226, Telephone 513-533-6800 (this is not a toll-free number). Information requests can also be submitted by e-mail to OCAS@CDC.GOV.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. E9-26725 Filed 11-4-09; 8:45 am]

BILLING CODE 4163-19-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Emergency Contingency Fund for Temporary Assistance for Needy Families (TANF) Programs OFA-100. *OMB No.:* 0970-0366.

Description: On February 17, 2009, the President signed the American Recovery and Reinvestment Act of 2009 (Recovery Act), which establishes the Emergency Contingency Fund for State TANF Programs (Emergency Fund) as section 403(c) of the Social Security Act (the Act). This legislation provides up to \$5 billion to help States, Territories, and Tribes in fiscal year (FY) 2009 and FY 2010 that have an increase in assistance caseloads and basic assistance expenditures, or in expenditures related to short-term benefits or subsidized employment. The Recovery Act made additional changes to TANF extending supplemental grants through FY 2010, expanding flexibility in the use of TANF funds carried over from one fiscal year to the next, and adding a hold-harmless

provision to the caseload reduction credit for States and Territories serving more TANF families.

The Emergency Fund is intended to build upon and renew the principles of work and responsibility that underlie successful welfare reform initiatives. The Emergency Fund provides resources to States, Territories, and Tribes to support work and families during this difficult economic period.

On July 20, 2009 we issued a Program Instruction accompanied by the Emergency Fund Request Form (OFA-100), and instructions for jurisdictions to complete the OFA-100 to apply for emergency funds.

Failure to collect this data would compromise ACF's ability to monitor caseload and expenditure data that must increase in order for jurisdictions to receive awards under the Emergency Fund.

Documentation maintenance on financial reporting for the Emergency Fund is governed by 45 CFR 92.20 and 45 CFR 92.42.

Respondents: State, Territory, and Tribal agencies administering the Temporary Assistance for Needy Families (TANF) Program that are applying for the Emergency Fund.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
TANF Emergency Fund Request Form, OFA-100	93	5	24	11,160

Estimated Total Annual Burden Hours: 11,160.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Information Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, *Attn:* ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: infocollection@acf.hhs.gov.

OMB Comment:

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, *Fax:* 202-395-7245,

Attn: Desk Officer for the Administration for Children and Families.

Dated: October 30, 2009.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. E9-26598 Filed 11-4-09; 8:45 am]

BILLING CODE 4184-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2009-N-0667]
[FDA-2008-N-0043]

Amendment to Memorandum of Understanding Between the Food and Drug Administration and WebMD, LLC

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is providing

notice of an amendment to a memorandum of understanding (MOU) between FDA's Office of External Relations and WebMD, LLC.

DATES: The amendment became effective October 14, 2009.

FOR FURTHER INFORMATION CONTACT:

Jason Brodsky, Office of External Relations (HFI-40), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-6251, e-mail: Jason.Brodsky@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Under section VII, Assessment Mechanisms, of the October 2008 MOU (73 FR 73941, December 4, 2008), FDA and WebMD, LLC agree that the first paragraph of section VII of the October 2008 MOU shall be replaced with the following paragraph:

The October 2008 Memorandum of Understanding between the Food and Drug Administration and WebMD will continue as written for five years from the date of the signature by the latter Party to sign the October 2009

Addendum to the Memorandum between the Food and Drug Administration and WebMD, L.L.C., whereupon the MOU may be renewed or terminated by mutual written consent. In addition, at any time, the Parties may modify or terminate the Agreement by mutual written consent,

and either Party may modify or terminate the Agreement by mutual consent, and either Party may terminate the Agreement at any time by means of a written notice of termination.

In accordance with 21 CFR 20.108(c), which states that all written agreements and MOUs between FDA and others

shall be published in the **Federal Register**, the agency is publishing notice of this MOU.

Dated: October 30, 2009.

David Horowitz,

Assistant Commissioner for Policy.

BILLING CODE 4160-01-S



DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville MD 20857

OCTOBER 2009 ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE FOOD AND DRUG ADMINISTRATION AND WEBMD, L.L.C.

Pursuant to section VII. Assessment Mechanisms, of the October 2008 Memorandum of Understanding (MOU) between the Food and Drug Administration and WebMD, L.L.C., the responsible parties agree that the first paragraph of section VII of the October 2008 Memorandum of Understanding between the Food and Drug Administration and WebMD shall be replaced with the following paragraph:

The October 2008 Memorandum of Understanding between the Food and Drug Administration and WebMD will continue as written for five years from the date of signature by the later Party to sign the October 2009 Addendum to the Memorandum of Understanding between the Food and Drug Administration and WebMD, L.L.C., whereupon the MOU may be renewed or terminate by mutual written consent. In addition, at any time, the Parties may modify or terminate the Agreement by mutual written consent, and either Party may terminate the Agreement at any time by means of a written notice of termination.

APPROVED AND ACCEPTED FOR WebMD, LLC

By: *N. K. Furr*

Title: *EVP WebMD Consumer Services*

Date: *10-2-09*

APPROVED AND ACCEPTED FOR THE U.S. FOOD & DRUG ADMINISTRATION

By: *[Signature]*

Title: *Principal Deputy*

Date: *10-14-9*

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration**

[Docket No. FDA-2009-D-0322]

Draft Guidance for Industry on Dosage Delivery Devices for Over-The-Counter Liquid Drug Products; Availability**AGENCY:** Food and Drug Administration, HHS.**ACTION:** Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry titled "Dosage Delivery Devices for OTC Liquid Drug Products." FDA is issuing this guidance because of ongoing concerns about potentially serious accidental drug overdoses that can result from the use of dosage delivery devices with markings inconsistent or incompatible with the labeled dosage directions for over-the-counter (OTC) liquid drug products.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit written or electronic comments on the draft guidance by February 3, 2010.

ADDRESSES: Submit written requests for single copies of this draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 2201, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the guidance to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to <http://www.regulations.gov>. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

SUPPLEMENTARY INFORMATION section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT:

Spencer Salis, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 51, rm. 5216 Silver Spring, MD 20993-0002, 301-796-3327.

SUPPLEMENTARY INFORMATION:**I. Background**

FDA is announcing the availability of a guidance for industry titled "Dosage Delivery Devices for OTC Liquid Drug Products." This document is intended

to provide guidance to firms that are manufacturing, marketing, or distributing OTC liquid drug products packaged with dosage delivery devices (e.g., calibrated cups, droppers, syringes, or spoons). The Agency has determined that many OTC liquid drug products in the marketplace are packaged with dosage delivery devices that bear markings that are inconsistent with the labeled dosage directions, contain superfluous markings, or are missing necessary markings. FDA is issuing this guidance because of ongoing concerns about potentially serious accidental drug overdoses that can result from the use of dosage delivery devices with markings that are inconsistent or incompatible with the labeled dosage directions for OTC drug products. FDA recommends that dosage delivery devices be included for all OTC drug products that are liquid formulations; they should bear markings that are consistent with the labeled dosage directions; and they should be labeled in a manner that attempts to ensure that they are used only with the products with which they are included.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). When finalized the guidance will represent the agency's current thinking on "Dosage Delivery Devices for OTC Liquid Drug Products." It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the document at either <http://www.fda.gov/cder/guidance/index.htm> or <http://www.regulations.gov>.

Dated: October 30, 2009.

David Horowitz,*Assistant Commissioner for Policy.*

[FR Doc. E9-26531 Filed 11-04-09; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration**

[Docket No. FDA-2009-N-0526]

Food and Drug Administration's Safe Use Initiative; Availability of Information**AGENCY:** Food and Drug Administration, HHS.**ACTION:** Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the launch of its Safe Use Initiative with the release of a report titled "FDA's Safe Use Initiative—Collaborating to Reduce Preventable Harm from Medicines." FDA is opening a docket to enable the public to comment on the report and the initiative. In addition, a safe use Web site has been created to facilitate transparency as the initiative moves forward. The initiative proposes a series of next steps, including working with interested partners—patients, consumers, caretakers, healthcare practitioners, pharmacists, healthcare systems, health insurers, drug manufacturers, and other Federal agencies—to select specific candidate cases of preventable, drug-related harm for analysis, intervention proposals, and evaluation metrics. The report identifies some specific areas of concern that could benefit from Safe Use Initiative partnerships.

DATES: Submit electronic or written comments at any time.

ADDRESSES: Submit written comments on the information in this docket to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20857. Submit electronic comments to <http://www.regulations.gov>. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the information.

FOR FURTHER INFORMATION CONTACT:

Karen Weiss, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg 51, rm. 6122, Silver Spring, MD 20993, 301-796-5400.

SUPPLEMENTARY INFORMATION:**I. Background**

Tens of millions of people in the United States depend on prescription

and over-the-counter (OTC) medications to stay healthy. Yet it is widely known that too many people incur preventable injury and even die from medication errors or misuse. Preventable injuries can result from a variety of sources, including informational errors (mistakes made in prescribing or using a medicine because of inadequate information); unintended, or accidental exposure; intentional drug misuse and abuse; and rarely because of manufacturing and/or distribution defects. The Institute of Medicine (IOM) estimates that 1.5 million preventable injuries, or adverse drug events, occur in the United States healthcare system each year,^{1,2} at a cost exceeding \$4 billion annually. Additionally, incorrect use of OTC medications results in thousands of preventable injuries. Furthermore, unintended exposure to medications causes a significant number of injuries and deaths, mainly in children. Between 2003 and 2006 alone, more than 9,000 children were accidentally exposed to prescription opioid drugs.³

These potentially avoidable injuries and deaths represent our society's collective failure to adequately manage medication risks. Because the shortcomings in the healthcare system have been broadly acknowledged, FDA and many other healthcare stakeholders have been working hard to improve the way in which the nation's healthcare system manages medication risks. However, much more needs to be done, and coordinated cross-sector efforts, involving all stakeholders, would have the greatest impact.

To this end, FDA is launching the Safe Use Initiative, through which it will collaborate with stakeholders—including patients, consumers, caretakers, healthcare practitioners, pharmacists, healthcare systems, health insurers, drug manufacturers, and Federal agencies—to identify specific candidate cases associated with important, measurable amounts of preventable harm. In the coming months, FDA plans to develop, through extensive consultation with all interested public and private stakeholders, a general list of candidate cases for collaborative analysis and

intervention. FDA also intends to work with federal partners to develop population-based national estimates of preventable harm from medications, categorized by drug, drug classes, and therapeutic situations. In addition to opening a docket to receive public input, FDA plans to hold a series of public meetings to gather broad public feedback as the candidate list is being developed. It is FDA's goal to implement a small number of interventions during the next 12 months.

For more information, see FDA's Safe Use Web page at <http://www.fda.gov/Drugs/DrugSafety/ucm187806.htm>.

II. Submission of Feedback on the Contents of This Docket

Interested parties may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments on this information. Submit a single copy of electronic comments or two paper copies of any mailed comments. Individuals may submit one paper copy. Comments should be identified with the docket number found in brackets in this document's heading. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday. FDA will accept electronic comments or submissions only at <http://www.regulations.gov>.

Dated: October 30, 2009.

David Horowitz,

Assistant Commissioner for Policy.

[FR Doc. E9-26530 Filed 11-4-09; 8:45 am]

BILLING CODE 4160-01-S

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; Member Conflicts in Motor Function.

Date: November 13, 2009.

Time: 1 p.m. to 3 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: Dana Jeffrey Plude, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3176, MSC 7848, Bethesda, MD 20892, 301-435-2309, pluded@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 BSCH Member Conflict Applications

Date: November 17, 2009.

Time: 2:30 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz Carlton Hotel, 1150 22nd Street, NW., Washington, DC 20037.

Contact Person: Jose H. Guerrier, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301-435-1137, guerriej@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Genes, Genomes, and Genetics.

Date: November 19, 2009.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.

Contact Person: Michael A. Marino, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2216, MSC 7890, Bethesda, MD 20892, (301) 435-0601, marinomi@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: October 30, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9-26689 Filed 11-4-09; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

¹ Institute of Medicine of the National Academies, *Preventing Medication Errors*, National Academies Press, p. 124, 2007.

² *Ibid.*, p. 4. The IOM defines an adverse drug event (ADE) as any injury due to medication. Examples include a wrong dosage leading to injury (e.g., rash, confusion, or loss of function) or an allergic reaction occurring in a patient not known to be allergic to a given medication.

³ Bailey, J.E., E. Campagna, R.C. Dart, "The Underrecognized Toll of Prescription Opioid Abuse on Young Children," *Annals of Emergency Medicine*, 53:4129-24, 2009.

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: National Eye Institute Special Emphasis Panel; NEI Training Grants.

Date: November 16, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Fairmont Hotel, 2401 M Street, NW., Washington, DC 20037.

Contact Person: Daniel R. Kenshalo, PhD, Scientific Review Officer, National Eye Institute, National Institutes of Health, 5635 Fishers Lane, Suite 1300, MSC 9300, Bethesda, MD 20892, 301-451-2020, kenshalod@nei.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: National Eye Institute Special Emphasis Panel; P30—Core Grant Applications for Vision Research.

Date: November 23, 2009.

Time: 8:30 a.m. to 4 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: Anne E Schaffner, PhD, Scientific Review Officer, Division of Extramural Research, National Eye Institute, 5635 Fishers Lane, Suite 1300, MSC 9300, Bethesda, MD 20892-9300, (301) 451-2020, aes@nei.nih.gov.

Name of Committee: National Eye Institute Special Emphasis Panel; National Eye Institute Clinical Trials UIO and Epidemiology Review.

Date: November 30, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Hotel at the Chevy Chase Pavillion, 4300 Military Rd., NW., Chevy Chase Room, Washington, DC 20015.

Contact Person: Samuel Rawlings, PhD, Chief, Scientific Review Branch, Division of Extramural Research, National Eye Institute, 5635 Fishers Lane, Suite 1300 MSC 9300, Bethesda, MD 20892-9300, 301-451-2020, rawlings@nei.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: October 28, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9-26483 Filed 11-4-09; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): State Based Occupational Health and Safety Surveillance Grants, Program Announcement Number (PA) PAR09-184, Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Dates

8 a.m.–5 p.m., December 2, 2009 (closed).

8 a.m.–5 p.m., December 3, 2009 (closed).

Place: Embassy Suites Hotel, 1900 Diagonal Road, Alexandria, Virginia 22314, Telephone (703) 684-5900.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92-463.

Matters To Be Discussed: The meeting will include the initial review, discussion, and evaluation of applications received in response to “State Based Occupational Health and Safety Surveillance Grants, PAR09-184.”

Contact Person for More Information: Mack Stiles, DDS, MPH, PhD, Scientific Review Administrator, Office of Extramural Programs, National Institute for Occupational Safety and Health, CDC, 1600 Clifton Road, NE., Mailstop E-74, Atlanta, Georgia 30333; Telephone (404)498-2530.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: October 29, 2009.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E9-26672 Filed 11-4-09; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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: National Institute on Aging Special Emphasis Panel, Pathogenesis and Treatment of Tau Mediated Neurodegeneration.

Date: November 30, 2009.

Time: 12:15 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, 2C212, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Alexander Parsadanian, PhD, Scientific Review Officer, National Institute on Aging, Gateway Building 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301-402-7703, Parsadaniana@nia.nih.gov.

Name of Committee: National Institute on Aging Special Emphasis Panel, New Drug Toxicology to Treat Alzheimer's Disease and Diseases.

Date: December 11, 2009.

Time: 12 p.m. to 4 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, 2C212, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jeannette L. Johnson, PhD, Scientific Review Officer, National Institutes on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301-402-7705, Johnsonj9@nia.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: October 30, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9-26688 Filed 11-4-09; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY**U.S. Customs and Border Protection****Accreditation and Approval of Camin Cargo Control, Inc., as a Commercial Gauger and Laboratory**

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Camin Cargo Control, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Camin Cargo Control, Inc., 218 Centaurus St., Corpus Christi, TX 78405, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/

DATES: The accreditation and approval of Camin Cargo Control, Inc., as commercial gauger and laboratory became effective on July 15, 2009. The next triennial inspection date will be scheduled for July 2012.

FOR FURTHER INFORMATION CONTACT: Anthony Malana, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: October 29, 2009.

Ira S. Reese,
Executive Director, Laboratories and Scientific Services.

[FR Doc. E9-26717 Filed 11-4-09; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY**U.S. Customs and Border Protection****Accreditation and Approval of Camin Cargo Control, Inc., as a Commercial Gauger**

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of approval of Camin Cargo Control, Inc., as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Camin Cargo Control, Inc., 31 Fulton Street—Unit A, New Haven, CT 06513, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/

DATES: The accreditation and approval of Camin Cargo Control, Inc., as commercial gauger and laboratory became effective on June 23, 2009. The next triennial inspection date will be scheduled for June 2012.

FOR FURTHER INFORMATION CONTACT: Anthony Malana, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: October 29, 2009.

Ira S. Reese,
Executive Director, Laboratories and Scientific Services.

[FR Doc. E9-26723 Filed 11-4-09; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY**U.S. Customs and Border Protection****Accreditation and Approval of Camin Cargo Control, Inc., as a Commercial Gauger**

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of approval of Camin Cargo Control, Inc., as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Camin Cargo Control, Inc., 471 Eastern Ave., Chelsea, MA 02150, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/

DATES: The accreditation and approval of Camin Cargo Control, Inc., as commercial gauger and laboratory became effective on April 8, 2009. The next triennial inspection date will be scheduled for April 2012.

FOR FURTHER INFORMATION CONTACT: Anthony Malana, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: October 29, 2009.

Ira S. Reese,
Executive Director, Laboratories and Scientific Services.

[FR Doc. E9-26720 Filed 11-4-09; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY**U.S. Customs and Border Protection****Approval of SGS North America, Inc., as a Commercial Gauger**

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of approval of SGS North America, Inc., as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.13, SGS North America, Inc., 5500 Business Drive, Wilmington, NC 28405, has been approved to gauge petroleum, petroleum products, organic chemicals, and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.13. Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/

DATES: The approval of SGS North America, Inc., as commercial gauger became effective on July 08, 2009. The next triennial inspection date will be scheduled for July 2012.

FOR FURTHER INFORMATION CONTACT: Anthony Malana, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: October 29, 2009.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. E9-26722 Filed 11-4-09; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY**U.S. Customs and Border Protection****Approval of Saybolt LP, as a Commercial Gauger**

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of approval of Saybolt LP, as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.13, Saybolt LP, 11441 Industriplex Blvd., Suite 190, Baton Rouge, LA 70809, has been approved to gauge petroleum, petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.13. Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/

DATES: The approval of Saybolt LP, as commercial gauger became effective on March 19, 2009. The next triennial inspection date will be scheduled for March 2012.

FOR FURTHER INFORMATION CONTACT: Anthony Malana, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: October 29, 2009.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. E9-26719 Filed 11-4-09; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY**U.S. Customs and Border Protection****Approval of Marine Technical Surveyors, Inc., as a Commercial Gauger**

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of approval of Marine Technical Surveyors, Inc., as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.13, Marine Technical Surveyors, Inc., 316 West San Augustine Street, Deer Park, TX 77536, has been approved to gauge petroleum, petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.13. Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/

DATES: The approval of Marine Technical Surveyors, Inc., as commercial gauger became effective on July 29, 2009. The next triennial inspection date will be scheduled for July 2012.

FOR FURTHER INFORMATION CONTACT: Anthony Malana, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: October 29, 2009.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. E9-26705 Filed 11-4-09; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Issuance of Final Determination Concerning Lined Paper Notebooks and Filler Paper

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection (“CBP”) has issued a final determination concerning the country of origin of lined paper notebooks and filler paper. Based upon the facts presented, CBP has concluded in the final determination that Mexico is the country of origin of the lined paper notebooks and filler paper for purposes of U.S. government procurement.

DATES: The final determination was issued on October 27, 2009. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination through December 3, 1956.

FOR FURTHER INFORMATION CONTACT: Alison Umberger, Valuation and Special Programs Branch: (202) 325-0267.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on October 8, 2009, pursuant to subpart B of part 177, Customs Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of lined paper notebooks and filler paper which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination, in HQ H066155, was issued at the request of Staples, Inc. under procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 251118). In the final determination, CBP has concluded that, based upon the facts presented, lined paper notebooks and filler paper, processed in Mexico from jumbo rolls of paper from Taiwan, are substantially transformed in Mexico, such that Mexico is the country of origin of the finished articles for purposes of U.S. government procurement.

Section 177.29, Customs Regulations (19 CFR 177.29), provides that notice of final determinations shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR

177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: October 29, 2009.

Sandra L. Bell,

Executive Director, Office of Regulations and Rulings, Office of International Trade.

Attachment

HQ H066155

October 27, 2009

OT:RR:CTF:VS H066155 ARU

Category: Marking

Mr. David M. Murphy, Grunfeld, Desiderio, Lebowitz, Silverman & Klestadt LLP, Counselors at Law, 399 Park Avenue—25th Floor, New York, NY 10022-4877.

Re: U.S. Government Procurement; Title III, Trade Agreements Act of 1979 (19 U.S.C. 2511); Subpart B, Part 177, CBP Regulations; Lined Paper Notebooks and Filler Paper.

Dear Mr. Murphy: This is in response to your ruling request dated June 15, 2009, made on behalf of Staples, Inc. (“Staples”). You ask for a country of origin final determination relating to government procurement pursuant to subpart B of Part 177, Customs and Border Protection (“CBP”) Regulations (19 CFR 177.21 *et seq.*). Under these regulations, which implement Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations on whether an article is or would be a product of a designated country or instrumentality for the purpose of granting waivers of certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

This final determination concerns the country of origin of certain finished lined notebook paper products. We note that Staples is a party-at-interest within the meaning of 19 CFR 177.22(d)(1) and is entitled to request this final determination.

Facts:

Staples imports four (4) styles of finished lined paper notebook products into the United States from Mexico: (1) Filler paper, (2) composition notebooks, (3) spiral notebooks, and (4) wireless notebooks. Each of the items will be produced in Mexico from unlined paper rolls sourced from Taiwan. The paper is received by the manufacturer in Mexico in the form of unlined jumbo rolls of paper that are then unwound and processed into the final products.

The production process for the filler paper begins with the jumbo rolls of paper being unwound and processed

through a lining machine. The lining machine prints the line and margin rulings on the paper in a continuous manner. The lined paper is then jogged and cut into large sheets. The large sheets of lined paper are then cut to notebook size, counted and sorted into the specified number of sheets for each package, and are three-hole punched. The finished sheets are matched with a top sheet, shrink-wrapped, and placed in cartons for shipment to the United States.

The production process for the composition notebooks begins with the jumbo rolls of paper being unwound and processed through a lining machine. The lining machine prints the line and margin rulings on the paper in a continuous manner. The lined paper is then jogged and cut into large sheets. The large sheets of lined paper are cut to a medium size, and counted and sorted into the specified number of sheets for each notebook. The groups of lined and cut sheets are then matched with a sheet of printed covers. Two cover designs are printed on one cover sheet. One is on the top of the sheet and the other is on the bottom of the sheet. The sheets and covers are sewn together to create the spine binding which is then folded over. Spine tape is applied to cover the binding. The assembled composition notebook is then cut in half and trimmed to its final size, and is packaged in cartons for shipment to the United States.

The production process for the spiral notebooks begins with the jumbo rolls of paper being unwound and processed through a lining machine while simultaneously being perforated. The lined paper is then jogged and cut into large sheets. The large sheets of lined paper are then cut to notebook size, counted, and sorted into the specified number of sheets for each notebook, and are three-hole punched and spiral hole punched. Piles of printed notebook covers are cut into notebook size and three-hole punched and spiral hole punched. The final sized line sheets are matched with the printed cover sheets and fly sheets (if applicable), and are bound with wire. Depending on the particular style of spiral notebook, several finished notebooks are matched with slip-sheets and shrink wrapped. The finished spiral notebooks are packaged in cartons and shipped to the United States.

The production process for the wireless notebooks begins with the jumbo rolls of paper being unwound and processed through a lining machine. The lining machine prints the line and margin rulings on the paper in a continuous manner while

simultaneously perforating the paper. The lined paper is then jogged and cut into large sheets. The large sheets of lined paper are then cut to a medium size, counted, and sorted into the specified number of sheets for each notebook. The groups of lined and cut sheets are then matched with printed covers and glued together. A spine tape is applied to cover the binding. The assembled wireless notebooks are then cut to final size and three-hole punched. The finished wireless notebooks are packaged in cartons for shipment to the United States.

Issue:

What is the country of origin of the finished lined paper notebook products for purposes of U.S. Government procurement?

Law and Analysis:

Pursuant to subpart B of Part 177, 19 CFR 177.21 *et seq.*, which implements Title III of the Trade Agreements Act of 1979, as amended ("TAA"; 19 U.S.C. 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations on whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain "Buy American" restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

Under the rule of origin set forth at 19 U.S.C. 2518(4)(B):

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also, 19 CFR 177.22(a).

In rendering advisory rulings and final determinations for purposes of U.S. Government procurement, CBP applies the provisions of subpart B of Part 177 consistent with the Federal Procurement Regulations. See 19 CFR 177.21. In this regard, CBP recognizes that the Federal Procurement Regulations restrict the U.S. Government's purchase of products to U.S.-made or designated country end products for acquisitions subject to the TAA. See 48 CFR 25.403(c)(1).

A substantial transformation occurs when an article emerges from a process with a new name, character, or use different from that possessed by the article prior to processing. See *Texas Instruments, Inc. v. United States*, 69 CCPA 152, 681 F.2d 778 (1982). In determining whether the combining of

parts or materials constitutes a substantial transformation, the determinative issue is the extent of operations performed and whether the parts lose their identity and become an integral part of the new article. *Belcrest Linens v. United States*, 6 Ct. Int'l Trade 204, 573 F. Supp. 1149 (1983), *aff'd*, 741 F.2d 1368 (Fed. Cir. 1984). If the manufacturing or combining process is a minor one which leaves the identity of the imported article intact, a substantial transformation has not occurred. *Uniroyal, Inc. v. United States*, 3 Ct. Int'l Trade 220, 542 F. Supp. 1026 (1982). In *Uniroyal*, the court determined that a substantial transformation did not occur when an imported footwear upper, the essence of the finished article, was combined with a domestically produced outsole to form a shoe. See *id.*

In order to determine whether a substantial transformation occurs when components of various origins are assembled to form completed articles, CBP considers the totality of the circumstances and makes such decisions on a case-by-case basis. The country of origin of the article's components, the extent of the processing that occurs within a given country, and whether such processing renders a product with a new name, character, and use are primary considerations in such cases. Additionally, facts such as resources expended on product design and development, extent and nature of post-assembly inspection procedures, and worker skill required during the actual manufacturing process will be considered when analyzing whether a substantial transformation has occurred; however, no one such factor is determinative.

You claim that the steps involved in converting the paper rolls into notebook products in Mexico is complex and adds value. You also claim that, given the manual nature of many of the steps, the multi-step processes of cutting, lining, perforating, punching, sorting, counting, binding, and final assembly take substantial time to complete and account for the majority of the processing time for the finished products.

In Headquarters Ruling Letter ("HRL") 557408, dated January 14, 1994, CBP considered whether substantial transformation occurred in Mexico when bingo game faces were printed on U.S.-origin unprinted paper:

[I]t is apparent that a substantial transformation occurs when unprinted paper is printed in Mexico with bingo game faces. Upon exportation from the U.S., the paper is a raw material of a generic nature with varied

uses, but is dedicated to use as bingo game faces after the printing is completed. At this point, the sheets have a new identity, name, and character. Prior to this processing, the paper possessed nothing in its character which would indicate the nature of the final product.

Similarly, in the instant case, the jumbo rolls of paper sourced from Taiwan utilized to produce the subject finished products undergo a substantial transformation in Mexico as the items are changed into separate and distinct articles of commerce. The jumbo rolls of paper are fully converted to notebooks or filler paper in Mexico through the multi-step processes of printing, cutting, perforating, punching, sorting, counting, binding, and final assembly. Through these processes, the jumbo rolls of paper will undergo a change in name, (jumbo rolls of paper to filler paper, composition notebooks, spiral notebooks, or wireless notebooks), character, and use (from raw materials with multiple potential uses to lined paper notebooks and filler paper, articles with a specific use). As a result, the jumbo rolls of paper sourced from Taiwan are substantially transformed in Mexico and the finished lined paper notebook products, upon importation to the United States, will be considered products of Mexico.

Holding:

Based on the facts provided, the processing operations performed in Mexico impart the essential character to the finished lined paper notebook products. As such, the finished lined paper notebook products, upon importation to the United States, will be considered products of Mexico.

Notice of this final determination will be given in the Federal Register as required by 19 CFR 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 CFR 177.31, that CBP reexamine the matter anew and issue a new final determination. Any party-at-interest may, within 30 days after publication of the **Federal Register** notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

Sandra L. Bell,
Executive Director Regulations and Rulings
Office of International Trade

[FR Doc. E9-26410 Filed 11-4-09; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY**Transportation Security Administration****Extension of Agency Information Collection Activity Under OMB Review: Highway Corporate Security Review (CSR)**

AGENCY: Transportation Security Administration, DHS.

ACTION: Notice of reinstatement.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), OMB control number 1652-0036, abstracted below to the Office of Management and Budget (OMB) for review and approval of a reinstatement of a formerly approved collection under the Paperwork Reduction Act. The ICR describes the nature of the information collection and its expected burden. TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on June 15, 2009, 74 FR 28264. TSA received two comments and they have been addressed by letters to the commenters. The collection involves the assessment of current security practices in the highway and motor carrier industry by way of its Highway Corporate Security Review Program, which encompasses site visits and interviews, and is part of the larger domain awareness, prevention and protection program supporting TSA's and the Department of Homeland Security's missions.

DATES: Send your comments by December 7, 2009. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to oir_submission@omb.eop.gov or faxed to (202) 395-6974.

FOR FURTHER INFORMATION CONTACT: Ginger LeMay, Office of Information Technology, TSA-11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598-6011; telephone (571) 227-3616; e-mail ginger.lemay@dhs.gov.

SUPPLEMENTARY INFORMATION:**Comments Invited**

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation is available at www.reginfo.gov. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement 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;

(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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

TSA published a notice in the **Federal Register** on June 15, 2009 (74 FR 28264) announcing our intent to reinstate the OMB control number, 1652-0036, for this information collection. In response to this notice, TSA has received comments from the American Trucking Association (ATA) and the American Bus Association (ABA). TSA has responded to ATA's and ABA's concerns and thanked them for their comments.

Information Collection Requirement

Title: Corporate Security Review (CSR).

Type of Request: Reinstatement.

OMB Control Number: 1652-0036.

Form(s): Corporate Security Review Interview Form.

Affected Public: Owners and operators of school bus, motor coach, and trucking (general freight and hazardous materials) companies, privately-owned assets, State Departments of Transportation, and State Departments of Education.

Abstract: TSA is seeking to reinstate its OMB approval for this information collection so that TSA can continue to ascertain minimum security standards and identify coverage gaps, activities that are critical to carrying out its transportation security mission. TSA conducts this collection through voluntary face-to-face visits at the headquarters of the subject surface transportation owners/operators. During

the site visit, TSA personnel complete the CSR form, which asks security-related questions. This assessment is necessary for TSA to establish the current state of security practices for highway modes of transportation. TSA will then be able to make policy and programmatic decisions to improve the overall security posture within the surface transportation community. The data collected also can be utilized to develop security practice assessments and issue security guidelines, best practices, and lessons learned for the stakeholder community.

Number of Respondents: 400.

Estimated Annual Burden Hours: An estimated 1,200 hours annually.

Issued in Arlington, Virginia, on October 30, 2009

Ginger LeMay,

Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. E9-26729 Filed 11-4-09; 8:45 am]

BILLING CODE 9110-05-P

DEPARTMENT OF HOMELAND SECURITY**United States Immigration and Customs Enforcement****Agency Information Collection Activities: Extension of an Existing Information Collection; Comment Request**

ACTION: 60-Day Notice of New Information Collection for Review; 287(g) Candidate Questionnaire; OMB Control No. 1653-NEW.

The Department of Homeland Security, U.S. Immigration and Customs Enforcement (USICE), will be submitting the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until January 4, 2010.

Written comments and suggestions regarding items contained in this notice, and especially with regard to the estimated public burden and associated response time should be directed to the Department of Homeland Security (DHS), Joseph M. Gerhart, Chief, Records Management Branch, U.S. Immigration and Customs Enforcement, 500 12th Street, SW., Room 3138, Washington, DC 20024; (202) 732-6337.

Comments are encouraged and will be accepted for sixty days until January 4, 2010. Written comments and

suggestions from the public and affected agencies concerning the proposed collection of information 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 agencies 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:* New information collection.
- (2) *Title of the Form/Collection:* 287(g) Candidate Questionnaire.
- (3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* U.S. Immigration and Customs Enforcement.
- (4) *Affected public who will be asked or required to respond, as well as a brief*

abstract: Primary: State, Local or Tribal governments. This questionnaire is used for the purposes of determining whether or not a state or local law enforcement officer will be granted Federal immigration enforcement authority under the 287(g) program. This information is used by program managers and trainers in the 287(g) program to make a positive or negative decision for a potential candidate to be admitted into the program.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 300 responses at 25 minutes (0.416 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 124.8 annual burden hours

Requests for a copy of the proposed information collection instrument, with instructions; or inquiries for additional information should be requested via email to: *forms.ice@dhs.gov* with “287(g) Program Candidate Questionnaire” in the subject line.

Dated: October 30, 2009.

Joseph M. Gerhart,
Chief, Records Management Branch, U.S. Immigration and Customs Enforcement, Department of Homeland Security.
 [FR Doc. E9-26664 Filed 11-4-09; 8:45 am]

BILLING CODE 9111-28-P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Continuation of Visitor Services

AGENCY: National Park Service, Interior.
ACTION: Public Notice.

DATES: *Effective Date:* September 21, 2009.

FOR FURTHER INFORMATION CONTACT: Jo A. Pendry, Chief, Commercial Services Program, National Park Service, Washington, DC 20240, Telephone, 202/513-7156.

SUMMARY: Pursuant to the terms of existing concession contracts, public notice is hereby given that the National Park Service intends to request a continuation of visitor services for a period not-to-exceed 1 year from the date of contract expiration.

SUPPLEMENTARY INFORMATION: The contracts listed below have been extended to maximum allowable under 36 CFR 51.23. Under the provisions of current concession contracts and pending the completion of the public solicitation of a prospectus for a new concession contract, the National Park Service authorizes continuation of visitor services for a period not-to-exceed 1 year under the terms and conditions of the current contract as amended. The continuation of operations does not affect any rights with respect to selection for award of a new concession contract.

Conc ID No.	Concessioner name	Park
LAME004-88	Lake Mead Ferry Service	Lake Mead National Recreation Area.
LARO003-92	Colville Tribal Enterprise, Corporation	Lake Roosevelt National Recreation Area.
OLYM003-82	Forever NPC Resorts, LLC	Olympic National Park.

FOR FURTHER INFORMATION CONTACT: Jo A. Pendry, Chief, Commercial Services Program, National Park Service, Washington, DC, 20240, Telephone 202/513-7156.

Dated: October 13, 2009.

Katherine H. Stevenson,
Assistant Director, Business Services.
 [FR Doc. E9-26480 Filed 11-4-09; 8:45 am]

BILLING CODE 4312-53-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLES956000-L1420000-BJ0000-LXSITRST0000]

Eastern States: Filing of Plat of Survey

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Filing of Plats of Survey; Wisconsin and Minnesota.

SUMMARY: The Bureau of Land Management (BLM) will file the plats of survey of the lands described below in the BLM-Eastern States Office in Springfield, Virginia, 30 calendar days from the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management-Eastern States, 7450 Boston Boulevard, Springfield, Virginia 22153. Attn: Cadastral Survey.

SUPPLEMENTARY INFORMATION: The surveys were requested by the Bureau of Indian Affairs.

The lands surveyed are:

Fourth Principal Meridian, Wisconsin

The plat of survey represents the dependent resurvey of a portion of the North boundary, a portion of the subdivisional lines, and the subdivision of sections 4, 5, 6, 7, 8, 9, 17, and 18, of Township 38 North, Range 8 West, of the Fourth Principal Meridian, in the State of Wisconsin, and was accepted September 23, 2009.

Fifth Principal Meridian, Minnesota

The plat of survey represents the dependent resurvey of a portion of the East boundary, a portion of the subdivisional lines, and the dependent resurvey and survey of the subdivision of Sections 13, 15, 25, and 33, of Township 146 North, Range 40 West, of the Fifth Principal Meridian, in the State of Minnesota, and was accepted September 30, 2009.

We will place copies of the plats we described in the open files. They will be available to the public as a matter of information.

If BLM receives a protest against a survey, as shown on the plat, prior to the date of the official filing, we will stay the filing pending our consideration of the protest.

We will not officially file a plat until the day after we have accepted or dismissed all protests and they have become final, including decisions on appeals.

Dated: October 30, 2009.

Dominica Van Koten,

Chief Cadastral Surveyor.

[FR Doc. E9-26671 Filed 11-4-09; 8:45 am]

BILLING CODE 4310-GJ-P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service**

[FWS-R6-R-2009-N211; 60138-1265-6CCP-S3]

Cokeville Meadows National Wildlife Refuge, Lincoln County, WY

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to prepare a comprehensive conservation plan, a hunt plan, and environmental assessment; announcement of open house public scoping meetings; and request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), intend to prepare a comprehensive conservation plan (CCP), a hunt plan, and environmental assessment (EA) for Cokeville Meadows National Wildlife Refuge. We provide this notice in compliance with our CCP policy to advise other Federal and State agencies, Tribes, and the public of our intentions and to obtain suggestions and information on the scope of issues to consider in the planning process. We are also announcing public meetings and requesting public comments.

DATES: To ensure consideration, please send your written comments by December 31, 2009. We will hold public meetings to begin the CCP and hunt plan planning process; *see Public*

Meetings under **SUPPLEMENTARY INFORMATION** for dates, times, and locations.

ADDRESSES: Send your comments or requests for more information by any of the following methods.

E-mail: bernardo_garza@fws.gov.

Include "Cokeville Meadows CCP/Hunt Plan" in the subject line of the message.

Fax: Bernardo Garza, (303) 236-4792.

U.S. Mail: P.O. Box 25486—DFC, Denver, CO 80225-0486.

In-Person Drop-off: You may drop off comments during regular business hours at 134 Union Boulevard, Suite 300, Lakewood, CO 80228.

FOR FURTHER INFORMATION CONTACT: Carl Millegan, Project Leader, Seedskaadee NWR Complex, (307) 875-2187 x 19, carl_millegan@fws.gov.

SUPPLEMENTARY INFORMATION:**Introduction**

With this notice, we initiate our process for developing a CCP and a Hunt Plan for the Cokeville Meadows NWR, in Lincoln County, WY. This notice complies with our CCP policy to (1) advise other Federal and State agencies, Tribes, and the public of our intention to conduct detailed planning on this refuge and (2) obtain suggestions and information on the scope of issues to consider in the environmental document and during development of the CCP and the Hunt Plan.

Background*The CCP Process*

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee) (Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997, requires us to develop a CCP for each national wildlife refuge. The purpose for developing a CCP is to provide refuge managers with a 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Administration Act.

Each unit of the National Wildlife Refuge System was established for

specific purposes. We use these purposes as the foundation for developing and prioritizing the management goals and objectives for each refuge within the National Wildlife Refuge System mission and to determine how the public can use each refuge. The planning process is a way for us and the public to evaluate management goals and objectives that will ensure the best possible approach to wildlife, plant, and habitat conservation, while providing for wildlife-dependent recreation opportunities that are compatible with each refuge's establishing purposes and the mission of the National Wildlife Refuge System.

Our CCP process provides participation opportunities for Tribal, State, and local governments; agencies; organizations; and the public. At this time we encourage input in the form of issues, concerns, ideas, and suggestions for the future management of Cokeville Meadows NWR.

We will conduct the environmental review of this project and develop an Environmental Assessment in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*); NEPA regulations (40 CFR parts 1500-1508); other appropriate Federal laws and regulations; and our policies and procedures for compliance with those laws and regulations.

Cokeville Meadows National Wildlife Refuge

Cokeville Meadows NWR was established for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions as well as for use as an inviolate sanctuary for migratory birds. This refuge contains a mosaic of wet meadows and cattail/bulrush sloughs. Many of these wetlands were originally created and maintained by agricultural practices. Cokeville Meadows NWR provides nesting habitat for 32 water bird species and, if developed, these habitats could provide suitable nesting habitat for the trumpeter swan, a species of management concern. Refuge habitats also provide important habitat for resident species. Greater sage grouse use upland sagebrush areas for nesting while riparian areas provide important feeding sites for their broods. Big game, including antelope, mule deer, and elk also utilize Refuge habitats.

Public Meetings

The public will have an opportunity to provide input at two public meetings.

Date	Time	Location
November 17, 2009	6–9 p.m	Cokeville High School, Auditorium, 435 Pine Street, Cokeville, WY 83114.
November 18, 2009	6–9 p.m	Best Western Fossil Country Inn & Suites, Conference Room, 760 Highway 189/30, Kemmerer, WY 83101.

You may also send comments anytime during the planning process by mail, e-mail, or fax (see **ADDRESSES**). There will be additional opportunities to provide public input once we have prepared a draft CCP.

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.

Dated: October 7, 2009.

Richard A Coleman,

Acting Regional Director.

[FR Doc. E9–26670 Filed 11–4–09; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

[LLNV912000.L16400000.PH0000.006F; 10–08807; TAS: 14X1109]

Notice of Reestablishment of Nevada Resource Advisory Councils

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Reestablishment of Nevada Resource Advisory Councils.

SUMMARY: Notice is hereby given that the Secretary of the Interior (Secretary) has reestablished the Bureau of Land Management (BLM) Resource Advisory Councils for the state of Nevada.

FOR FURTHER INFORMATION CONTACT:

Allison Sandoval, Legislative Affairs and Correspondence (600), Bureau of Land Management, 1620 L Street, NW., MS–LS–401, Washington, D.C. 20036, telephone (202) 912–7434.

SUPPLEMENTARY INFORMATION: This notice is published in accordance with Section 9(a)(2) of the Federal Advisory Committee Act of 1972, Public Law 92–463. The BLM has re-established the

Sierra Front-Northwestern Great Basin, Mojave-Southern Great Basin, and Northeastern Great Basin Resource Advisory Councils.

Certification Statement: I hereby certify that the reestablishment of the BLM Resource Advisory Councils is necessary and in the public interest in connection with the Secretary's responsibilities to manage the lands, resources, and facilities administered by the BLM.

Ken Salazar,

Secretary of the Interior.

[FR Doc. E9–26724 Filed 11–4–09; 8:45 am]

BILLING CODE 4310–HC–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701–TA–460 (Final)]

Ni-Resist Piston Inserts From Argentina; Determination

On the basis of the record¹ developed in the subject investigation, the United States International Trade Commission (Commission) determines, pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) (the Act), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports from Argentina of Ni-resist piston inserts, provided for in subheading 8409.99.91 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (Commerce) to be subsidized by the Government of Argentina.

Background

The Commission instituted this investigation effective January 26, 2009, following receipt of a petition filed with the Commission and Commerce by Korff Holdings LLC d/b/a Quaker City Castings, Salem, OH. The final phase of the investigation was scheduled by the

¹The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

Commission following notification of a preliminary determination by Commerce that imports of Ni-resist piston inserts from Argentina were being subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)). Notice of the scheduling of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of July 17, 2009 (74 FR 34784, July 6, 2009). The hearing was held in Washington, DC, on September 17, 2009, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on October 29, 2009. The views of the Commission are contained in USITC Publication 4104 (October 2009), entitled *Ni-resist Piston Inserts from Argentina: Investigation No. 701–TA–460 (Final)*.

By order of the Commission.

Issued: October 29, 2009.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E9–26547 Filed 11–4–09; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–09–030]

Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: November 10, 2009 at 11 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436. *Telephone:* (202) 205–2000.

STATUS: Open to the public.

Matters To Be Considered

1. Agenda for future meetings: none.
2. Minutes.
3. Ratification List.

4. Inv. Nos. 701-TA-432 and 731-TA-1024-1028 (Review) and AA1921-188 (Third Review) (Prestressed Concrete Steel Wire Strand from Brazil, India, Japan, Korea, Mexico, and Thailand)—briefing and vote. (The Commission is currently scheduled to transmit its determinations and Commissioners' opinions to the Secretary of Commerce on or before November 24, 2009.)

5. Outstanding action jackets:

(1) *Document No. GC-09-241*:

Concerning Inv. No. 337-TA-640 (Certain Short-Wavelength Light Emitting Diodes, Laser Diodes, and Products Containing Same).

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: November 3, 2009.

By order of the Commission.

William R. Bishop,

Hearings and Meetings Coordinator.

[FR Doc. E9-26804 Filed 11-3-09; 4:15 pm]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

[OMB Number 1103-0098]

Office of Community Oriented Policing Services; Agency Information Collection Activities: Extension and Revision of a Previously Approved Collection, With Change; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: COPS Budget Detail Worksheets.

The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS), 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 information collection is published to obtain comments from the public and affected agencies. This extension of a previously approved information collection was previously published in the **Federal Register** Volume 74, Number 167, pages 44874-44875, on August 31, 2009, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until December 7, 2009. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public

burden and associated response time, should be directed to The Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395-5806.

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 extension of a previously approved 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.*, permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension and revision of a previously approved collection.

(2) *Title of the Form/Collection:* COPS Budget Detail Worksheets.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. U.S. Department of Justice Office of Community Oriented Policing Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Law enforcement agencies and other public and private entities that apply for COPS Office grants or cooperative agreements will be asked to complete the COPS Budget Detail Worksheets. The COPS Budget Detail Worksheets are the result of a COPS Office business process reengineering effort. The worksheets standardized the budget forms across all COPS Office programs and reduced the burden on applicants due the applicant's ability to use the same form for multiple programs, thus reducing the

need for applicant's to learn how to complete multiple differing forms.

(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 16,200 respondents annually will complete the form within 2 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 32,400 total annual burden hours associated with this collection.

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: October 30, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. E9-26663 Filed 11-4-09; 8:45 am]

BILLING CODE 4410-AT-P

DEPARTMENT OF JUSTICE

[OMB Number 1103-0096]

Office of Community Oriented Policing Services; Agency Information Collection Activities: Extension and Revision of a Previously Approved Collection, With Change; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: COPS Application Guide.

The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS), 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 167, page 44873 on August 31, 2009, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until December 7, 2009. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time,

should be directed to The Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395-5806.

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 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 Collection

(1) *Type of Information Collection:* Extension and revision of a previously approved collection, with change.

(2) *Title of the Form/Collection:* COPS Application Guide.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. U.S. Department of Justice Office of Community Oriented Policing Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Law enforcement agencies and other public and private entities that apply for COPS Office discretionary grants or cooperative agreements will be asked to review the COPS Application Guide: Open Competitive Programs. The COPS Application Open/Competitive Guide is the result of a COPS Office business process reengineering effort. This collection combines the previously approved collection COPS Application Guide: Targeted/Invited Programs (1103-0096) with the collection COPS Application Guide: Open/Competitive Programs (1103-0095).

(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 16,200 respondents annually will review the Guide within 1 hour.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 16,200 total annual burden hours associated with this collection.

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: October 30, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, U.S.

Department of Justice.

[FR Doc. E9-26661 Filed 11-4-09; 8:45 am]

BILLING CODE 4410-AT-P

DEPARTMENT OF JUSTICE

[OMB Number 1103-0097]

Office of Community Oriented Policing Services; Agency Information Collection Activities: Extension and Revision of a Previously Approved Collection, With Change; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: COPS Application Attachment to SF-424.

The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS), 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 information collection is published to obtain comments from the public and affected agencies. This extension of a currently approved information collection was previously published in the **Federal Register** Volume 74, Number 167, page 44874 on August 31, 2009, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until December 7, 2009. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to The Office of Management and Budget, Office of

Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395-5806.

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 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 Collection

(1) *Type of Information Collection:* Extension and revision of a previously approved collection, with change.

(2) *Title of the Form/Collection:* COPS Application Attachment to SF-424.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. U.S. Department of Justice Office of Community Oriented Policing Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Law enforcement agencies and other public and private entities that apply for COPS Office grants or cooperative agreements will be asked to complete the COPS Application Attachment to SF-424. The COPS Application Attachment to SF-424 is the result of a COPS Office business process reengineering effort. This form streamlined application forms across all COPS Office programs and reduced the burden on applicants due the applicant's ability to use the same form for multiple programs, thus reducing the need for applicant's to learn how to complete multiple differing forms.

(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 16,200 respondents annually will complete the form within 10 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 162,000 total annual burden hours associated with this collection.

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: October 30, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. E9-26662 Filed 11-4-09; 8:45 am]

BILLING CODE 4410-AT-P

DEPARTMENT OF JUSTICE

Notice of Lodging of a Consent Decree Pursuant to the Clean Water Act and the Resource Conservation and Recovery Act

Notice is hereby given that a proposed Consent Decree in *United States of America v. City and County of San Francisco*, California, No. C 09-5104 JSW, was lodged on October 27, 2009, with the United States District Court for the Northern District of California.

In this case, the United States of America asserted claims against the City and County of San Francisco, California, for violations of the Clean Water Act, 33 U.S.C. Section 1251, *et seq.*, and the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, *et seq.*, arising from the release of red dye diesel fuel from the San Francisco Municipal Transit Authority (SF Muni) Woods bus servicing facility located at 1095 Indiana Street in San Francisco, during late November and December of 2005. The United States also alleged claims for violations of spill prevention requirements at three other facilities: The Flynn Facility, located at 15th and Harrison Street; the Kirkland Facility, located at 151 Beach Street; and the Marin Facility, located at 1399 Marin Street.

Under the proposed Consent Decree, the City and County of San Francisco will pay a civil penalty of \$250,000. It will also implement an Incident Command System training program for SF Muni staff that will improve coordination and communication

during future incidents of this nature. In addition to the measures to be taken under the Consent Decree, the City and County of San Francisco had previously undertaken remedial measures to clean up the spill at the Woods facility and evaluated procedures and upgraded facilities to prevent further spills.

The Department of Justice will receive comments relating to the Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to pubcomment-ees.enrd@usdoj.gov or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States of America v. City and County of San Francisco, California*, DJ No. 90-5-1-1-09289.

The proposed Consent Decree may be examined at the office of the United States Attorney for the Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 68102, and at the Region 9 Office of the Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, http://www.usdoj.gov/enrd/Consent_Decrees.html. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, or by faxing or e-mailing a request to Tonia Fleetwood (tonia.fleetwood@usdoj.gov), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$10.50 (25 cents per page reproduction cost) payable to the U.S. Treasury. The check should refer to *United States of America v. City and County of San Francisco, California*, DJ No. 90-5-1-1-09289.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. E9-26665 Filed 11-4-09; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-71,108]

Air Way Automation, Inc., Grayling, MI; Notice of Affirmative Determination Regarding Application for Reconsideration

By application dated August 20, 2009, a company official requested administrative reconsideration of the negative determination regarding workers' eligibility to apply for Trade Adjustment Assistance (TAA) applicable to workers and former workers of the subject firm. The determination was issued on August 3, 2009. The Notice of Determination was published in the **Federal Register** on September 22, 2009 (74 FR 48304).

The initial investigation resulted in a negative determination based on the finding that imports of parts feeding and assembly equipment did not contribute importantly to worker separations at the subject firm and no shift of production to a foreign source occurred.

In the request for reconsideration, the petitioner provided additional information regarding customers of the subject firm and increasing foreign competition in the bidding process.

The Department has carefully reviewed the request for reconsideration and the existing record and has determined that the Department will conduct further investigation to determine if the workers meet the eligibility requirements of the Trade Act of 1974.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the U.S. Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 21st day of October 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9-26563 Filed 11-4-09; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-70,406]

**Greenville Metals, Inc., Powder
Division, Transfer, PA; Notice of
Affirmative Determination Regarding
Application for Reconsideration**

By application dated October 19, 2009, a petitioner requested administrative reconsideration of the negative determination regarding workers' eligibility to apply for Trade Adjustment Assistance (TAA) applicable to workers and former workers of the subject firm. The determination was issued on September 28, 2009. The Notice of Determination will soon be published in the **Federal Register**.

The initial investigation resulted in a negative determination based on the finding that imports of powdered metals did not contribute importantly to worker separations at the subject firm and no shift of production to a foreign source occurred.

In the request for reconsideration, the petitioner provided additional information regarding customers of the subject firm and imports of powdered metals.

The Department has carefully reviewed the request for reconsideration and the existing record and has determined that the Department will conduct further investigation to determine if the workers meet the eligibility requirements of the Trade Act of 1974.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the U.S. Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 20th day of October 2009.

Elliott S. Kushner,*Certifying Officer, Division of Trade
Adjustment Assistance.*

[FR Doc. E9-26562 Filed 11-4-09; 8:45 am]

BILLING CODE 4510-FN-P**DEPARTMENT OF LABOR****Employment and Training
Administration**

[TA-W-70,045]

**Victoria and Company, Ltd., A Division
of Jones Apparel Group, East
Providence, RI; Notice of Affirmative
Determination Regarding Application
for Reconsideration**

By application dated September 30, 2009, the petitioners requested administrative reconsideration of the negative determination regarding workers' eligibility to apply for Trade Adjustment Assistance (TAA) applicable to workers and former workers of the subject firm. The determination was issued on September 10, 2009. The Notice of Determination will soon be published in the **Federal Register**.

The initial investigation resulted in a negative determination based on the finding that imports of solid fragrance compacts did not contribute importantly to worker separations at the subject firm. The investigation revealed that the subject firm did not shift production of solid fragrance compacts to foreign countries during the period under investigation.

In the request for reconsideration, the petitioner alleged that workers of the subject firm also designed and fabricated jewelry master models and that the subject firm shifted production of master models to China.

The Department has carefully reviewed the request for reconsideration and the existing record and has determined that the Department will conduct further investigation to determine if the workers meet the eligibility requirements of the Trade Act of 1974.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the U.S. Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 22nd day of October 2009.

Elliott S. Kushner,*Certifying Officer, Division of Trade
Adjustment Assistance.*

[FR Doc. E9-26561 Filed 11-4-09; 8:45 am]

BILLING CODE 4510-FN-P**DEPARTMENT OF LABOR****Employment and Training
Administration****“Financial and Program Reporting and
Performance Standards System for
Indian and Native American Programs,
Under the Workforce Investment Act
(WIA),” Title I-D, Section 166 of the
Extension Without Change; Office of
Management Budget (OMB) Control
No. 1205-0422**

AGENCY: Employment and Training
Administration (ETA).

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation 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 (PRA 95) [44 U.S.C. 3506(c)(2)(A)]. This 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 American Recovery and Reinvestment Act of 2009 (The Recovery Act), Division A, Title VIII, of Public Law 111-5, added a temporary funding increase for an Indian and Native American youth program component, requiring the collection of some additional data elements to ETA Form 9085. In addition, this information must now be collected monthly to properly account for Recovery Act funds.

This notice utilizes standard clearance procedures in accordance with the Paperwork Reduction Act of 1995 and 5 CFR 1320.12. This information collection follows an emergency review that was conducted in accordance with the Paperwork Reduction Act of 1995 and 5 CFR 1320.13. The submission for OMB emergency review was approved on August 27, 2009. A copy of this Information Collection Requirement can be obtained from the RegInfo.gov.

DATES: Written comments must be submitted to the office listed in the addressee's section below on or before January 4, 2010.

ADDRESSES: Submit written comments to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce

Investment, Attention: Mrs. Evangeline M. Campbell, Manager, Indian and Native American Program, Room N-4209, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone number: 202-693-3737 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Each Indian and Native American (INA) grantee receiving WIA Section 166 funds to administer the Comprehensive Services Program (CSP) is required to submit a CSP Report (ETA Form 9084) on a quarterly basis.

Grantees receiving WIA Section 166 Supplemental Youth Services Program (SYSP) funds currently submit SYSP Report (ETA Form 9085) semi-annually. However, the request to modify and extend the existing ETA Form 9085 report submitted each quarter by INA grantees is based on the following:

The ETA requires the collection and reporting of data on eligible persons served under the WIA, Section 166 SYSP to assess the performance and delivery of services. The recent release of additional funds under the Recovery Act is intended to serve a greater number of youth and requires the collection and reporting of participant data to evaluate program performance.

INA grantees are now required to submit quarterly participant data reports on all youth served by the SYSP (see Frequency of Reporting below) and to distinguish between youth served with Recovery Act funds and youth served with regular WIA Section 166 funds and report "Recovery Act" youth through a supplemental (monthly) youth report. In this supplemental report, INA grantees report aggregate counts of all Recovery Act youth participants, including the characteristics of participants, the number of participants in summer employment, services received, attainment of a work readiness skill, required by the Recovery Act, and successful completion of summer youth employment.

The Recovery Act made it necessary to create additional fields in ETA Form 9085 because of: (1) A change in eligibility, increasing the age limit to 24; and (2) an emphasis on using funds for summer employment. By aligning Recovery Act with regular program reporting in ETA Form 9085, the grantees are reporting critical information with a minimal additional burden.

Changes to Youth Reporting

Changes made to the SYSP Report (ETA Form 9085) are provided below. Copies of ETA Forms 9084 and 9085 can

be reviewed at: <http://wdr.doleta.gov/directives/attach/TEGL/TEGL05-09a1.pdf>.

Changes Made in Order To Incorporate Recovery Act Participants

- Reporting frequency will be monthly (Recovery Act Report only);
- Age requirement for eligibility has been increased to 24 (Recovery Act participants only);
- Collect information on participants in summer employment;
- Collect information on participants that exited summer employment;
- Collect information on participants that successfully completed work readiness;
- Collect information on participants that successfully completed summer employment;
- Work Readiness Attainment Rate added as an indicator; and
- Summer Employment Completion Rate added as an indicator.

Non-Recovery Act Changes To Apply to the Regular SYSP

- Reporting frequency changed from semi-annual to quarterly;
- Collect information on number of youth served with disabilities;
- Collect information on number of in-school youth served;
- Collect information on number of out-of-school youth served;
- Collect information on the number of youth served between the ages 14-18, 19-21; and
- Collect information on number of eligible veterans served.

II. Review Focus

The DOL is particularly interested in comments which:

- 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 submissions of responses.

III. Current Actions

Type of Review: Extension without changes.

Title: "Financial and Program Reporting and Performance Standards System for INA Programs under WIA Title I-D, Section 166.

OMB Number: 1205-0422.

Affected Public: Tribal Governments and Non-Profit Tribal Organizations.

Total respondents: 127 and 85.

Frequency of collection: Monthly and quarterly.

Total responses: 22,148.

Average time in hours per respondent: 24 for ETA Form 9084, 26 for ETA Form 9085 and 2.5 for the SPIR.

Estimated total burden hours: 90,262.

Total annual costs burden: \$0.

Comments submitted in response to this request will be summarized and included in the request for OMB's approval of the information collection request and will become a matter of public record.

Signed at Washington, DC, this 15th day of October 2009.

Jane Oates,

Assistant Secretary, Employment and Training Administration.

[FR Doc. E9-26639 Filed 11-4-09; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) number and alternative trade adjustment assistance (ATAA) by (TA-W) number issued during the period of *August 17 through October 16, 2009*.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied for

the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) of the Trade Act have been met.

None.

Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each

determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA-W-65,058; Swan Dyeing Finishing Corp., Fall River, MA: January 21, 2008

TA-W-65,679; Metal Powder Products—Ridgeway Division, Including on-site leased workers from Spherion, Ridgway, PA: March 24, 2008

TA-W-65,742A; Sigma Stamping, Division of Koppu Corp., Leased workers from of HCS Capital, Select Staffing, Auburn Hills, MI: March 4, 2008

TA-W-65,742B; Sigma Manufacturing, Auburn Hills, MI: March 4, 2008

TA-W-65,742; Koppu Corporation, Orion, MI: March 4, 2008

TA-W-65,900; Biederlack of America, Cumberland, MD: May 5, 2008

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA-W-65,667; Tekni-Plex, Inc., d/b/a Dolco Packaging, including leased workers from Patrick Staffing, Troy, OH: March 23, 2008

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

None.

Negative Determinations for Alternative Trade Adjustment Assistance

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the reasons specified.

The Department has determined that criterion (1) of Section 246 has not been met. The firm does not have a significant number of workers 50 years of age or older.

None.

The Department has determined that criterion (2) of Section 246 has not been

met. Workers at the firm possess skills that are easily transferable.

None.

The Department has determined that criterion (3) of Section 246 has not been met. Competition conditions within the workers' industry are not adverse.

None.

Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.A.) and (a)(2)(B)(II.A.) (employment decline) have not been met.

None.

The investigation revealed that criteria (a)(2)(A)(I.B.) (Sales or production, or both, did not decline) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

TA-W-65,595; Freeport McMoran Safford, Inc., Safford, AZ

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

None.

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

None.

The investigation revealed that criteria of Section 222(b)(2) has not been met. The workers' firm (or subdivision) is not a supplier to or a downstream producer for a firm whose workers were certified eligible to apply for TAA.

None.

I hereby certify that the aforementioned determinations were issued during the period of *August 17 through October 16, 2009*. Copies of these determinations are available for inspection in Room N-5428, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: October 21, 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9-26568 Filed 11-4-09; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA-W) number issued during the period of *September 7 through September 18, 2009*.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) Imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) Imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) Imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) The increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially

separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) There has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) There has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) The shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) A significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) The acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(c) of the Act must be met.

(1) A significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) An affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) An affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) An affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) The petition is filed during the 1-year period beginning on the date on which—

(A) A summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) Notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) The workers have become totally or partially separated from the workers' firm within—

(A) The 1-year period described in paragraph (2); or

(B) Notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations For Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA-W-70,296; SMC Corporation of America, Detroit Branch, Rochester Hills, MI: May 19, 2008

TA-W-70,459; Icon Health and Fitness, Intermountain Staffing, People Link, Logan, UT: May 20, 2008

TA-W-70,934; Airtex Products, LP, Fairfield, IL: November 14, 2008

TA-W-71,103; KF Industries, Circo Energy Products Div. Cirocor International, Leased workers from Adecco, Oklahoma City, OK: June 1, 2008

TA-W-71,249; General Motors Company, GM Corp., Vehicle Mfg., Assembly Plant, Caravan/Knight, Wilmington, DE: June 15, 2008

TA-W-71,738; United States Gypsum Company, Rainer, OR: July 17, 2008

TA-W-72,129; Hampton Lumber Mills—Washington, Inc., Morton Division, Morton, WA: August 25, 2008

TA-W-70,823; Blount, Inc., Milwaukie, OR: May 29, 2008

TA-W-70,006; Maine Woods Company, Tempo Employment Service, Portage Lake, ME: May 18, 2008

TA-W-70,083; Circuit Check, Inc., Leased Workers—Aerotek, MRI, and E-Technical Staffing Inc., Maple Grove, MN: May 18, 2008

TA-W-70,124A; Hutchinson Technology, Inc., Leased Workers From Doherty, Plymouth, MN: May 18, 2008

TA-W-70,124; Hutchinson Technology, Inc., Leased Workers From Doherty, Hutchinson, MN: May 18, 2008

TA-W-70,281; AGC Flat Glass North America, Inc., Corporate Services Office, Kingsport, TN: April 20, 2008

TA-W-70,354; Mold-Rite Tool, Inc., Cignet, LLC, Fraser, MI: May 19, 2008

TA-W-70,423; Phillips Plating Corporation, Phillips, WI: May 19, 2008

TA-W-70,470; Vette Corp, North America Power Division, Ontario, NY: May 18, 2008

TA-W-70,555; Highland Machine & Screw Products, Highland, IL: May 21, 2008

TA-W-70,593A; Enterprise Automotive Systems, Leased Wkrs from LG Manpower, Saginaw, MI: May 22, 2008

TA-W-70,593B; Saginaw Veterans LLC, Enterprise Automotive Systems, Leased Wkrs from LG Manpower, Saginaw, MI: May 22, 2008

TA-W-70,593; Enterprise Automotive Systems, Leased Workers from LG Manpower, Warren, MI: May 22, 2008

TA-W-70,710; Biofit Engineered Products LTD Partnership, Bowling Green, OH: May 27, 2008

TA-W-70,781; Biddle Precisions Components, Sheridan, IN: May 27, 2008

TA-W-71,278; Kennametal, Inc., AMSG Division, Farmington Hills, MI: June 9, 2008

TA-W-71,442; Carlisle Finishing, LLC, A Division of International Textile Group, Carlisle, SC: May 17, 2009

TA-W-71,666; Braka Industries, Inc., Salem, OR: July 1, 2008

TA-W-71,719; C & A Apparel Inc., San Francisco, CA: July 3, 2008

TA-W-70,081A; Scotty's Fashions Cutting, Inc., Penargyl, PA: May 18, 2008

TA-W-70,081; Scotty's Fashions of Leighton, Leighton, PA: May 18, 2008

TA-W-70,669; Archway Cookies LLC, Ashland, OH: May 26, 2008

TA-W-71,136; Chrysler Group LLC, Chrysler LLC, Conner Ave. Assembly, Aerotek, etc, Detroit, MI: May 27, 2008

TA-W-71,263; Chrysler Group, LLC, Belvidere, IL: June 16, 2008

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or services) of the Trade Act have been met.

TA-W-70,098; Stahl USA, Inc., Leased Workers From Raduis Staffing Resources, LLC and SJ Services Inc., Peabody, MA: May 18, 2008

TA-W-70,139; Valeo Electrical Systems, Human Resource Dept., Tap Personnel, Rochester, NY: May 10, 2009

TA-W-70,153A; Henkel Corporation, National Starch Corp., Acheson Coloids, Marquee, Ontario, CA: May 18, 2008

TA-W-70,153B; Henkel Corporation, National Starch Corp., Emerson & Cuming, Aerotek, Canton, MA: May 18, 2008

TA-W-70,153C; Henkel Corporation, Formerly Ablestik, San Diego, CA: May 18, 2008

TA-W-70,153; Henkel Corporation, Adhesive Electronics Div., Spherion, Lab Support, City of Industry, CA: May 18, 2008

TA-W-70,169; Molex, Inc., Commercial Products Division, Maumelle, AR: May 18, 2008

TA-W-70,176; Tex Tech Industries, North Monmouth, ME: May 18, 2008

TA-W-70,339; Delphi Electronics and Safety, Electronics and Safety Division, Trialon, Auburn Hills, MI: May 19, 2008

TA-W-70,455; Astellas US Technologies, Inc., Astellas Pharma, Superior Staff, Remedy, Adecco, Grand Island, NY: May 19, 2008

TA-W-70,462; Windsor Forestry Tools, A Subsidiary of Blount, Inc., Milan, TN: May 20, 2008

- TA-W-70,518; *Ceco Building Systems, Robertson-Ceco Corp. Div., Rocky Mount, NC: May 21, 2008*
- TA-W-70,648; *Fabric Trends International, LLC, Plainfield, CT: May 26, 2008*
- TA-W-70,854; *Daido Metal Bellefontaine, LLC, Bellefontaine, OH: June 2, 2008*
- TA-W-71,012A; *Vanity Fair Brands, LP, Monroeville Administration, Monroeville, AL: July 6, 2009*
- TA-W-71,012; *Vanity Fair Brands, LP, Fruit of the Loom, Monroeville Dye Finish Facility, Monroeville, AL: July 6, 2009*
- TA-W-71,028; *Carlton Company, Inc., A subsidiary of Blount, Inc., Milwaukie, OR: June 4, 2008*
- TA-W-71,079; *Ametek Aerospace Seattle Support Center, Aerotek Commercial and Westech Technical, Mukilteo, WA: June 8, 2008*
- TA-W-71,211; *Heli-One USA, Inc., Helicopter Corp., Accountemps and Agente Tech, Hurst, TX: June 12, 2008*
- TA-W-71,273; *Comau Automation and Engineering Company, Subsidiary of Camau, Inc., Novi, MI: June 9, 2008*
- TA-W-71,361A; *Page Employment, Working on-site at ZF Lemforder Corp, Brewer, ME: June 22, 2008*
- TA-W-71,361; *ZF Lemforder Corporation, F-Brewer Division, ZF Friedrichsfafen AG, Brewer, ME: February 10, 2009*
- TA-W-71,673; *FLA Orthopedics, Inc., Staff Masters and Aerotek, Huntersville, NC: July 13, 2008*
- TA-W-71,782; *Weyerhaeuser NR Company, I-Level Lumber Division, Taylor, LA: July 20, 2008*
- TA-W-71,806; *Actel Corporation, Leased Workers ATR International, Accountants Inc., and Accountant Temps, Mountain View, CA: July 23, 2008*
- TA-W-71,825; *Transistor Devices, Inc., Leased Workers—Synerfac Technical Staffing, Tecnosource Consulting, Hackettstown, NJ: July 27, 2008*
- TA-W-71,919; *Denso Manufacturing of Michigan, Adecco Employment, Adeco Tech, Aerotec, etc, Battle Creek, MI: August 3, 2008*
- TA-W-71,943; *3M Company, Auto Aftermarket, Volt Services, Solon, OH: August 6, 2008*
- TA-W-71,959; *Alpine Biomed, Leased Workers—Kelly Services, Appleone, and Concise Technologies, Fountain Valley, CA: August 7, 2008*
- TA-W-71,993; *Matthews Bronze, Matthews Int. Corp., Bronze Div., Emedy International Staffing, Seneca Falls, NY: August 11, 2008*
- TA-W-72,030; *Teijin Monofilament U.S., Inc, Creative Workforce Staffing, Spartanburg, SC: August 10, 2008*
- TA-W-72,066; *ASC Industries, Snelling Temporary and Superior Staffing, North Canton, OH: August 10, 2008*
- TA-W-72,091; *CML Innovative Technologies, Hackensack, NJ: August 19, 2008*
- TA-W-70,432; *Bead Industries, Inc., Bead Chain Division, Milford, CT: May 19, 2008*
- TA-W-70,870; *H. W. Wilson Company, Bronx, NY: May 29, 2008*
- TA-W-71,629; *Hub City, Mechanical Division, Aberdeen, SD: July 1, 2008*
- TA-W-72,000; *Hertz Corporation (The), At Hertz Tech Center—Express Employment Professionals and Addison Group, Oklahoma City, OK: August 5, 2008*
- TA-W-70,405; *Avaya, Inc., Worldwide Services Group, GSS, Kelly Serv., etc, Highlands Ranch, CO: May 19, 2008*
- TA-W-70,738; *Amdocs Inc., Milwaukee, WI: May 29, 2009*
- TA-W-71,091; *Computer Sciences Corporation—Managed Services Sector, America's Outsourcing—Freescale Account Unit, Austin, TX: May 22, 2008*
- TA-W-71,400; *Smart Apparel (US) Inc., A/P and A/R Dept., Leased Workers of Office Team and Accountemps, Quakertown, PA: June 23, 2008*
- TA-W-71,808; *StudentUniverse.com, Inc, Waltham, MA: July 27, 2008*
- TA-W-71,862; *Deutsche Bank AG, New York Branch, Finance Asset Management, New York, NY: July 27, 2008*
- TA-W-71,894; *Kaiser Foundation Hospitals, Kaiser Permanente, Corona, CA: July 23, 2008*
- TA-W-72,054; *Intermec Technologies Corporation, A Subsidiary of Intermec, Inc., Leased Workers from Face Staffing, Cedar Rapids, IA: August 17, 2008*
- TA-W-71,814; *Lavita, Inc., Sample Room, New York, NY: July 20, 2008*
- The following certifications have been issued. The requirements of Section 222(b) (adversely affected workers in public agencies) of the Trade Act have been met.
- None
- The following certifications have been issued. The requirements of Section 222(c) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.
- TA-W-70,101; *Domtar Industries, Inc., Woodland Mill—Kraft Market Pulp, Vescom Corp., Baileyville, ME: May 18, 2008*
- TA-W-70,140; *Wall Printing Company, Leased Workers of TRC Staffing, High Point, NC: May 18, 2008*
- TA-W-71,183; *Cintas Corporation, Portal, GA: June 10, 2008*
- TA-W-71,635; *Ventra Evart, LLC, Division of Flex-N-Gate, Leased Workers from Manpower Temporary Service, Evart, MI: July 10, 2008*
- TA-W-71,930; *International Automotive Components, Flooring and Acoustics Group, Old Fort, NC: August 4, 2008*
- TA-W-70,182; *St Lawrence and Atlantic Railroad, Auburn, ME: May 18, 2008*
- TA-W-70,748; *Ureco, Inc., Columbia Falls, MT: May 28, 2008*
- TA-W-70,844; *Allied Barton Security Services, Employed at Phelps Dodge Chino, Inc., El Paso, TX: May 29, 2008*
- The following certifications have been issued. The requirements of Section 222(c) (downstream producer for a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.
- None
- The following certifications have been issued. The requirements of Section 222(f) (firms identified by the International Trade Commission) of the Trade Act have been met.
- None
- Negative Determinations for Worker Adjustment Assistance**
- In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.
- The investigation revealed that the criterion under paragraph (a)(1), or (b)(1), or (c)(1)(employment decline or threat of separation) of section 222 has not been met.
- TA-W-70,355; *Carmeuse Lime, Inc., Carmeuse North America, B.V., Pittsburgh, MN.*
- The investigation revealed that the criteria under paragraphs (a)(2)(A)(i) (decline in sales or production, or both) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.
- None
- The investigation revealed that the criteria under paragraphs (a)(2)(A) (increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.
- TA-W-70,045; *Victoria and Co., Ltd, Div. of Jones Apparel Group, East Providence, ME.*

TA-W-70,092; Spartan Felt Company, Inc., Roebuck, PA.
 TA-W-70,295; Ultimizers, Inc., Boring, MN.
 TA-W-71,315; Cascade Grain Products, LLC, Clatskanie, MI.
 TA-W-71,740; Charapp Chrysler, Jeep & Dodge of Kittanning, Kittanning, NY.
 TA-W-72,020; Equistar, Beaumont, MI.
 TA-W-70,185; Gulliver's Travels, Sarasota, PA.
 TA-W-70,469; Datamatics Global Services, Inc., Data Entry Group, Burlington, MN.
 TA-W-70,513; Chrysler Financial Services LLC, Troy Michigan Contact Center, Troy, TN.
 TA-W-71,041; Menlo Worldwide Logistics, Brownstown, MI.
 TA-W-71,496; Wikel-Allen Express, LLC, Cape Girardeau, WI.
 TA-W-71,733; U.S. Airways, El Paso, UT.

The investigation revealed that the criteria under paragraphs (b)(2) and (b)(3) (public agency acquisition of services from a foreign country) of section 222 have not been met.

None

The investigation revealed that criteria of Section 222(c)(2) has not been met. The workers' firm (or subdivision) is not a Supplier to or a Downstream Producer for a firm whose workers were certified as eligible to apply for TAA.

TA-W-71,816; Chicago and Midwest Regional Joint Board, Toledo Division, Toledo, IL.

I hereby certify that the aforementioned determinations were issued during the period of *September 7 through September 18, 2009*. Copies of these determinations are available for inspection in Room N-5428, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: October 27, 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9-26567 Filed 11-4-09; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19

U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA-W) number issued during the period of *August 24 through September 4, 2009*.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) Imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) Imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) Imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) The increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) There has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) There has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) The shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) A significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) The acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(c) of the Act must be met.

(1) A significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker

adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) An affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) An affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) An affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) The petition is filed during the 1-year period beginning on the date on which—

(A) A summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) Notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) The workers have become totally or partially separated from the workers' firm within—

(A) The 1-year period described in paragraph (2); or

(B) notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA-W-70,019; *Bergquist Co., Touch Screen, Express Employment, Aerotek, Cannon Falls, MN: May 18, 2008*

TA-W-70,028; *Three Rivers Timber, Inc., Kamiah, ID: May 18, 2008*

TA-W-70,155; *International Auto Components (IAC) Sidney, LLC, Formerly Lear Corporation, Southern OPS Unit Division, Sidney, OH: March 16, 2009*

TA-W-70,623; *General Motors Company, Lordstown Assembly*

Plant & leased workers, Warren, OH: May 18, 2008

TA-W-70,752A; *Hampton Lumber Mills, Inc., DBA Willamina Lumber Company, Leased workers From Express Personnel Services, Willamina, OR: May 18, 2008*

TA-W-70,752; *Hampton Lumber Mills, Inc., DBA Tillamook Lumber Company, Leased workers From Barrett Business Services, Tillamook, OR: May 18, 2008*

TA-W-70,907; *TRW Automotive, NABS Div., Mt. Vernon, OH: February 24, 2009*

TA-W-70,989A; *Klaussner Furniture Industries, Inc., Plant #33, Asheboro, NC: June 2, 2008*

TA-W-70,989; *Klaussner Furniture Industries, Inc., Plant #3, Asheboro, NC: June 2, 2008*

TA-W-71,392; *Donaldson Company, Cresco, IA: June 23, 2008*

TA-W-70,010; *American Pride, LLC, Guilford, ME: May 18, 2008*

TA-W-70,037A; *Noranda Aluminum, Inc., Green Carbon Department, A Subsidiary of Noranda Aluminum Holding, New Madrid, MO: May 18, 2008*

TA-W-70,037B; *Noranda Aluminum, Inc., Carbon Rodding Department, A Subsidiary of Noranda Aluminum Holding, New Madrid, MO: May 18, 2008*

TA-W-70,037C; *Noranda Aluminum, Inc., Carbon Bake Department, A Subsidiary of Noranda Aluminum Holding, New Madrid, MO: May 18, 2008*

TA-W-70,037D; *Noranda Aluminum, Inc., Air Control Department, A Subsidiary of Noranda Aluminum Holding, New Madrid, MO: May 18, 2008*

TA-W-70,037E; *Noranda Aluminum, Inc., River Unloading Department, A Subsidiary of Noranda Aluminum Holding, New Madrid, MO: May 18, 2008*

TA-W-70,037F; *Noranda Aluminum, Inc., 136 Area Department, A Subsidiary of Noranda Aluminum Holding, New Madrid, MO: May 18, 2008*

TA-W-70,037G; *Noranda Aluminum, Inc., Pot Lines I, II, III Department, A Subsidiary of Noranda Aluminum Holding, New Madrid, MO: May 18, 2008*

TA-W-70,037H; *Noranda Aluminum, Inc., Pot Services Department, A Subsidiary of Noranda Aluminum Holding, New Madrid, MO: May 18, 2008*

TA-W-70,037I; *Noranda Aluminum, Inc., Technical Services Department, A Subsidiary of Noranda Aluminum Holding, New Madrid, MO: May 18, 2008*

TA-W-70,037; *Noranda Aluminum, Inc., Maintenance Department, A Subsidiary of Noranda Aluminum Holding, New Madrid, MO: May 18, 2008*

TA-W-70,055; *Ovonic Energy Products, Springboro, OH: May 18, 2008*

TA-W-70,073; *Le Sueur, Inc., Team Personnel, Le Sueur, MN: May 18, 2008*

TA-W-70,131; *Niagara Cutter, Reynoldsville, PA: May 18, 2008*

TA-W-70,447; *Paragon Store Fixtures, Inc., Leased workers From Masterson Personnel, Aerotek & Minneapolis Drafting, Big Lake, MN: May 18, 2008*

TA-W-70,515; *New Generations Furniture Co., Leased Workers of Hamilton-Ryker Co. and Manpower, McKenzie, TN: May 18, 2008*

TA-W-70,539; *Carrollton Specialty Products Company, Moberly, MO: May 19, 2008*

TA-W-70,634; *Graphic Visual Solutions Inc., Leased workers from Key Resources, Greensboro, NC: May 20, 2008*

TA-W-70,889; *Hesco Parts, LLC, Kelly Services, Louisville, KY: May 28, 2008*

TA-W-70,909; *Martinsville Emulsion Products Company, Inc., Martinsville, VA: May 25, 2008*

TA-W-71,155; *Boise Cascade, LLC, St. Helens, OR: June 10, 2008*

TA-W-71,655A; *Rosboro, LLC, Plywood Division, Leased workers from Personal Source, Springfield, OR: July 13, 2008*

TA-W-71,655; *Rosboro, LLC, Glulam Division, Leased workers from Personal Source, Springfield, OR: July 13, 2008*

TA-W-70,378; *Carpenter Company, Russelville Division, Cookeville Branch, Cookeville, TN: May 19, 2008*

TA-W-70,046; *Destination Maternity Corporation, Formerly Mothers Work, Leased workers From PCHS Staffing, Philadelphia, PA: May 18, 2008*

TA-W-70,784; *Chrysler Group LLC, Kenosha Engine Plant, Kenosha, WI: May 27, 2008*

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or services) of the Trade Act have been met.

TA-W-70,166A; *Health Net, Inc., Information Technology Group, Tempe, AZ: May 18, 2009*

TA-W-70,166B; *Health Net, Inc., Information Technology Group, Tucson, AZ: May 18, 2009*

TA-W-70,166C; *Health Net, Inc., Information Technology Group,*

- Huntington Beach, CA: May 18, 2009
TA-W-70,166D; Health Net, Inc, Information Technology Group, Oakland, CA: May 18, 2009
TA-W-70,166E; Health Net, Inc, Information Technology Group, Claims Dept, Kelly, Rancho Cordova, CA: May 18, 2009
TA-W-70,166F; Health Net, Inc, Information Technology Group, San Diego, CA: May 18, 2009
TA-W-70,166G; Health Net, Inc, Information Technology Group, San Rafael, CA: May 18, 2009
TA-W-70,166H; Health Net, Inc, Information Technology Group, Claims Dept, Kelly, Woodland Hills, CA: May 18, 2009
TA-W-70,166I; Health Net, Inc, Information Technology Group, Castle Rock, CO: May 18, 2009
TA-W-70,166J; Health Net, Inc, Information Technology Group, Shelton, CT: May 18, 2009
TA-W-70,166K; Health Net, Inc, Information Technology Group, Rochester, MA: May 18, 2009
TA-W-70,166L; Health Net, Inc, Information Technology Group, Matawan, NJ: May 18, 2009
TA-W-70,166M; Health Net, Inc, Information Technology Group, White Plains, NY: May 18, 2009
TA-W-70,166N; Health Net, Inc, Information Technology Group, Claims Dept, Kelly, Tigard, OR: May 18, 2009
TA-W-70,166O; Health Net, Inc, Information Technology Group, West Kingston, RI: May 18, 2009
TA-W-70,166P; Health Net, Inc, Information Technology Group, Irving, TX: May 18, 2009
TA-W-70,166Q; Health Net, Inc, Information Technology Group, Arlington, VA: May 18, 2009
TA-W-70,166R; Health Net, Inc, Information Technology Group, Bothell, WA: May 18, 2009
TA-W-70,166S; Health Net, Inc, Information Technology Group, Issaquah, WA: May 18, 2009
TA-W-70,166; Health Net, Inc, Information Technology Group, Bullhead City, AZ: May 18, 2009
TA-W-71,356; Child Craft, LLC, New Salisbury, IN: September 8, 2009
TA-W-70,014; Leviton Manufacturing Company, Inc., Warwick, RI: May 18, 2008
TA-W-70,119; Photronics, Inc., Kelly Services and Intermountain Tech, Boise, ID: May 18, 2008
TA-W-70,144; Cadmus Communications, A Subsidiary of Cenveo, On-Site workers of Mack Employment, Tristar, Ephrata, PA: May 18, 2008
TA-W-70,165; Basler Electric Company, Caraway, AR: May 18, 2008
TA-W-70,195; Inergy Automotive Systems LLC, Aerotek, Accountemps, Incat and RCM Tech, Troy, MI: May 18, 2008
TA-W-70,217; SKF Sealing Solutions, Elgin, IL: May 18, 2008
TA-W-70,255; Tyco Safety Products, Adecco Employment Services, Westminster, MA: May 13, 2008
TA-W-70,264; Freeport-McMoran Tyrone Mining LLC, Including all reclamation group employees, Tyrone, NM: May 18, 2008
TA-W-70,289; Datalogic Mobile, Inc., Leased Wkrs from Hire Calling, Kelly Services, Express Personnel Services, Eugene, OR: May 19, 2008
TA-W-70,489; Pace Industries, Monroe City Div., Snelling Personnel Services, Monroe City, MO: May 22, 2008
TA-W-70,565; Hewlett-Packard Company, Business Critical Systems, Mission Critical, Workers in New Hampshire, Marlborough, MA: May 21, 2008
TA-W-70,569; Ainsworth Engineered, USA LLC., Cook, Minnesota, Cook, MN: May 21, 2008
TA-W-70,729; Philips Lighting Company, Lamps Division, Fairmont, WV: May 23, 2008
TA-W-70,779; Columbus Comp Group, Columbus, IN: May 18, 2008
TA-W-70,852; Victaulic Company, Express Employment Professionals, Leland, NC: May 29, 2008
TA-W-70,915; Gardner Bender, Inc., Milwaukee, WI: June 1, 2008
TA-W-70,959; Alpha Technology Corporation, Howell, MI: June 1, 2008
TA-W-71,064A; Premedia Global, Inc., St. Paul, MN: May 19, 2008
TA-W-71,064B; Premedia Global, Inc., Atlantic Heights, NJ: May 19, 2008
TA-W-71,064C; Premedia Global, Inc., Product Development, New York, NY: May 19, 2008
TA-W-71,064D; Premedia Global, Inc., Design and World Languages, New York, NY: May 19, 2008
TA-W-71,064E; Premedia Global, Inc., Pre-Press PMG, Plymouth, MA: May 19, 2008
TA-W-71,064F; Premedia Global, Inc., Beacon PMG, Ashland, OH: May 19, 2008
TA-W-71,064; Premedia Global, Inc., GGS Book Service, York, PA: May 19, 2008
TA-W-71,071; Dura Operating Corporation, D/B/A Dura Automotive Systems, Corp. Office, Rochester Hills, MI: June 1, 2008
TA-W-71,260; Cascade Microtech, Inc., Express Employment, Agilon Finance, Robert Half Management, Beaverton, OR: June 16, 2008
TA-W-71,518; Johnson Controls, Inc., Leased Wkrs From Kelly Temporary Services, Earth City, MO: June 29, 2008
TA-W-71,664; Tate and Lyle Sucralose LLC, Leased Wkrs of Kelly Services and Southern Design Services, McIntosh, AL: June 25, 2008
TA-W-71,676; Cummins, Inc., Parts and Recon-Memphis Plant, Memphis, TN: July 10, 2008
TA-W-71,680; Kone, Inc., Leased Wkrs of Staff Right, Technipower and Aerotek, McKinney, TX: July 14, 2008
TA-W-71,753; The Durham Manufacturing Company, Springfield, MA Plant, Springfield, MA: July 17, 2008
TA-W-71,770; Bollhoff Rivnut, Inc., Fastening and Assembly Technology, Kendallville, IN: July 21, 2008
TA-W-71,786; Eastman Kodak Company, Graphic Communications Group, Pre-Press Solutions, Leased Wkrs of Volt, Kelly Services, Windsor, CO: July 22, 2008
TA-W-71,802; Trelleborg Sealing Solutions US, Inc., Leased Wkrs of Spherion, Somersworth, NH: July 20, 2008
TA-W-71,929; Hirel Systems, Leased Wkrs From Employers Overload, Express Personnel, Hillsboro, OR: August 3, 2008
TA-W-71,942; Alfmeier Corporation, Corestaff Services, Greenville, SC: August 6, 2008
TA-W-72,055; Finisar, A Subsidiary of Finisar Corp., Leased Wkrs From Volt Workforce, Allen, TX: August 17, 2008
TA-W-72,092; American Permanent Ware, Standex International, Sterling Personnel, Dallas, TX: August 18, 2008
TA-W-70,424; URS Washington Division, Working on-site at Caterpillar Inc., Mossville, IL: May 19, 2008
TA-W-70,725; Webb Wheel Products, Inc.—OEM, Cullman, AL: May 19, 2008
TA-W-70,913A; Automatic Systems, Inc., Brighton, MI: May 22, 2008
TA-W-70,913; Automatic Systems, Inc., Leased Wkrs From Midwest Personnel, Kansas City, MO: May 22, 2008
TA-W-71,000; Sypris Technologies Marion LLC, Marion, OH: June 4, 2008
TA-W-71,224; Oracle Lens Manufacturing, Tech/Temps, Quality, Majestic, Colony, Warwick, RI: June 15, 2008

TA-W-70,777; Creditek LLC, Genpact U.S. Holdings, Manpower, CSI, Kelly, One Source, Hanover Township, PA: May 20, 2008

TA-W-70,939; Supervalu Inc., Supply Chain Services Div., Info Tech Dept., Pleasant Prairie, WI: June 3, 2008

TA-W-70,995; The Northwest Company International Inc., d/b/a Alaska Commercial Co., Weststaff, Anchorage, AK June 3, 2008

TA-W-71,206A; Comdata Network, Inc., A Subsidiary of Ceridian Corp., El Paso, TX: June 12, 2008

TA-W-71,206; Stored Value Solutions, Inc., Ceridian Corp., Leased Wkrs from Today's Office Professionals, El Paso, TX: June 12, 2008

TA-W-71,479; Eastman Kodak Company, Global Contact Center, Adecco, Datrose, Rochester, NY: June 25, 2008

TA-W-71,677; Bank of America, Operations and Workforce Management, Rio Rancho, NM: July 5, 2008

TA-W-71,715; Citicorp Credit Services, Inc. (USA), Operations—Deliver, Strategy and Development, Kingsport, TN: July 7, 2008

TA-W-71,778; Digital River, Inc., Call Center Operations, Leased Wkrs from Masterson Personnel, Eden Prairie, MN: July 21, 2008

TA-W-71,834; Ceridian Corporation, Broadview Heights, OH: July 16, 2008

TA-W-70,044; Croscill Acquisition, LLC, Oxford, NC: May 18, 2008

TA-W-70,761; Reiman Media Group, Inc., Readers Digest Association, IT Dept., Leased Wkrs New Resources and Kforce, Greendale, WI: May 28, 2008

TA-W-70,785; International Business Systems, U.S. (IBM), Software Programming Dept., Folsom, CA: May 27, 2008

TA-W-71,002; VF Outlet, Inc., IT Department, Chris Talarico, Wipro, Account Temps, Reading, PA: June 4, 2008

The following certifications have been issued. The requirements of Section 222(b) (adversely affected workers in public agencies) of the Trade Act have been met.

None

The following certifications have been issued. The requirements of Section 222(c) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA-W-70,009; P.M. Kelly, Inc., Ashland, ME: May 18, 2008

TA-W-71,095; Future Die Cast and Engineering, Inc., Leased Wkrs

From Labor Ready Midwest, Shelby Township, MI: June 3, 2008

TA-W-70,054; Precision Coil, Inc., Clarksburg, WV: May 18, 2008

TA-W-70,241; Alabama Wire Company, Inc., A Subsidiary of SSW Holding Company, Elizabethtown, KY: May 18, 2008

TA-W-70,297; Reynolds Wheel International, dba Alcoa Wheel and Transport. Products, Forged Specialty Wheels Division, Lebanon, VA: May 19, 2008

TA-W-70,306; Noble Metal Processing, Inc., Warren, MI: May 19, 2008

TA-W-70,329; GI Tech Group, LLC, d/b/a/ Tech Group Industries, Van Buren, AR: May 19, 2008

TA-W-70,372; Tower Automotive, Elkton Business Unit, Elkton, MI: May 19, 2008

TA-W-70,452; International Paper, CTA—Industrial Packaging Division, Leased Wkrs From Manpower, Howell, MI: May 22, 2008

TA-W-70,486; Eclipse Manufacturing Company, Pikeville, TN: May 21, 2008

TA-W-70,814; Findlay Industries Inc., Dublin Division, Dublin, VA: May 27, 2008

TA-W-71,037; Chardon Rubber Company, Mid-Weston Temp and Thomas Employment, Chardon, OH: June 4, 2008

TA-W-70,214; W and N Machine Shop, Inc., St. Marys, PA: May 18, 2008

TA-W-70,323; Tokyo Electron America, Inc, TEA—Leased Wkrs from Kelly Engineering Resources, Boise, ID: May 19, 2008

TA-W-70,996; Voith Paper Rolls Central, Inc., Neenah Plant, Cadre, Neenah, WI: May 27, 2008

TA-W-71,471; Syncreon, Leased Wkrs From Pro Logistics, Pro Drivers, American Staffing, Fenton, MO: June 26, 2008

The following certifications have been issued. The requirements of Section 222(c) (downstream producer for a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

None

The following certifications have been issued. The requirements of Section 222(f) (firms identified by the International Trade Commission) of the Trade Act have been met.

TA-W-70,627; Bridgestone Americas Tire Operation LLC, a.k.a. Bridgestone Americas Holding, Normal, IL: May 27, 2008

TA-W-71,658A; Cooper Tire and Rubber Company, Camden, NJ: June 25, 2008

TA-W-71,658; Cooper Tire and Rubber Company, Leased Wkrs of Premium

Personnel and Kann Enterprises, Moraine, OH June 25, 2008

Negative Determinations For Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

The investigation revealed that the criterion under paragraph (a)(1), or (b)(1), or (c)(1) (employment decline or threat of separation) of section 222 has not been met.

TA-W-70,631; Electronic Data Systems, An HP Company, Plano, TX

TA-W-70,718; CJ Industrial Supply, Working on-site at Whirlpool Corporation, Oxford, MS

TA-W-70,799; Avaya Inc., Finance Department, Westminster, CO

TA-W-71,070; Parkside Mortgage Corporation, Philadelphia, PA

The investigation revealed that the criteria under paragraphs (a)(2)(A)(i) (decline in sales or production, or both) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

None

The investigation revealed that the criteria under paragraphs (a)(2)(A) (increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA-W-70,008; Formtek, Inc., Clinton, ME

TA-W-70,100; Andres Tool & Die, Working as Steel Tool and Die, St. Marys, PA

TA-W-70,230; Millinocket Fabrication and Machine, Inc., Millinocket, ME

TA-W-70,279; Energy Partner, LTD, New Orleans, LA

TA-W-70,369; Wabash Wood Products, Harrison, AR

TA-W-70,540; JELD-WEN Wood Fiber Division, White Swan, WA

TA-W-70,739; Chrysler Group LLC, Newark Assembly Plant, Newark, DE

TA-W-71,585; Alyeska Pipeline Service Company, Anchorage, AK

TA-W-70,078; Eaton Aviation Corporation, Aviation and Aerospace Components Division, Aurora, CO

TA-W-70,387; Conrad Imports, Inc., San Francisco, CA

TA-W-70,485; JJ Collins Sons, Inc., Charleston, IL

TA-W-70,747; San Francisco Maintenance Center, A Subsidiary of United Airlines, Inc., San Francisco, CA

TA-W-71,615; Frontier Airlines, Inc., El Paso, TX

The investigation revealed that the criteria under paragraphs (b)(2) and (b)(3) (public agency acquisition of services from a foreign country) of section 222 have not been met.

None

The investigation revealed that criteria of Section 222(c)(2) has not been met. The workers' firm (or subdivision) is not a Supplier to or a Downstream Producer for a firm whose workers were certified as eligible to apply for TAA.

TA-W-71,744; Young Services, Inc., Toledo, OH

I hereby certify that the aforementioned determinations were issued during the period of August 24 through September 4, 2009. Copies of these determinations are available for inspection in Room N-5428, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: October 22, 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9-26566 Filed 11-4-09; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications Of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such

request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than November 16, 2009.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than November 16, 2009.

The petitions filed in this case are available for inspection at the Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N-5428, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 26th day of October 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

APPENDIX

[TAA petitions instituted between 9/21/09 and 9/25/09]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
72354	Fair Isaac Corporation (FICO) (Wrks)	San Rafael, CA	09/21/09	09/14/09
72355	Flanders Tool Company (State)	Flanders, NJ	09/21/09	09/21/09
72356	Wolverine Broach Co., Inc. (Wrks)	Harrison, MI	09/21/09	09/17/09
72357	Home Interiors, Inc. (State)	Carrollton, TX	09/21/09	07/26/09
72358	Agrium (Comp)	Kenai, AK	09/21/09	09/17/09
72359	Nielsen Hardware Corporation (State)	Berlin, CT	09/21/09	09/18/09
72360	CDS Ensembles Inc. (Comp)	Greer, SC	09/21/09	09/18/09
72361	Nidec Sankyo America Corporation (Comp)	Shelbyville, IN	09/21/09	09/18/09
72362	P.M. Kelly, Inc. (Wrks)	Ashland, ME	09/21/09	09/18/09
72363	David Rothschild Company, Inc. (Wrks)	Reidsville, NC	09/21/09	09/15/09
72364	Chemcut Corporation (Comp)	State College, PA	09/21/09	09/17/09
72365	Axcelis Technologies Field Service Office-Micron Boise (Wrks).	Boise, ID	09/22/09	09/17/09
72366	Claude Sintz (Wrks)	Deshler, OH	09/22/09	09/16/09
72367	United Airlines (State)	Elk Grove Village, IL	09/22/09	09/16/09
72368	Micale Construction Services (Comp)	Kersey, PA	09/22/09	09/17/09
72369	Gentex Corporation (Wrks)	Carbondale, PA	09/22/09	09/18/09
72370	HMX Tailored (Union)	Buffalo, NY	09/22/09	09/14/09
72371	Gardau Ameristeel (State)	Perth Amboy, NJ	09/22/09	09/21/09
72372	Kaiser Permanente (Wrks)	Corona, CA	09/22/09	08/21/09
72373	Plastic Dress Up Company (Wrks)	S. El Monte, CA	09/22/09	09/21/09
72374	Higgins Embroidery, Inc. (Comp)	Lineville, VA	09/22/09	09/21/09
72375	Commercial Furniture Group (Union)	Morristown, TN	09/22/09	09/21/09
72376	Albany International (State)	Kaukawa, WI	09/23/09	09/22/09
72377	PRC/Match.com (Wrks)	Jacksonville, NC	09/23/09	09/21/09
72378	Dow Jones & Co Inc. (Wrks)	Monmouth Jct., NJ	09/23/09	09/22/09
72379	Premier Manufacturing Support Services (Comp)	Spring Hill, TN	09/23/09	09/14/09
72380	Huitt Mills, Inc. (Comp)	Hildbran, NC	09/23/09	09/16/09
72381	Grand Model Garment, Inc. (Wrks)	New York, NY	09/23/09	09/21/09
72382	SDI Media USA (State)	Culver City, CA	09/23/09	09/22/09
72383	Northwest Machining and Manufacturing (Wrks)	Meridian, ID	09/23/09	08/31/09
72384	Milacron (Wrks)	Mt. Orab, OH	09/23/09	09/22/09
72385	Greyhound Lines, Inc. (Comp)	Dallas, TX	09/23/09	09/22/09

APPENDIX—Continued

[TAA petitions instituted between 9/21/09 and 9/25/09]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
72386	Brittany Sovereign-Duffy-Myer (Wrks)	Munchie, IN	09/24/09	09/23/09
72387	Sony Electronics, Inc. (Wrks)	Dothan, AL	09/24/09	09/21/09
72388	RR Donnelley Hillside (Wrks)	Hillside, IL	09/24/09	09/18/09
72389	ACH Food Companies, Inc. Cheese Products (Wrks)	Humbolt, TN	09/24/09	09/22/09
72390	Acme Electric (State)	Spring Grove, IL	09/24/09	07/10/09
72391	Ranal, Inc. (Wrks)	Auburn Hills, MI	09/24/09	09/20/09
72392	Standard Motor Products (Comp)	Independence, KS	09/24/09	09/22/09
72393	Safety Components Fabric Technologies, Inc. (Wrks)	Greenville, SC	09/24/09	09/22/09
72394	Mohawk Industries (State)	Waynesboro, VA	09/24/09	09/23/09
72395	3M—Southbridge (Comp)	Southbridge, MA	09/24/09	09/17/09
72396	Universal Style Inc. (Comp)	North Bergen, NJ	09/24/09	08/26/09
72397	Timken Company (Wrks)	Bucyrus, OH	09/24/09	09/23/09
72398	SAPA Extrusions, LLC (Wrks)	Delhi, LA	09/24/09	09/23/09
72399	Intel Corporation, Fab 20 (Comp)	Hillsboro, OR	09/24/09	09/23/09
72400	CSAA (Wrks)	Glendale, AZ	09/24/09	09/15/09
72401	Jastev Casework Company (Comp)	Columbia, TN	09/24/09	09/17/09
72402	Appleton Electric (Comp)	Columbus, NE	09/25/09	09/21/09
72403	Faradyne Motors, LLC (Comp)	Newark, NY	09/25/09	09/24/09
72404	Mazak Corporation (Comp)	Florence, KY	09/25/09	09/16/09
72405	Camdus Communications (Wrks)	Columbus, OH	09/25/09	09/24/09
72406	Innovative Wood Products (Wrks)	Taylorsville, NC	09/25/09	09/16/09
72407	Foam Rubber Products (Wrks)	Monticello, IA	09/25/09	08/31/09
72408	Capmark Finance, Inc. (State)	Granville, OH	09/25/09	09/24/09
72409	Nuway Speake Products, Inc. (Wrks)	Clinton, NC	09/25/09	09/24/09
72410	DSC Window Fashion (Comp)	Portland, OR	09/25/09	09/23/09
72411	Emerson Power Transmission (State)	Ithica, NY	09/25/09	09/21/09
72412	Graco Children's Products (Comp)	Macedonia, OH	09/25/09	09/24/09
72413	Classic Automotive, Inc. (Comp)	Cullman, AL	09/25/09	09/24/09
72414	Hanes Menswear Puerto Rico, Inc. (Comp)	Ponce, PR	09/25/09	09/22/09
72415	OhioAmerican Energy, Incorporated (Comp)	Brilliant, OH	09/25/09	09/24/09
72416	Gates Corporation (State)	Denver, CO	09/25/09	09/24/09
72417	Hewlett-Packard (Americas Software Manufacturing) (Wrks)	Andover, MA	09/25/09	09/23/09

[FR Doc. E9-26571 Filed 11-4-09; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR**Employment and Training Administration****Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance**

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has

instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than November 16, 2009.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than November 16, 2009

The petitions filed in this case are available for inspection at the Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N-5428, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 26th day of October 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

APPENDIX

[TAA petitions instituted between 9/14/09 and 9/18/09]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
72285	Sunoco (Wrks)	Lancaster, OH	09/14/09	09/11/09
72286	Unisys (Wrks)	Plymouth, MI	09/14/09	09/11/09
72287	Blue Cross Blue Shield of Michigan (Wrks)	Grand Rapids, MI	09/14/09	09/09/09
72288	Caterpillar (Wrks)	Aurora, IL	09/14/09	09/08/09

APPENDIX—Continued

[TAA petitions instituted between 9/14/09 and 9/18/09]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
72289	ISP Stitching of Racine (Wkrs)	Racine, WI	09/14/09	09/09/09
72290	General Motors-MFD Pontiac (Union)	Pontiac, MI	09/14/09	09/09/09
72291	EDS, an HP Company (Wkrs)	Detroit, MI	09/14/09	09/11/09
72292	S.C. Garment, Inc. (Wkrs)	San Francisco, CA	09/14/09	09/04/09
72293	Bennington Furniture, Inc. (Wkrs)	Sharpsville, PA	09/14/09	09/10/09
72294	Kimball Office-Jasper (Comp)	Jasper, IN	09/15/09	09/14/09
72295	Kimball Office-Post Falls (comp)	Post Falls, ID	09/15/09	09/14/09
72296	Kimball Office Sales & Marketing (Comp)	Jasper, IN	09/15/09	09/14/09
72297	National Office Furniture-Santa Claus (Comp)	Santa Claus, IN	09/15/09	09/14/09
72298	National Office Furniture-Jasper 11th Danville (comp)	Jasper, IN	09/15/09	09/14/09
72299	National Office Furniture (comp)	Jasper, IN	09/15/09	09/14/09
72300	National Office Furniture-Fordsville (Comp)	Fordsville, KY	09/15/09	09/14/09
72301	Office Furniture Group Shared Services (Comp)	Jasper, IN	09/15/09	09/14/09
72302	Princeton Delivery Systems (Wkrs)	Canal Winchester, OH	09/15/09	09/14/09
72303	PMB, Inc. (Comp)	Poplar Bluff, MS	09/15/09	09/14/09
72304	TTM Technologies (Comp)	Inglewood, CA	09/15/09	09/14/09
72305	Rave Sports, Inc. (Wkrs)	Lebanon, MO	09/15/09	09/14/09
72306	O'Bryan Brothers, Inc. (Comp)	Chicago, IL	09/15/09	09/15/09
72306A	O'Bryan Brothers, Inc. (Comp)	New York, NY	09/15/09	09/15/09
72307	Toyotetsu America, Inc. (TTAI) (State)	Somerset, KY	09/15/09	09/14/09
72308	Camshaft Machine (Union)	Jackson, MI	09/15/09	09/14/09
72309	Neapco, LLC (USW)	Pottstown, PA	09/15/09	09/14/09
72310	Federal Marine Terminals, Inc. (Comp)	Eastport, ME	09/15/09	09/09/09
72311	K & B Garment, Inc. (Wkrs)	San Francisco, CA	09/15/09	09/04/09
72312	Anheuser-Busch, Inc. (State)	St. Louis, MO	09/15/09	09/02/09
72313	Printing Solutions LP (Comp)	Waynesboro, VA	09/15/09	09/04/09
72314	Air System Components (Wkrs)	El Paso, TX	09/15/09	09/08/09
72315	Nova Knits, Inc. (Comp)	New York, NY	09/15/09	09/14/09
72316	DHL (Wkrs)	St. Louis, MO	09/15/09	08/31/09
72317	Phaztech, Inc. (Wkrs)	St. Mary's, PA	09/16/09	09/14/09
72318	Grecon Dimter, Inc. (Wkrs)	Connelly Springs, NC	09/16/09	09/03/09
72319	General Motors Ypsilanti Transmission Operation (UAW)	Ypsilanti, MI	09/16/09	09/14/09
72320	Atmel Corporation (Comp)	Colorado Springs, CO	09/16/09	08/21/09
72321	PCA Electronics, Inc. (Comp)	North Hills, CA	09/16/09	09/08/09
72322	Pleasant Trucking, Inc. (Comp)	Connellsville, PA	09/16/09	09/08/09
72323	Sony Electronics (State)	Park Ridge, NJ	09/16/09	09/15/09
72324	Katahdin Paper Company (Comp)	East Millinocket, ME	09/16/09	09/15/09
72325	C&K Powder Coating (Comp)	Ebensburg, PA	09/16/09	09/12/09
72326	Managed Business Solutions, LLC (Wkrs)	Farmington Hills, MI	09/16/09	09/15/09
72327	Managed Business Solutions, LLC (Wkrs)	Colorado Springs, CO	09/16/09	09/15/09
72328	Summit Machine, Inc. (State)	Shoreview, MN	09/16/09	09/15/09
72329	Sabritec (Comp)	Irvine, CA	09/16/09	09/15/09
72330	Hughes Hardwood, Inc. (State)	Collinwood, TN	09/16/09	09/15/09
72331	Industrial Nut Corporation (Wkrs)	Sandusky, OH	09/16/09	09/12/09
72332	ArvinMeritor, Inc. (Comp)	Fletcher, NC	09/17/09	09/16/09
72333	Ellwood National Crankshaft (Wkrs)	Irvine, PA	09/17/09	09/15/09
72334	International Paper Company (State)	Shreveport, LA	09/17/09	09/16/09
72335	Husky Injection Mold, Inc. (State)	Milton, VT	09/17/09	09/16/09
72336	Iseli Company (State)	Plymouth, CT	09/17/09	09/09/09
72337	Intermec Technologies Corporation (Comp)	Charlotte, NC	09/17/09	09/16/09
72338	Analogix Semiconductor (Wkrs)	Santa Clara, CA	09/17/09	09/14/09
72339	Eastman Kodak Company (Comp)	Dayton, OH	09/17/09	09/16/09
72340	Nortel (Wkrs)	Richardson, TX	09/18/09	09/17/09
72341	Columbus SPO AC-Delco (Wkrs)	Groveport, OH	09/18/09	09/15/09
72342	Federal Signal Corporation (Union)	University Park, IL	09/18/09	09/17/09
72343	Chamberlain Wireless Products Group, Inc. (Comp)	Vancouver, WA	09/18/09	09/15/09
72344	Keane, Inc. (Wkrs)	Syracuse, NY	09/18/09	09/09/09
72345	Carolina Glue Chip, Inc. (Comp)	Wilkesboro, NC	09/18/09	09/15/09
72346	Finisar Corporation (Wkrs)	Sunnyvale, CA	09/18/09	09/17/09
72347	Genesis Furniture Industries (Wkrs)	Spruce Pine, NC	09/18/09	09/10/09
72348	Cooper Wiring Devices (Comp)	Brunswick, ME	09/18/09	09/17/09
72349	Calumet Penreco (Union)	Karns City, PA	09/18/09	09/17/09
72350	Gits Manufacturing Company (Wkrs)	Creston, IA	09/18/09	09/17/09
72351	Guardian Freight, LLC (Comp)	Conover, NC	09/18/09	09/14/09
72352	Roanoke Sportswear Company, Inc. (Comp)	Roanoke Rapids, NC	09/18/09	09/16/09
72353	Philips Respironics (State)	Bend, OR	09/18/09	09/17/09

[FR Doc. E9-26570 Filed 11-4-09; 8:45 am]
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DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

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instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than November 16, 2009.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than November 16, 2009.

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Signed at Washington, DC, this 26th day of October 2009.

Richard Church,
Certifying Officer, Division of Trade Adjustment Assistance.

APPENDIX

[TAA petitions instituted between 9/7/09 and 9/11/09]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
72226	NSI International, Inc. (State)	Farmingdale, NY	09/08/09	09/04/09
72227	EPIC Technologies, LLC (Comp)	Norwalk, OH	09/08/09	09/04/09
72228	Freescale Semiconductor, Inc. (Wkrs)	Austin, TX	09/08/09	09/04/09
72229	Microfibres, Inc. (Comp)	Belden, MS	09/08/09	09/04/09
72230	Frantz Manufacturing Company (Comp)	Sterling, IL	09/08/09	09/02/09
72231	Lonza Inc., Riverside Plant (Union)	Conshohocken, PA	09/08/09	09/02/09
72232	ABM Janitorial (Wkrs)	Detroit, MI	09/08/09	09/04/09
72233	NSI International, Inc. (State)	Farmingdale, NY	09/08/09	09/04/09
72234	Rieter Automotive, N.A. (Comp)	Lowell, IN	09/08/09	09/04/09
72235	Albany International Research Company (State)	Mansfield, MA	09/08/09	09/02/09
72236	Sony Electronics, Inc. (Auth)	Mount Pleasant, PA	09/08/09	09/08/09
72237	Agfa HealthCare, Inc. (Comp)	Westerly, RI	09/08/09	09/03/09
72238	Teleperformance USA (Wkrs)	Clearfield, UT	09/08/09	09/02/09
72239	Runia Transportation (Wkrs)	Eugene, OR	09/08/09	09/03/09
72240	Emerson Electric Company—Daniel Measurement & Control (Wkrs).	Statesboro, GA	09/08/09	09/04/09
72241	Autodie, LLC (Comp)	Grand Rapids, MI	09/09/09	08/31/09
72242	Anchor Coupling, Inc. (Wkrs)	Chambersburg, PA	09/09/09	09/03/09
72243	Frank J. Upchurch Company (Comp)	Charlotte, NC	09/09/09	09/09/09
72244	Control Logic, Inc. (Wkrs)	Connelly Springs, NC	09/09/09	08/28/09
72245	Cam Shaft Machine LLC (State)	Jackson, MI	09/09/09	09/08/09
72246	Greenheck Fan Corporation (Wkrs)	Schofield, WI	09/09/09	09/08/09
72247	Performix East Chicago, Division of Harsco Corporation (Wkrs).	East Chicago, IL	09/09/09	09/02/09
72248	Manufacturers Services Industries, Inc. (Comp)	Drummond Island, MI	09/09/09	09/08/09
72249	CJ's Wholesale Socks, Inc. (State)	Fort Payne, AL	09/09/09	08/09/09
72250	Cleanpak International (Comp)	Clackamas, OR	09/09/09	09/08/09
72251	Supervalu, Inc. (Comp)	Boise, ID	09/09/09	09/02/09
72252	Avaya Inc. (Wkrs)	Basking Ridge, NJ	09/09/09	05/28/09
72253	Russell Brands, LLC (Comp)	Fort Payne, AL	09/09/09	09/03/09
72254	SPI—Solutions People Innovation (Wkrs)	Lawrenceburg, TN	09/09/09	09/03/09
72255	Optimal Inc. and Populus Group (Wkrs)	Warren, MI	09/09/09	08/25/09
72256	Postitronic Industries (Cabool Facility) (Comp)	Cabool, MO	09/10/09	09/09/09
72257	Rockwell Automation Company (State)	Mequon, WI	09/10/09	09/09/09
72258	Toledo Commutator (Wkrs)	Owaosso, MI	09/10/09	09/09/09
72259	DuPont Teijin Films (Wkrs)	Florence, SC	09/10/09	09/09/09
72260	HDM Transportation (Comp)	Lenoir, NC	09/10/09	09/09/09
72261	CooperVision (Comp)	Norfolk, VA	09/10/09	09/09/09
72262	Imation Corporation (State)	Oakdale, MN	09/10/09	09/09/09
72263	H & H Trailer Company (Comp)	Clarinda, IA	09/10/09	09/08/09
72264	Greenway Lumber Company (Wkrs)	Wakesboro, TN	09/10/09	08/31/09
72265	Strippit LVD (IAMAW)	Akron, NY	09/10/09	08/31/09
72266	Taylor Nelson Sofres Intersearch Corporation (Wkrs)	Northwood, OH	09/10/09	08/28/09
72267	United Healthcare (Wkrs)	San Diego, CA	09/10/09	08/31/09
72268	Ceridian Corporation (Wkrs)	Morrisville, NC	09/10/09	08/28/09
72269	Thermal Product Solutions (Wkrs)	White Deer, PA	09/10/09	09/02/09
72270	Nielsen Bainbridge (Wkrs)	Gainesboro, TN	09/10/09	09/02/09

APPENDIX—Continued

[TAA petitions instituted between 9/7/09 and 9/11/09]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
72271	Vincent Industrial Plastics, Inc. (Wkrs)	Henderson, KY	09/10/09	09/02/09
72272	Mitsubishi Motors RID (Wkrs)	Ann Arbor, MI	09/10/09	09/05/09
72273	Top Eastern Drill (Formerly Kennametal, Inc.) (Wkrs)	Evans, GA	09/10/09	09/01/09
72274	Codi, Inc. (Wkrs)	Harrisburg, PA	09/10/09	09/01/09
72275	Anheuser-Busch, Inc. (State)	Mt. Vernon, IL	09/10/09	09/02/09
72276	Weyerhaeuser Company (Union)	Warrenton, OR	09/10/09	09/02/09
72277	Hickory White Upholstery (Comp)	High Point, NC	09/11/09	09/10/09
72278	Sabic Innovative Plastics US, LLC (Wkrs)	Washington, WV	09/11/09	09/09/09
72279	GES US (New England), Inc. (Comp)	Lowell, MA	09/11/09	09/09/09
72280	International Legwear Group (Comp)	Hildebran, NC	09/11/09	09/10/09
72281	Hardwoods of Morganton, Inc. (Comp)	Morganton, NC	09/11/09	08/20/09
72282	NCM LP (Wkrs)	Grundy Center, IA	09/11/09	09/01/09
72283	International Business Machines (IBM) (Wkrs)	Endicott, NY	09/11/09	09/09/09
72284	Intermatic Incorporated (Comp)	Spring Grove, IL	09/11/09	09/10/09

[FR Doc. E9-26569 Filed 11-4-09; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR

Employment and Training Administration

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Signed at Washington, DC, this 26th day of October 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

APPENDIX

[TAA petitions instituted between 9/28/09 and 10/2/09]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
72418	Western Union (State)	Montvale, NJ	09/28/09	09/01/09
72419	INVISTA, S.a.r.l. (Wkrs)	Athens, GA	09/28/09	09/22/09
72420	General Motors Lordstown Complex (Union)	Warren, OH	09/28/09	09/25/09
72421	Karl Schmidt Unisia, Inc. (Comp)	Fort Wayne, IN	09/28/09	09/25/09
72422	Little Buses Transport (Wkrs)	St. David, ME	09/28/09	09/23/09
72423	Harmon Cadillac, Inc. (Comp)	Dayton, OH	09/28/09	09/23/09
72424	Momentive Performance Materials Inc. (Union)	Willoughby, OH	09/28/09	09/25/09
72425	Duro-Life Corporation (Wkrs)	Algonquin, IL	09/28/09	09/25/09
72426	The Lexington Herald Leader (Wkrs)	Lexington, KY	09/28/09	09/24/09
72427	Devon Energy Corporation (Wkrs)	Houston, TX	09/28/09	09/26/09
72428	Multiserv (Wkrs)	Warren, OH	09/28/09	09/28/09
72429	Archway Onsite at Microsoft (Comp)	Fargo, ND	09/29/09	09/21/09
72430	Douglas Battery Manufacturing Company (Wkrs)	Winston-Salem, NC	09/29/09	09/08/09
72431	LexisNexis, a division of Reed Elsevier, Inc. (Comp)	Albany, NY	09/29/09	09/28/09
72432	LexisNexis, a division of Reed Elsevier, Inc. (Comp)	Miamisburg, OH	09/29/09	09/28/09
72433	LexisNexis, a division of Reed Elsevier, Inc. (Comp)	New Providence, NJ	09/29/09	09/28/09
72434	Ford Motor Company (State)	Dearborn, MI	09/29/09	09/07/09
72435	TTM Technologies (Comp)	Union City, CA	09/29/09	09/28/09
72436	Special Tool & Engineering, Inc. (State)	Fraser, MI	09/29/09	09/07/09
72437	Copa Tool, Inc. (State)	South Lyon, MI	09/29/09	09/07/09
72438	Ternium USA, Inc. (Comp)	Shreveport, LA	09/29/09	09/28/09
72439	Glaxo Smith Kline Consumer Healthcare (State)	Parsippany, NJ	09/29/09	09/28/09
72440	Wheatland Tube Company (Union)	Sharon, PA	09/29/09	09/28/09

APPENDIX—Continued

[TAA petitions instituted between 9/28/09 and 10/2/09]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
72441A	Insteel Wire Products Company (Comp)	Gallatin, TN	09/30/09	09/29/09
72441	Insteel Wire Products Company (Comp)	Sanderson, FL	09/30/09	09/29/09
72442	Unisys (Wrks)	Plymouth, MI	09/30/09	09/11/09
72443	Parker Paint Manufacturing Company, Inc. (Comp)	Tacoma, WA	09/30/09	09/17/09
72444	ToPPan Photomasks, Inc. (Wrks)	Santa Clara, CA	09/30/09	09/23/09
72445	Ven Ply, Inc. (Wrks)	High Point, NC	09/30/09	09/29/09
72446	White & Green Motors/KPH Enterprises (State)	Eaton Rapids, MI	09/30/09	09/10/09
72447	Cadmus Communications (Wrks)	Columbus, OH	09/30/09	09/24/09
72448	Karastan, Division of Mohawk Industries (Comp)	Eden, NC	09/30/09	09/25/09
72449	Dalure Fashions, Inc. (Wrks)	Gatesville, NC	09/30/09	09/30/09
72450	Hope Global of Detroit (Wrks)	Detroit, MI	09/30/09	09/29/09
72451	Allianz Life of North America—IBM Consultants (State)	Golden Valley, MN	09/30/09	09/29/09
72452	Bassett Mirror Company, Inc. (Comp)	Bassett, VA	09/30/09	09/29/09
72453	Perot Systems (Wrks)	Plano, TX	09/30/09	09/28/09
72454	Columbin St. Mary's Health System (Wrks)	Glendale, WI	09/30/09	09/29/09
72455	Erath Veneer Corporation of Virginia (Comp)	Rocky Mount, VA	09/30/09	09/25/09
72456	Applied Extrusion Technologies (Comp)	Terre Haute, IN	09/30/09	09/24/09
72457	Datamatics Technology (Wrks)	Livonia, MI	09/30/09	09/24/09
72458	Veeder Root Company (Union)	Altoona, PA	09/30/09	09/21/09
72459	Lawrence County Department of Jobs and Family (Wrks)	Ironton, OH	09/30/09	09/22/09
72460	Ranch Life Plastics, Inc. (Wrks)	Eaton Rapids, MI	09/30/09	09/23/09
72461	FutureWei Technology (Wrks)	Plano, TX	09/30/09	09/15/09
72462	Cardinal Health (Comp)	Ontario, CA	09/30/09	09/24/09
72463	Draexlmaier DAA (State)	Duncan, SC	10/01/09	09/29/09
72464	The Dow Chemical Company (Allyn's Point Site) (Comp)	Gales Ferry, CT	10/01/09	09/29/09
72465	BBI Enterprises Group, Inc. (Union)	Holland, MI	10/01/09	09/30/09
72466	Closure Medical Company (Wrks)	Raleigh, NC	10/01/09	09/30/09
72467	Advanta Bank Corporation (State)	Draper, UT	10/01/09	09/28/09
72468	EDAG, Inc. (Comp)	Auburn Hills, MI	10/01/09	09/30/09
72469	Senstar, Inc. (Wrks)	Fremont, CA	10/01/09	09/30/09
72470	McKenzie Foam & Supply (Wrks)	McKenzie, TN	10/01/09	09/30/09
72471	The Walker Auto Group, Inc. (State)	Miamisburg, OH	10/01/09	09/30/09
72472	Crane Merchandising Systems (Wrks)	Bridgeton, MO	10/01/09	09/30/09
72473	Rockwell Automation (Comp)	Dublin, GA	10/01/09	09/30/09
72474	Marco Manufacturing (Comp)	Akron, OH	10/01/09	09/30/09
72475	A. E. Staley (Comp)	Houlton, ME	10/01/09	09/30/09
72476	Shippers Products (Comp)	Mt. Pleasant, TN	10/01/09	09/29/09
72477	Peterbilt Motors Company (AFL-CIO)	Madison, TN	10/01/09	09/30/09
72478	Hanson Trucking (Comp)	Columbia Falls, MT	10/01/09	09/30/09
72479	Duro-Life (Wrks)	Woodstock, IL	10/01/09	09/25/09
72480	InterDent Service Corporation (Comp)	Vancouver, WA	10/02/09	09/29/09
72481	Fulton Manufacturing Industries, LLC (Comp)	Brecksville, OH	10/02/09	10/02/09
72482	Gemstone Systems, Inc. (State)	Beaverton, OR	10/02/09	10/01/09
72483	Maysteel, LLC (Comp)	Menomonee Falls, WI	10/02/09	09/21/09
72484	Nachi Machining Technology Company (Wrks)	Macomb, MI	10/02/09	09/30/09
72485	Convergys (State)	Appleton, WI	10/02/09	10/01/09
72486	Valero (Union)	San Antonio, TX	10/02/09	10/01/09
72487	J P Morgan Chase Bank (Wrks)	Belleville, MI	10/02/09	10/01/09
72488	GM Moraine Assembly (Wrks)	Moraine, OH	10/02/09	09/02/09
72489	Northern Engraving Luxco Tool Division (Union)	La Crosse, WI	10/02/09	10/01/09

[FR Doc. E9-26565 Filed 11-4-09; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR**Employment and Training Administration**

[TA-W-65,882]

Belcher-Robinson Foundry, Alexander City, AL; Notice of Revised Determination on Reconsideration

On July 15, 2009, the Department issued an Affirmative Determination Regarding Application for Reconsideration applicable to workers and former workers of the subject firm.

The notice was published in the **Federal Register** on July 30, 2009 (74 FR 38046).

The initial investigation initiated on May 4, 2009, resulted in a negative determination issued on June 17, 2009, was based on the finding that imports of automotive drive train components did not contribute importantly to worker separations at the subject firm and no shift in production to a foreign source occurred. The denial notice was published in the **Federal Register** on July 14, 2009 (74 FR 34038).

On reconsideration, the Department determined that the workers of the

subject firm manufactured iron casting components for various industries. The Department requested an additional list of customers of the subject firm and conducted a customer survey to determine whether imports of iron casting components negatively impacted employment at the subject firm.

The survey of the subject firm's major declining customers revealed that the customers increased their imports of iron casting components while decreasing purchases from the subject firm from 2007 to 2008.

In accordance with Section 246 the Trade Act of 1974 (26 USC 2813), as amended, the Department of Labor herein presents the results of its investigation regarding certification of eligibility to apply for alternative trade adjustment assistance (ATAA) for older workers.

In order for the Department to issue a certification of eligibility to apply for ATAA, the group eligibility requirements of Section 246 of the Trade Act must be met. The Department has determined in this case that the requirements of Section 246 have been met.

A significant number of workers at the firm are age 50 or over and possess skills that are not easily transferable. Competitive conditions within the industry are adverse.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with those produced at Belcher-Robinson Foundry, Alexander City, Alabama, contributed importantly to the declines in sales or production and to the total or partial separation of workers at the subject firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Belcher-Robinson Foundry, Alexander City, Alabama, who became totally or partially separated from employment on or after March 30, 2008, through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

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

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9-26564 Filed 11-4-09; 8:45 am]

BILLING CODE 4510-FN-P

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Sunshine Act Meetings

TIME AND DATE: 9 a.m. to 11 a.m., Saturday, November 14, 2009.

PLACE: Westward Look Resort, 245 E. Ina Road, Tucson, AZ, 85704.

STATUS: This meeting will be open to the public, unless it is necessary for the Board to consider items in executive session.

MATTERS TO BE CONSIDERED: (1) A report on the U.S. Institute for Environmental Conflict Resolution; (2) A report from the Udall Center for Studies in Public Policy; (3) A report on the Native Nations Institute; (4) Program Reports; and (5) A Report from the Management Committee.

PORTIONS OPEN TO THE PUBLIC: All sessions with the exception of the session listed below.

PORTIONS CLOSED TO THE PUBLIC: Executive session.

CONTACT PERSON FOR MORE INFORMATION: Ellen K. Wheeler, Executive Director, 130 South Scott Avenue, Tucson, AZ 85701, (520) 901-8500.

Dated: October 15, 2009.

Ellen K. Wheeler,

Executive Director, Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, and Federal Register Liaison Officer.

[FR Doc. E9-26675 Filed 11-4-09; 8:45 am]

BILLING CODE 6820-FN-M

NATIONAL SCIENCE FOUNDATION

National Science Board; Sunshine Act Meetings; Notice

The National Science Board's Executive Committee, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n-5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings for the transaction of National Science Board business and other matters specified, as follows:

DATE AND TIME: Wednesday, November 4, 2009 at 1:30 p.m. ET.

SUBJECT MATTER: Specific staffing or personnel issues.

STATUS: Closed.

This meeting will be held by teleconference originating at the National Science Board Office, National Science Foundation, 4201 Wilson Blvd.,

Arlington, VA 22230. Please refer to the National Science Board Web site (<http://www.nsf.gov/nsb>) for information or schedule updates, or contact: Kim Silverman, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292-7000.

Susanne Bolton,

Management Analyst.

[FR Doc. E9-26783 Filed 11-3-09; 4:15 pm]

BILLING CODE 7555-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC-2009-0454]

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 664, General Licensee Registration;
2. *Current OMB approval number:* 3150-0198;
3. *How often the collection is required:* Annually;
4. *Who is required or asked to report:* General Licensees of the NRC who possess certain generally licensed devices subject to annual registration authorized pursuant to 10 CFR 31.5.
5. *The number of annual respondents:* 840
6. *The number of hours needed annually to complete the requirement or request:* 280 hours annually (840 respondents x 20 minutes per form).
7. *Abstract:* NRC Form 664 is used by NRC general licensees to make reports regarding certain generally licensed devices subject to annual registration. The registration program allows NRC to better track general licensees, so that they can be contacted or inspected as necessary, and to make sure that generally licensed devices can be

identified even if lost or damaged. Also, the registration program ensures that general licensees are aware of and understand the requirements for the possession, use and disposal of devices containing byproduct material. Greater awareness helps to ensure that general licensees will comply with the regulatory requirements for proper handling and disposal of generally licensed devices and would reduce the potential for incidents that could result in unnecessary radiation exposure to the public and contamination of property.

Submit, by January 4, 2010, 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, Maryland 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-2009-0454.

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-2009-0454. Mail comments to the NRC Clearance Officer, Tremaine Donnell (T-5F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Questions about the information collection requirements may be directed to the NRC Clearance Officer, Tremaine Donnell, (T-5F52), 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 30th day of October 2009.

For the Nuclear Regulatory Commission,
Christopher Colburn,
Acting NRC Clearance Officer, Office of Information Services.
 [FR Doc. E9-26686 Filed 11-4-09; 8:45 am]
BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2009-0484; Docket No. 030-18632; License No. 21-19111-02; EA-09-016]

Magna Chek, Inc., Madison Heights, MI; Confirmatory Order; Effective Immediately

I

Magna Chek, Inc., (Magna Chek or licensee) is the holder of Materials License No. 21-19111-02 issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 30 on May 20, 1985. The license currently authorizes Magna Chek to store radioactive sources at its permanent facility in Warren, Michigan.

This Confirmatory Order is the result of an agreement reached during Alternative Dispute Resolution (ADR) mediation sessions conducted on August 4 and September 16, 2009.

II

On May 1, 2008, the NRC conducted an onsite inspection at the Magna Chek storage location in Warren, Michigan. The purpose of the inspection was to review the corrective actions taken by Magna Chek in response to a Notice of Violation issued on December 19, 2007 (EA-09-260 and EA-09-265). As a result of the inspection observations, the NRC Office of Investigations (OI) initiated an investigation (OI Case No. 3-2008-017). Based on the evidence developed during the inspection and investigation, the NRC identified apparent security violations of NRC requirements. The violations are described in the Appendix to this Order. (The Appendix includes Security-Related information; therefore, it is not publicly available.)

The results of the investigation completed on December 30, 2008, were sent to Magna Chek in a letter dated April 1, 2009. This letter offered Magna Chek the opportunity either to participate in ADR mediation or to attend a Predecisional Enforcement Conference. In response to the NRC's offer, Magna Chek requested use of the NRC's ADR process to resolve the differences it had with the NRC. On

May 11, 2009, the NRC and Magna Chek agreed to mediate. On August 4, 2009, the NRC and Magna Chek participated in an ADR session mediated by a professional mediator, arranged through the Cornell University Institute on Conflict Resolution. Following that session, the NRC and Magna Chek agreed to a second ADR session, which occurred on September 16, 2009. As used by the NRC, ADR is a process in which a neutral mediator with no decision-making authority assists the parties in reaching an agreement on resolving any differences regarding the dispute. This confirmatory order is issued pursuant to the agreement reached during the ADR process.

III

During the August 4, 2009, ADR session, an interim agreement was reached where the licensee agreed to implement corrective actions, as described in the Appendix to this Order, prior to a second ADR session. The corrective actions include Security-Related information and, therefore, are not publicly available. During the September 16, 2009, ADR session, a preliminary settlement agreement was reached. The elements of the agreement consisted of the following:

1. Magna Chek will establish an escrow account with an initial value of \$25,000 to cover the eventual disposal of all radioactive sources in its possession within 30 days of the date of the Confirmatory Order unless disposal of those sources has already occurred. The account will be established so that funds may be used only to cover costs directly associated with the packaging, transport, and disposal of the sources and no funds will be spent from the account without prior written approval from the NRC. Magna Chek will make deposits of \$1000 by the 10th day of each month into the escrow account until disposal of the sources occurs. If Magna Chek is unable to make a deposit for any reason, it will notify the NRC within 10 days of the missed deposit.

2. Within 30 days of the date of the Order, Magna Chek will provide to the NRC documentation of the initial escrow account deposit. Magna Chek will provide to the NRC statements of the account every six months thereafter until disposal of the sources occurs.

3. Magna Chek will cooperate in full with the Department of Energy (DOE) and/or the Conference of Radiation Control Program Directors (CRCPD) to dispose of the sources. In conjunction with the disposal effort, Magna Chek will transfer ownership/possession of the sources to an entity to be specified by DOE or CRCPD.

4. Magna Chek will provide to the NRC, within 30 days of the date of the Order, a letter from its financial institution as to the maximum amount of credit that the financial institution is willing to extend to Magna Chek.

5. Within 48 hours following disposal of each radioactive source, if not done all at one time, Magna Chek will inform the NRC of the disposal. Magna Chek will update the National Source Tracking System (NSTS) within 30 days. Magna Chek will submit a request for an amendment of its storage only license within 30 days.

6. Within 30 days of disposal of the last source, Magna Chek will submit an application to the NRC to terminate its license.

7. The NRC agrees not to pursue any further enforcement action in connection with the events described in the NRC's April 1, 2009, letter to Magna Chek. This does not prohibit NRC from taking enforcement action in accordance with the NRC Enforcement Policy if Magna Chek commits a similar violation in the future or violates the Confirmatory Order.

8. Magna Chek agrees to continue to implement the corrective actions discussed in the Appendix to this Order.

On September 30, 2009, Magna Chek consented to issuing this Order with the commitments, as described in Section V below. Magna Chek further agreed that this Order is to be effective upon issuance and that it has waived its right to a hearing.

IV

Since Magna Chek has agreed to take additional actions to address NRC concerns, as set forth in Item III above, the NRC has concluded that its concerns can be resolved through issuance of this Order.

I find that Magna Chek's commitments as set forth in Section V are acceptable and necessary and conclude that with these commitments the public health and safety are reasonably assured. In view of the foregoing, I have determined that public health and safety require that Magna Chek's commitments be confirmed by this Order. Based on the above and Magna Chek's consent, this Order is immediately effective upon issuance.

V

Accordingly, pursuant to Sections 81, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 30, *it is hereby ordered, effective immediately:*

1. Magna Chek shall establish an escrow account with an initial value of \$25,000 to cover the eventual disposal of all radioactive sources in its possession within 30 days of the date of the Confirmatory Order unless disposal of those sources has already occurred. The account shall be established so that funds may be used only to cover costs directly associated with the packaging, transport, and disposal of the sources and no funds shall be spent from the account without prior written approval from the NRC. Magna Chek shall make deposits of \$1000 by the 10th day of each month into the escrow account until disposal of the sources occurs. If Magna Chek is unable to make a deposit for any reason, it shall notify the NRC within 10 days of the missed deposit.

2. Within 30 days of the date of the Order, Magna Chek shall provide to the NRC documentation of the initial escrow account deposit. Magna Chek shall provide to the NRC statements of the account every six months thereafter until disposal of the sources occurs.

3. Magna Chek shall cooperate in full with the Department of Energy (DOE) and/or the Conference of Radiation Control Program Directors (CRCPD) to dispose of the sources. In conjunction with the disposal effort, Magna Chek shall transfer ownership/possession of the sources to an entity to be specified by DOE or CRCPD.

4. Magna Chek shall provide to the NRC, within 30 days of the date of the Order, a letter from its financial institution as to the maximum amount of credit that the financial institution is willing to extend to Magna Chek.

5. Within 48 hours following disposal of each radioactive source, if not done all at one time, Magna Chek shall inform the NRC of the disposal. Magna Chek shall update the National Source Tracking System (NSTS) within 30 days. Magna Chek shall submit a request for an amendment of its storage only license within 30 days.

6. Within 30 days of disposal of the last source, Magna Chek shall submit an application to the NRC to terminate its license.

7. Magna Chek shall continue to maintain the corrective actions discussed in the Appendix to this Order.

8. All documentation to be provided to the NRC shall be addressed to the Director, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission, 2443 Warrenville Road, Suite 210, Lisle, IL 60532.

The Regional Administrator, Region III, NRC, may, in writing, relax or rescind any of the above conditions

upon demonstration by Magna Chek of good cause.

VI

Any person adversely affected by this Confirmatory Order, other than Magna Chek, may request a hearing within 20 days of the Order's publication in the **Federal Register**. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for an extension of time must be directed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and include a statement of good cause for the extension.

A request for a hearing must be filed in accordance with the NRC E-Filing rule, which the NRC promulgated in the **Federal Register** on August 28, 2007, (72 FR 49139). The E-Filing process requires participants to submit and serve documents over the Internet or, in some cases, to mail copies on electronic optical storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements associated with E-Filing, at least five days prior to the filing deadline the requestor must contact the Office of the Secretary by e-mail at hearingdocket@nrc.gov, or by calling (301) 415-1677, to request: (1) A digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any NRC proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances when the requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at <http://www.nrc.gov/site-help/e-submittals/install-viewer.html>. Information about applying for a digital ID certificate also is available on NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/apply-certificates.html>.

Once a requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for a hearing through EIE. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at

submittals.html. A filing is considered complete at the time the filer submits its document through EIE. To be timely, electronic filings must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, any others who wish to participate in the proceeding (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request is filed so that they may obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory e-filing system may seek assistance through the "Contact Us" link located on the NRC Web site at <http://www.nrc.gov/site-help/e-submittals.html> or by calling the NRC Meta-System Help Desk, which is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays. The Meta-System Help Desk can be contacted by telephone at 1-866-672-7640 or by e-mail at MSHD.Resource@nrc.gov.

Participants who believe that they have good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at http://ehd.nrc.gov/EHD_Proceeding/home.asp, unless excluded pursuant to an Order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their works.

If a person other than Magna Chek requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If the hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section V above shall be final 20 days from the date this Order is published in the **Federal Register** without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section V shall be final when the extension expires, if a hearing request has not been received. *A request for hearing shall not stay the immediate effectiveness of this order.*

Dated this 27th day of October 2009.

For the U.S. Nuclear Regulatory Commission.

Cynthia D. Pederson,

Deputy Regional Administrator, Region III.
[FR Doc. E9-26682 Filed 11-4-09; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[IA-09-036; NRC-2009-0483]

In the Matter of: Robert C. Robbirds; Order Prohibiting Involvement in NRC- Licensed Activities (Effective Immediately)

I

Mr. Robert C. Robbirds was employed as a Nuclear Security Officer (NSO) at the Southern Nuclear Operating Company, Inc's (SNC) Joseph M. Farley Nuclear Plant (FNP) (Licensee) in June of 2008. The Licensee is the holder of License Nos. NPF-2 (Unit 1) and NPF-8 (Unit 2), issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 50 on June 25, 1977 and March 31, 1981, respectively, and both licenses were renewed on May 12, 2005. The licenses authorize the operation of the Farley Nuclear Plant (facility), Units 1 and 2, in accordance with the conditions specified therein. The facility is located on the Licensee's site in Columbia, Alabama.

II

On March 5, 2009, an investigation was completed by the NRC's Office of Investigations at the Licensee's facility at Columbia, Alabama. The purpose of the investigation was to review the circumstances surrounding a fitness-for-duty incident that occurred at the Licensee's facility on June 27, 2008. The incident involved Mr. Robert C. Robbirds, an NSO at the time, who deliberately consumed alcohol for several hours prior to arriving for work at the facility, and entered the facility with alcohol concealed in bottles containing a mixture of alcohol and water. After Mr. Robbirds had been on duty as an armed responder inside the protected area for approximately five to six hours, he then consumed alcohol and was found shortly thereafter by Licensee personnel to be in an unresponsive state and not fit for duty.

Title 10 of the Code of Federal Regulations (10 CFR 73.55(f) states that each guard, watchman or armed response individual on duty shall be capable of maintaining continuous communication with an individual in each continuously manned alarm station required by paragraph (e)(1) of this section, who shall be capable of calling for assistance from other guards, watchmen, and armed response personnel and from local law enforcement authorities. On June 27, 2008, Mr. Robbirds, an NSO at the Licensee's facility, consumed alcohol

before reporting for duty and while on post as an armed responder inside the protected area, rendering himself incapable of maintaining continuous communication with an individual in each continuously manned alarm station.

III

Based on the above, NRC has concluded that Mr. Robert C. Robbirds, formerly an employee of the Licensee, engaged in deliberate misconduct in violation of 10 CFR 50.5, "*Deliberate Misconduct*" that caused the Licensee to be in violation of 10 CFR 73.55(f). The NRC must be able to rely on the Licensee and its employees to comply with NRC requirements, including the requirement to maintain continuous communication with an individual in each continuously manned alarm station.

Mr. Robbirds' actions have raised serious doubt as to his trustworthiness and reliability and whether he can be relied upon to comply with NRC requirements.

Consequently, I lack the requisite assurance that licensed activities can be conducted in compliance with the Commission's requirements and that the health and safety of the public will be protected if Robert C. Robbirds were permitted at this time to be involved in NRC-licensed activities. Therefore, in the interest of the public health, safety and the common defense and security, Mr. Robert C. Robbirds shall be prohibited from any involvement in NRC-licensed activities for a period of three years from the date of this Order. Additionally, Mr. Robbirds is required to notify the NRC of his first employment in NRC-licensed activities for a period of one year following the prohibition period. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of Mr. Robbirds' conduct described above is such that the public health, safety and interest require that this Order be immediately effective.

IV

Accordingly, pursuant to sections 103, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR 50.5, and 10 CFR 150.20, it is hereby ordered, effective immediately, that:

1. Mr. Robert C. Robbirds is prohibited for three years from the date of this Order from engaging in NRC-licensed activities. NRC-licensed activities are those activities authorized by the NRC including, but not limited to, those activities of Agreement State

licensees conducted pursuant to the authority granted by 10 CFR 150.20.

2. If Mr. Robert C. Robbirds is currently involved with another licensee in NRC-licensed activities, he must immediately cease those activities, and inform the NRC of the name, address and telephone number of the employer, and provide a copy of this order to the employer.

3. For a period of one year after the three-year period of prohibition has expired, Mr. Robert C. Robbirds shall, within 20 days of acceptance of his first employment offer involving NRC-licensed activities or his becoming involved in NRC-licensed activities, as defined in Paragraph IV.1 above, provide notice to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, of the name, address, and telephone number of the employer or the entity where he is, or will be, involved in NRC-licensed activities.

The Director, OE, may, in writing, relax or rescind any of the above conditions upon demonstration by Mr. Robbirds of good cause.

V

In accordance with 10 CFR 2.202, Mr. Robert C. Robbirds must, and any other person adversely affected by this Order may, submit an answer to this Order within 20 days of its publication in the **Federal Register**. In addition, Mr. Robert C. Robbirds and any other person adversely affected by this Order may request a hearing on this Order within 20 days of its publication in the **Federal Register**. Where good cause is shown, consideration will be given to extending the time to answer or request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and include a statement of good cause for the extension.

A request for a hearing must be filed in accordance with the NRC E-Filing rule in the NRC's Rules of Practice (10 CFR 2). The E-Filing rule requires participants to submit and serve documents over the internet or, in some cases, to mail copies on electronic optical storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements associated with E-Filing, at least five (5) days prior to the filing deadline the requestor must contact the Office of the Secretary by e-mail at HEARINGDOCKET@NRC.GOV, or by calling (301) 415-1677, to request (1) a digital ID certificate, which allows the

participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any NRC proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances when the requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at <http://www.nrc.gov/site-help/e-submittals/install-viewer.html>. Information about applying for a digital ID certificate also is available on NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/apply-certificates.html>.

Once a requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for a hearing through EIE. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. A filing is considered complete at the time the filer submits its document through EIE. To be timely, electronic filings must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, any others who wish to participate in the proceeding (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request is filed so that they may obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory e-filing system may seek assistance through the "Contact Us" link located on the NRC Web site at <http://www.nrc.gov/site-help/e-submittals.html> or by calling the NRC Meta-System Help Desk, which is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays. The Meta-System Help Desk can be contacted by telephone at 1-866-672-

7640 or by e-mail at MSHD.Resource@nrc.gov.

Participants who believe that they have good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, *Attention: Rulemaking and Adjudications Staff*; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, *Attention: Rulemaking and Adjudications Staff*. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at http://ehd.nrc.gov/EHD_Proceeding/home.asp, unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their works.

If a person other than Mr. Robert C. Robbirds requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d).

If a hearing is requested by Mr. Robert C. Robbirds or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained. Pursuant to 10 CFR 2.202(c)(2)(i), Mr. Robert C. Robbirds, or any other person adversely affected by this Order, may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the

presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error. In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date this Order is published in the **Federal Register** without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. **AN ANSWER OR A REQUEST FOR HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.**

Dated this 29th day of October 2009.

For the Nuclear Regulatory Commission.

Cynthia A. Carpenter,

Director, Office of Enforcement.

[FR Doc. E9-26687 Filed 11-4-09; 8:45 am]

BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-28988]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

October 30, 2009.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of October, 2009. A copy of each application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 20, 2009, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a

hearing may request notification by writing to the Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus at (202) 551-6810, SEC, Division of Investment Management, Office of Investment Company Regulation, 100 F Street, NE., Washington, DC 20549-4041.

DWS Equity Partners Fund, Inc. [File No. 811-8886]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On November 17, 2008, applicant transferred its assets to a corresponding series of DWS Value Series, Inc., based on net asset value. Expenses of \$172,000 incurred in connection with the reorganization were paid by Deutsche Investment Management Americas, Inc., applicant's investment adviser.

Filing Date: The application was filed on October 15, 2009.

Applicant's Address: 345 Park Ave., New York, NY 10154.

DWS U.S. Treasury Money Fund [File No. 811-3043]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On May 21, 2007, applicant transferred its assets to a corresponding series of Investors Cash Trust, based on net asset value. Expenses of \$135,099 incurred in connection with the reorganization were paid by Deutsche Investment Management Americas, Inc., applicant's investment adviser.

Filing Date: The application was filed on October 15, 2009.

Applicant's Address: 345 Park Ave., New York, NY 10154.

DWS Value Builder Fund, Inc. [File No. 811-6600]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On April 20, 2009, applicant transferred its assets to DWS Balanced Fund, based on net asset value. Expenses of \$107,000 incurred in connection with the reorganization were paid by applicant.

Filing Date: The application was filed on October 15, 2009.

Applicant's Address: 345 Park Ave., New York, NY 10154.

DWS Tax Free Money Fund [File No. 811-2959]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On March 19, 2007, applicant transferred its assets to

a corresponding series of Cash Account Trust, based on net asset value. Expenses of \$135,215 incurred in connection with the reorganization were paid by Deutsche Investment Management Americas, Inc., applicant's investment adviser.

Filing Date: The application was filed on October 15, 2009.

Applicant's Address: 345 Park Ave., New York, NY 10154.

DWS Funds Trust [File No. 811-3229]; Investors Municipal Cash Fund [File No. 811-6108]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. On April 23, 2007 and March 22, 2007, respectively, each applicant transferred its assets to corresponding series of DWS Advisor Funds, based on net asset value. Expenses of \$48,401 and \$88,598, respectively, incurred in connection with the reorganizations were paid by Deutsche Investment Management Americas, Inc., applicants' investment adviser.

Filing Date: The applications were filed on October 15, 2009.

Applicants' Address: 345 Park Ave., New York, NY 10154.

EquiTrust Money Market Fund, Inc. [File No. 811-3121]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On August 31, 2009, applicant transferred its assets to EquiTrust Series Fund, Inc., based on net asset value. Expenses of \$94,500 incurred in connection with the reorganization were paid by EquiTrust Investment Management Services, Inc., applicant's investment adviser.

Filing Date: The application was filed on October 13, 2009.

Applicant's Address: 5400 University Ave., West Des Moines, IA 50266.

BlackRock World Investment Trust [File No. 811-21800]; BlackRock Global Equity Income Trust [File No. 811-22006]

Summary: Each applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On July 27, 2009, each applicant transferred its assets to BlackRock Global Opportunities Equity Trust, based on net asset value. Expenses of approximately \$385,000 and \$342,900, respectively, incurred in connection with the reorganizations were paid by each applicant.

Filing Date: The applications were filed on October 9, 2009.

Applicants' Address: 100 Bellevue Parkway, Wilmington, DE 19809.

DWS Cash Investment Trust [File No. 811-2613]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On March 12, 2007, applicant transferred its assets to a corresponding series of DWS Money Funds, based on net asset value. Expenses of \$67,583 incurred in connection with the reorganization were paid by Deutsche Investment Management Americas, Inc., applicant's investment adviser.

Filing Date: The application was filed on October 15, 2009.

Applicant's Address: 345 Park Ave., New York, NY 10154.

Bond Fund Series [File No. 811-4576]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On August 8, 2009, applicant transferred its assets to Oppenheimer Capital Income Fund, based on net asset value. Expenses of \$138,750 incurred in connection with the reorganization were paid by applicant.

Filing Date: The application was filed on October 19, 2009.

Applicant's Address: 6803 S. Tucson Way, Centennial, CO 80112.

Rock Canyon Funds [File No. 811-21256]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On June 15, 2009, applicant transferred its assets to a corresponding series of Quaker Investment Trust, based on net asset value. Expenses of \$19,150 incurred in connection with the reorganization were paid by Rock Canyon Advisory Group, Inc., applicant's investment adviser.

Filing Date: The application was filed on October 19, 2009.

Applicant's Address: 2989 West Maple Loop, Suite 210, Lehi, UT 84043.

ING Large Company Value Fund, Inc. [File No. 811-865]; ING Growth Opportunities Fund [File No. 811-4431]; ING SmallCap Opportunities Fund [File No. 811-4434]; ING Financial Services Fund, Inc. [File No. 811-4504]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. On September 21, 2002, each applicant transferred its assets to corresponding series of ING Equity Trust, based on net asset value. Expenses of approximately \$58,511, \$112,884, \$112,054 and \$122,515, respectively, incurred in connection

with the reorganizations were paid by applicants and ING Investments, LLC, applicants' investment adviser.

Filing Date: The applications were filed on September 22, 2009.

Applicants' Address: 7337 E. Doubletree Ranch Rd., Scottsdale, AZ 85258-2034.

Keystone State Tax Free Fund [File No. 811-6181]; Keystone State Tax Free Fund Series II [File No. 811-8254]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. By January 24, 1998, each applicant had transferred its assets to corresponding series of Evergreen Municipal Trust, based on net asset value. Expenses incurred in connection with the reorganizations were paid by applicants.

Filing Date: The applications were filed on September 22, 2009.

Applicants' Address: 200 Berkeley St., Boston, MA 02116.

AIG Strategic Hedge Fund of Funds [File No. 811-21590]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. From February 13, 2009 to March 31, 2009, applicant made liquidating distributions to its shareholders, based on net asset value. On March 31, 2009, applicant contributed its remaining assets and liabilities to a liquidating trust for the benefit of applicant's four shareholders. Expenses of \$384,000 incurred in connection with the liquidation were or will be paid by applicant and the liquidating trust.

Filing Date: The application was filed on September 23, 2009.

Applicant's Address: 277 Park Ave., New York, NY 10172.

ING Precious Metals Fund, Inc. [File No. 811-2881]; ING Russia Fund, Inc. [File No. 811-7587]; ING International Fund, Inc. [File No. 811-8172]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. On September 21, 2002, each applicant transferred its assets to corresponding series of ING Mutual Funds, based on net asset value. Expenses of approximately \$18,456, \$19,734 and \$13,320, respectively, incurred in connection with the reorganizations were paid by applicant and ING Investments, LLC, applicants' investment adviser.

Filing Date: The applications were filed on September 22, 2009.

Applicants' Address: 7337 E. Doubletree Ranch Rd., Scottsdale, AZ 85258-2034.

UBS Enso Fund [File No. 811-22171]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On April 22, 2009 and September 25, 2009, applicant made liquidating distributions to its shareholders, based on net asset value. Expenses of \$21,000 incurred in connection with the liquidation were paid by applicant.

Filing Date: The application was filed on September 25, 2009.

Applicant's Address: c/o UBS Financial Services Inc., 1285 Avenue of the Americas, New York, NY 10019.

ING GNMA Income Fund, Inc. [File No. 811-2401]; ING Lexington Money Market Trust [File No. 811-2701]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. On September 21, 2002, each applicant transferred its assets to corresponding series of ING Funds Trust, based on net asset value. Expenses of approximately \$190,103 and \$17,225, respectively, incurred in connection with the reorganizations were paid by applicants and ING Investments, LLC, applicants' investment adviser.

Filing Date: The applications were filed on September 22, 2009.

Applicants' Address: 7337 E. Doubletree Ranch Rd., Scottsdale, AZ 85258-2034.

Tortoise Gas and Oil Corporation [File No. 811-22097]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On September 14, 2009, applicant transferred its assets to Tortoise North American Energy Corporation, based on net asset value. Expenses of approximately \$115,770 incurred in connection with the reorganization were paid by applicant, the acquiring fund and Tortoise Capital Advisors, L.L.C., each fund's investment adviser.

Filing Date: The application was filed on September 30, 2009.

Applicant's Address: 11550 Ash St., Suite 300, Leawood, KS 66211.

GE LifeStyle Funds [File No. 811-7701]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Between May 15, 2009 and June 29, 2009, the shareholders of each of applicant's series redeemed their shares at net asset value. Expenses of \$3,700 incurred in connection with the liquidation were paid by GE Asset Management

Incorporated, applicant's investment adviser.

Filing Date: The application was filed on September 30, 2009.

Applicant's Address: 3001 Summer St., Stamford, CT 06905.

BACAP Alternative Multi-Strategy Fund, LLC [File No. 811-21252]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On April 1, 2009, applicant transferred its assets to Excelsior Directional Hedge Fund of Funds (TI), LLC, based on net asset value. Expenses of approximately \$804,000 incurred in connection with the reorganization were paid by Banc of America Investment Advisors, Inc., applicant's investment adviser, and U.S. Trust Hedge Fund Management, Inc., the manager of the acquiring fund. A cash escrow account of \$2,000 has been set up for the benefit of two remaining shareholders, subsidiaries of the parent of applicant's investment adviser, who remain shareholders for the sole purpose of facilitating applicant's preparation of its final tax return. On or about December 31, 2009, applicant will return to each remaining shareholder its cash contribution of \$1,000 plus interested earned in the escrow account.

Filing Date: The application was filed on July 23, 2009.

Applicant's Address: One Bryant Park, New York, NY 10036.

Activa Mutual Fund Trust [File No. 811-2168]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On August 31, 2009, applicant transferred its assets to Activa Value Fund, a series of Financial Investors Trust, based on net asset value. Expenses of \$103,898 incurred in connection with the reorganization were paid by applicant and ALPS Advisors, Inc., investment adviser to the acquiring fund.

Filing Dates: The application was filed on September 3, 2009, and amended on October 19, 2009.

Applicant's Address: 2905 Lucerne SE., Suite 200, Grand Rapids, MI 49546.

WT Mutual Fund II [File No. 811-10439]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Dates: The application was filed on October 1, 2009, and amended on October 22, 2009.

Applicant's Address: 1100 North Market St., Wilmington, DE 19890.

Gateway Trust [File No. 811-2773]

Summary: Applicant, an Ohio business trust, seeks an order declaring that it has ceased to be an investment company. On February 15, 2008, applicant transferred its assets to Gateway Trust, organized in a different state than applicant, based on net asset value. Expenses of \$1,189,130 incurred in connection with the reorganization were paid by Gateway Investment Advisers, L.P., applicant's investment adviser, and Natixis Global Asset Management, L.P., which acquired all of the assets and liabilities of Gateway Investment Advisers, L.P. on February 15, 2008.

Filing Dates: The application was filed on August 17, 2009, and amended on October 21, 2009.

Applicant's Address: Rookwood Tower, Suite 600, 3805 Edwards Rd., Cincinnati, OH 45209.

Monarch Funds [File No. 811-6742]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On April 27, 2009, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of approximately \$10,234 incurred in connection with the liquidation were paid by applicant.

Filing Dates: The application was filed on September 2, 2009, and amended on October 19, 2009.

Applicant's Address: 3435 Stelzer Rd., Columbus, OH 43219.

Centennial New York Tax-Exempt Trust [File No. 811-5584]; Centennial California Tax-Exempt Trust [File No. 811-5871]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. By February 13, 2009, all shareholders of each applicant had redeemed or exchanged their shares of each applicant, based on net asset value. Applicants incurred no expenses in connection with the liquidations.

Filing Dates: The applications were filed on September 3, 2009, and amended on September 9, 2009 and October 19, 2009.

Applicants' Address: 6803 S. Tucson Way, Centennial, CO 80112.

Centennial Tax-Exempt Trust [File No. 811-3104]

Summary: Applicant seeks an order declaring that it has ceased to be an

investment company. By February 13, 2009, all shareholders of applicant had redeemed or exchanged their shares of applicant, based on net asset value. Applicant incurred no expenses in connection with the liquidation.

Filing Dates: The application was filed on September 3, 2009, and amended on September 9, 2009 and October 19, 2009.

Applicant's Address: 6803 S. Tucson Way, Centennial, CO 80112.

MetLife of CT Fund ABD II for Variable Annuities [File No. 811-7463]; MetLife of CT Separate Account Thirteen for Variable Annuities [File No. 811-21263]; MetLife of CT Separate Account PF for Variable Annuities [File No. 811-8313]; MetLife of CT Separate Account Eight for Variable Annuities [File No. 811-8907]; MetLife of CT Fund BD for Variable Annuities [File No. 811-8242]; MetLife of CT Separate Account TM for Variable Annuities [File No. 811-8477]; MetLife of CT Fund BD III for Variable Annuities [File No. 811-8225]; MetLife of CT Fund BD IV for Variable Annuities [File No. 811-8223]; MetLife of CT Separate Account QP for Variable Annuities [File No. 811-7487]; MetLife of CT Separate Account Nine for Variable Annuities [File No. 811-9411]; MetLife of CT Fund ABD for Variable Annuities [File No. 811-7465]; MetLife of CT Separate Account Fourteen for Variable Annuities [File No. 811-21267]; MetLife of CT Separate Account Six for Variable Annuities [File No. 811-8869]; MetLife of CT Fund U for Variable Annuities [File No. 811-3575]; MetLife Insurance Company of Connecticut Variable Annuity Separate Account 2002 [File No. 811-21220]; MetLife of CT Separate Account TM II for Variable Annuities [File No. 811-8479]; MetLife of CT Separate Account Five for Variable Annuities [File No. 811-8867]; MetLife and Annuity Company of Connecticut Variable Annuity Separate Account 2002 [File No. 811-21221]; MetLife of CT Separate Account Seven for Variable Annuities [File No. 811-8909]; MetLife of CT Separate Account Twelve for Variable Annuities [File No. 811-21266]; MetLife of CT Fund BD II for Variable Annuities [File No. 811-7259]; MetLife of CT Separate Account Ten for Variable Annuities [File No. 811-9413]; MetLife of CT Separate Account PF II for Variable Annuities [File No. 811-8317]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. The board of directors of the applicants' depositor, MetLife Insurance Company of Connecticut ("MICC"), approved the merger of each applicant into MetLife of CT Separate Account Eleven for Variable Annuities on March 24, 2008. The mergers were effected on December 8, 2008. MICC bore all expenses relating to the mergers.

Filing Date: The applications were filed on August 24, 2009 and amended and restated on October 14, 2009.

Applicants' Address: 1300 Hall Boulevard, Bloomfield, CT 06002-2910.

MetLife of CT Variable Life Insurance Separate Account Two [File No. 811-7891]; MetLife of CT Variable Life Insurance Separate Account Three [File No. 811-8950]; MetLife of CT Fund UL II for Variable Life Insurance [File No. 811-7411]; MetLife of CT Variable Life Insurance Separate Account One [File No. 811-8952]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. The board of directors of the applicants' depositor, MetLife Insurance Company of Connecticut ("MICC"), approved the merger of each applicant into MetLife of CT Fund UL for Variable Life Insurance on March 24, 2008. The mergers were effected on December 8, 2008. MICC bore all expenses relating to the mergers.

Filing Date: The applications were filed on August 24, 2009 and amended and restated on October 14, 2009.

Applicants' Address: 1300 Hall Boulevard, Bloomfield, CT 06002-2910.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9-26660 Filed 11-4-09; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-60903; File No. PCAOB-2009-02]

Public Company Accounting Oversight Board; Notice of Filing of Proposed Rules on Auditing Standard No. 7, Engagement Quality Review, and Conforming Amendment

October 29, 2009.

Pursuant to Section 107(b) of the Sarbanes-Oxley Act of 2002 (the "Act"), notice is hereby given that on August 4, 2009, the Public Company Accounting Oversight Board (the "Board" or the "PCAOB") filed with the Securities and Exchange Commission (the "Commission") the proposed rules described in Items I and II below, which items have been prepared by the Board. The Commission is publishing this notice to solicit comments on the proposed rules from interested persons.

I. Board's Statement of the Terms of Substance of the Proposed Rules

On July 28, 2009, the Board adopted Auditing Standard No. 7, Engagement Quality Review, and an amendment to the Board's Interim Quality Control Standards (collectively, "the proposed rules"). The text of the proposed rules text is set out below. Language that is

added by the amendment to the Board's Interim Quality Control Standards is italicized.

Auditing Standard No. 7 Supersedes SECPS Requirements of Membership § 1000.08(f).

Engagement Quality Review: Applicability of Standard:

1. An engagement quality review and concurring approval of issuance are required for each audit engagement and for each engagement to review interim financial information conducted pursuant to the standards of the Public Company Accounting Oversight Board ("PCAOB").

Objective:

2. The objective of the engagement quality reviewer is to perform an evaluation of the significant judgments made by the engagement team and the related conclusions reached in forming the overall conclusion on the engagement and in preparing the engagement report, if a report is to be issued, in order to determine whether to provide concurring approval of issuance.¹

Qualifications of an Engagement Quality Reviewer:

3. The engagement quality reviewer must be an associated person of a registered public accounting firm. An engagement quality reviewer from the firm that issues the engagement report (or communicates an engagement conclusion, if no report is issued) must be a partner or another individual in an equivalent position. The engagement quality reviewer may also be an individual from outside the firm.²

4. As described below, an engagement quality reviewer must have competence, independence, integrity, and objectivity.

Note: The firm's quality control policies and procedures should include provisions to provide the firm with reasonable assurance that the engagement quality reviewer has sufficient competence, independence, integrity, and objectivity to perform the engagement quality review in accordance with the standards of the PCAOB.

¹ In the context of an audit, "engagement report" refers to the audit report (or reports if, in an integrated audit, the auditor issues separate reports on the financial statements and internal control over financial reporting). In the context of an engagement to review interim financial information, the term refers to the report on interim financial information. An engagement report might not be issued in connection with a review of interim financial information. See paragraph .03 of AU section ("sec.") 722, *Interim Financial Information*.

² An outside reviewer who is not already associated with a registered public accounting firm would become associated with the firm issuing the report if *he or she* (rather than, or in addition to, his or her firm or other employer): (1) Receives compensation from the firm issuing the report for performing the review or (2) performs the review as agent for the firm issuing the report. See PCAOB Rule 1001(p)(i) for the definition of an associated person of a registered public accounting firm.

Competence

5. The engagement quality reviewer must possess the level of knowledge and competence related to accounting, auditing, and financial reporting required to serve as the engagement partner on the engagement under review.³

Independence, Integrity, and Objectivity

6. The engagement quality reviewer must be independent of the company, perform the engagement quality review with integrity, and maintain objectivity in performing the review.

Note: The reviewer may use assistants in performing the engagement quality review. Personnel assisting the engagement quality reviewer also must be independent, perform the assigned procedures with integrity, and maintain objectivity in performing the review.

7. To maintain objectivity, the engagement quality reviewer and others who assist the reviewer should not make decisions on behalf of the engagement team or assume any of the responsibilities of the engagement team. The engagement partner remains responsible for the engagement and its performance, notwithstanding the involvement of the engagement quality reviewer and others who assist the reviewer.

8. The person who served as the engagement partner during either of the two audits preceding the audit subject to the engagement quality review may not be the engagement quality reviewer. Registered firms that qualify for the exemption under Rule 2-01(c)(6)(ii) of Regulation S-X, 17 CFR 210.2-01(c)(6)(ii), are exempt from the requirement in this paragraph.

Engagement Quality Review for an Audit:

Engagement Quality Review Process

9. In an audit engagement, the engagement quality reviewer should evaluate the significant judgments made by the engagement team and the related conclusions reached in forming the overall conclusion on the engagement and in preparing the engagement report. To evaluate such judgments and conclusions, the engagement quality

³ The term "engagement partner" has the same meaning as the phrases "auditor with final responsibility for the audit" in AU sec. 311, *Planning and Supervision*, and "practitioner-in-charge of an engagement" in PCAOB interim quality control standard QC sec. 40, *The Personnel Management Element of a Firm's System of Quality Control-Competencies Required by a Practitioner-in-Charge of an Attest Engagement*. QC sec. 40 describes the competencies required of a practitioner-in-charge of an attest engagement.

reviewer should, to the extent necessary to satisfy the requirements of paragraphs 10 and 11: (1) Hold discussions with the engagement partner and other members of the engagement team, and (2) review documentation.

10. In an audit, the engagement quality reviewer should:

a. Evaluate the significant judgments that relate to engagement planning, including—

- The consideration of the firm's recent engagement experience with the company and risks identified in connection with the firm's client acceptance and retention process,
- The consideration of the company's business, recent significant activities, and related financial reporting issues and risks, and
- The judgments made about materiality and the effect of those judgments on the engagement strategy.

b. Evaluate the engagement team's assessment of, and audit responses to—

- Significant risks identified by the engagement team, including fraud risks, and
- Other significant risks identified by the engagement quality reviewer through performance of the procedures required by this standard.

Note: A *significant risk* is a risk of material misstatement that is important enough to require special audit consideration.

c. Evaluate the significant judgments made about (1) the materiality and disposition of corrected and uncorrected identified misstatements and (2) the severity and disposition of identified control deficiencies.

d. Review the engagement team's evaluation of the firm's independence in relation to the engagement.

e. Review the engagement completion document⁴ and confirm with the engagement partner that there are no significant unresolved matters.

f. Review the financial statements, management's report on internal control, and the related engagement report.

g. Read other information in documents containing the financial statements to be filed with the Securities and Exchange Commission ("SEC")⁵ and evaluate whether the engagement team has taken appropriate

⁴ Paragraph 13 of PCAOB Auditing Standard No. 3, *Audit Documentation*, requires the auditor to identify all significant findings or issues in an engagement completion document.

⁵ See paragraphs .04-.06 of AU sec. 550, *Other Information in Documents Containing Audited Financial Statements*; AU sec. 711, *Filings Under Federal Securities Statutes*.

action with respect to any material inconsistencies with the financial statements or material misstatements of fact of which the engagement quality reviewer is aware.

h. Based on the procedures required by this standard, evaluate whether appropriate consultations have taken place on difficult or contentious matters. Review the documentation, including conclusions, of such consultations.

i. Based on the procedures required by this standard, evaluate whether appropriate matters have been communicated, or identified for communication, to the audit committee, management, and other parties, such as regulatory bodies.

Evaluation of Engagement Documentation

11. In an audit, the engagement quality reviewer should evaluate whether the engagement documentation that he or she reviewed when performing the procedures required by paragraph 10—

a. Indicates that the engagement team responded appropriately to significant risks, and

b. Supports the conclusions reached by the engagement team with respect to the matters reviewed.

Concurring Approval of Issuance

12. In an audit, the engagement quality reviewer may provide concurring approval of issuance only if, after performing with due professional care⁶ the review required by this standard, he or she is not aware of a significant engagement deficiency.

Note: A *significant engagement deficiency* in an audit exists when (1) the engagement team failed to obtain sufficient appropriate evidence in accordance with the standards of the PCAOB, (2) the engagement team reached an inappropriate overall conclusion on the subject matter of the engagement, (3) the engagement report is not appropriate in the circumstances, or (4) the firm is not independent of its client.

13. In an audit, the firm may grant permission to the client to use the engagement report only after the engagement quality reviewer provides concurring approval of issuance.⁷

⁶ See AU sec. 230, *Due Professional Care in the Performance of Work*.

⁷ Concurring approval of issuance by the engagement quality reviewer also is required when reissuance of an engagement report requires the auditor to update his or her procedures for subsequent events. In that case, the engagement quality reviewer should update the engagement quality review by addressing those matters related to the subsequent events procedures.

Engagement Quality Review for a Review of Interim Financial Information:

Engagement Quality Review Process

14. In an engagement to review interim financial information, the engagement quality reviewer should evaluate the significant judgments made by the engagement team and the related conclusions reached in forming the overall conclusion on the engagement and in preparing the engagement report, if a report is to be issued. To evaluate such judgments and conclusions, the engagement quality reviewer should, to the extent necessary to satisfy the requirements of paragraphs 15 and 16: (1) Hold discussions with the engagement partner and other members of the engagement team, and (2) review documentation.

15. In a review of interim financial information, the engagement quality reviewer should:

- a. Evaluate the significant judgments that relate to engagement planning, including the consideration of—
 - The firm's recent engagement experience with the company and risks identified in connection with the firm's client acceptance and retention process,
 - The company's business, recent significant activities, and related financial reporting issues and risks, and
 - The nature of identified risks of material misstatement due to fraud.
- b. Evaluate the significant judgments made about (1) the materiality and disposition of corrected and uncorrected identified misstatements and (2) any material modifications that should be made to the disclosures about changes in internal control over financial reporting.

c. Perform the procedures described in paragraphs 10.d and 10.e.

d. Review the interim financial information for all periods presented and for the immediately preceding interim period, management's disclosure for the period under review, if any, about changes in internal control over financial reporting, and the related engagement report, if a report is to be issued.

e. Read other information in documents containing interim financial information to be filed with the SEC⁸ and evaluate whether the engagement team has taken appropriate action with respect to material inconsistencies with the interim financial information or material misstatements of fact of which

the engagement quality reviewer is aware.

- f. Perform the procedures in paragraphs 10.h and 10.i.

Evaluation of Engagement Documentation

16. In a review of interim financial information, the engagement quality reviewer should evaluate whether the engagement documentation that he or she reviewed when performing the procedures required by paragraph 15 supports the conclusions reached by the engagement team with respect to the matters reviewed.

Concurring Approval of Issuance

17. In a review of interim financial information, the engagement quality reviewer may provide concurring approval of issuance only if, after performing with due professional care the review required by this standard, he or she is not aware of a significant engagement deficiency.

Note: A significant engagement deficiency in a review of interim financial information exists when (1) the engagement team failed to perform interim review procedures necessary in the circumstances of the engagement, (2) the engagement team reached an inappropriate overall conclusion on the subject matter of the engagement, (3) the engagement report is not appropriate in the circumstances, or (4) the firm is not independent of its client.

18. In a review of interim financial information, the firm may grant permission to the client to use the engagement report (or communicate an engagement conclusion to its client, if no report is issued) only after the engagement quality reviewer provides concurring approval of issuance.

Documentation of an Engagement Quality Review:

19. Documentation of an engagement quality review should contain sufficient information to enable an experienced auditor, having no previous connection with the engagement, to understand the procedures performed by the engagement quality reviewer, and others who assisted the reviewer, to comply with the provisions of this standard, including information that identifies:

- a. The engagement quality reviewer, and others who assisted the reviewer,
- b. The documents reviewed by the engagement quality reviewer, and others who assisted the reviewer,
- c. The date the engagement quality reviewer provided concurring approval of issuance or, if no concurring approval of issuance was provided, the reasons for not providing the approval.

20. Documentation of an engagement quality review should be included in the engagement documentation.

21. The requirements related to retention of and subsequent changes to audit documentation in PCAOB Auditing Standard No. 3, *Audit Documentation*, apply with respect to the documentation of the engagement quality review.

Conforming Amendment to PCAOB Interim Quality Control Standards

QC sec. 20, "System of Quality Control for a CPA Firm's Accounting and Auditing Practice"

QC section ("sec.") 20, "System of Quality Control for a CPA Firm's Accounting and Auditing Practice" of the Board's interim quality control standards is amended as follows—

The third sentence of paragraph .18 of QC sec. 20 is replaced with the following sentence:

These policies and procedures also should address engagement quality reviews pursuant to PCAOB Auditing Standard No. 7, Engagement Quality Review.

II. Board's Statement of the Purpose of, and Statutory Basis for, the Proposed Rules

In its filing with the Commission, the Board included statements concerning the purpose of, and basis for, the proposed rules and discussed any comments it received on the proposed rules. The text of these statements may be examined at the places specified in Item IV below. The Board has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Board's Statement of the Purpose of, and Statutory Basis for, the Proposed Rules

(a) Purpose

Section 103 of the Sarbanes-Oxley Act (the "Act") directs the Board, among other things, to set standards for public company audits, including a requirement for each registered public accounting firm to "provide a concurring or second partner review and approval of [each] audit report (and other related information), and concurring approval in its issuance * * *."

As discussed more fully in Exhibit 3, the Board adopted Auditing Standard No. 7 because it believed that a well-performed engagement quality review ("EQR") can serve as an important safeguard against erroneous or insufficiently supported audit opinions and, accordingly, can contribute to audit quality. The proposed rules are intended to enhance the quality of the EQR by strengthening the existing

⁸ See AU sec. 722.18f; AU sec. 711.

requirements. Auditing Standard No. 7 provides for a rigorous review that will serve as a meaningful check on the work performed by the engagement team and, the Board believes, should increase the likelihood that a registered public accounting firm will catch any significant engagement deficiencies before it issues its audit report. As a result, the Board recognizes that more work may be necessary under Auditing Standard No. 7 than was performed in some concurring reviews under the existing requirements.

Auditing Standard No. 7 requires the engagement quality reviewer (or the “reviewer”) to evaluate the significant judgments made and related conclusions reached by the engagement team in forming the overall conclusion on the engagement and in preparing the engagement report. Auditing Standard No. 7 also requires the engagement quality reviewer to perform certain procedures designed to focus the reviewer on those judgments and conclusions. The procedures required of the reviewer by Auditing Standard No. 7 are different in nature from the procedures required of the engagement team. Unlike the engagement team, a reviewer does not perform substantive procedures or obtain sufficient evidence to support an opinion on the financial statements or internal control over financial reporting. If more audit work is necessary before the reviewer may provide concurring approval of issuance, the engagement team—not the reviewer—is responsible under PCAOB standards for performing the work. In contrast, the reviewer fulfills his or her responsibility to perform an effective review of the engagement under the EQR standard by holding discussions with the engagement team, reviewing documentation, and determining whether he or she can provide concurring approval of issuance.

The proposed rules also amend the Board’s interim quality control standards by replacing the third sentence of paragraph .18 in QC section 20, “System of Quality Control for a CPA Firm’s Accounting and Auditing Practice” with a statement indicating that these policies and procedures also should address engagement quality reviews pursuant to PCAOB Auditing Standard No. 7.

(b) Statutory Basis

The statutory basis for the proposed rules is Title I of the Act.

B. Board’s Statement on Burden on Competition

The Board does not believe that the proposed rule changes will result in any

burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule changes would apply equally to all registered public accounting firms.

C. Board’s Statement on Comments on the Proposed Rules Received From Members, Participants or Others

The Board released the proposed rules for public comment in PCAOB Release No. 2008–002 (February 26, 2008). The Board received 38 written comments. The Board considered these comments and made significant changes to the initial proposed rules. As a result, the Board again sought public comment in PCAOB Release No. 2009–001 (March 4, 2009). The Board received 30 written comment letters relating to its reproposal of the proposed rules. A copy of PCAOB Release Nos. 2008–002 and 2009–001 and the comment letters received in response to the PCAOB’s request for comment in both releases are available on the PCAOB’s Web site at www.pcaobus.org.

The Board has carefully considered all comments it has received. In response to the written comments received on both the initial and reproposal of the proposed rules, the Board has clarified and modified certain aspects of the proposed rules, as discussed below.

Overview of Auditing Standard No. 7:

Overall, commenters preferred the repropose standard to the original proposal, though some continued to believe that certain provisions were unclear and suggested certain changes to the standard. After considering commenters’ feedback, the Board has made several modifications to the EQR standard to provide additional clarity. This section describes the comments received, the Board’s response, and changes made in AS No. 7.⁹

Applicability of the EQR Requirement

Paragraph 1 of the repropose standard required an EQR for audit engagements and reviews of interim financial information (“interim reviews”), but not for other engagements performed according to the standards of the PCAOB. For the most part, commenters believed that this provision was appropriate.¹⁰ One commenter,

⁹ The Board received some comments related to its standard-setting process in general. The Board continuously endeavors to improve its processes, including its standard-setting process, and is considering these comments as it does so.

¹⁰ One commenter did not believe that an EQR should be required for interim reviews because of concerns about the scope of the EQR for interim reviews. The section entitled *Specifically Required*

however, suggested including the EQR requirements for interim reviews in AU section (“sec.”) 722, *Interim Financial Information*, instead of including them as part of the EQR standard to “make it clear that the scope of the procedures performed remain under the umbrella of the objective of a review of interim financial information (which is much different than the scope and objective of an audit).” Because the requirements for the EQR of interim reviews in AS No. 7 are closely related to and described by reference to the requirements for the EQR of an audit, the Board believes it is more appropriate to locate both sets of requirements in the same standard. Accordingly, the Board is adopting the provisions regarding applicability of the EQR standard as repropose.

Statement of Objective

The repropose standard included a statement of objective intended to focus reviewers on the overall purpose of the standard as they carry out the more specific EQR requirements. As repropose, the objective of the engagement quality reviewer was “to perform an evaluation of the significant judgments made by the engagement team and the conclusions reached in forming the overall conclusion on the engagement and in preparing the engagement report, if a report is to be issued, in order to determine whether to provide concurring approval of issuance.”

Most commenters agreed that the EQR standard should include a statement of objective. While some believed the objective was appropriate as repropose, several suggested substituting the phrase “related conclusions reached” for “the conclusions reached” to indicate that the reviewer is required to evaluate conclusions relating to significant judgments, rather than all conclusions. In addition, some commenters suggested making the objective less vague, while others wanted the Board to broaden it or make it less procedural.

After considering these comments, the Board has, as suggested by commenters, revised the objective so that it refers to “significant judgments made by the engagement team¹¹ and the *related*

Procedures in the EQR of an Interim Review discusses the EQR requirements for interim reviews.

¹¹ Because the engagement partner has final responsibility for the engagement, he or she has final responsibility for the significant judgments made during the engagement, notwithstanding any involvement in or responsibility for those judgments by firm personnel outside of the engagement team, such as members of the firm’s national office. Accordingly the “significant judgments made by the engagement team” include

conclusions reached * * * ." (emphasis added). This change should help reviewers maintain their focus on areas of the engagement that are most likely to contain a significant engagement deficiency. With this revision, the Board believes the statement of objective establishes, at the appropriate level of detail, a framework for the performance of the EQR that is consistent with the specific requirements in AS No. 7. Corresponding changes have been made in paragraphs 9 and 14, which describe the scope of the EQR for audits and interim reviews, respectively. The reviewer achieves his or her objective by complying with the specific requirements of the standard.

Qualifications of the Engagement Quality Reviewer

In order to provide for a high-quality EQR, the repropoed standard described the qualifications that any reviewer would be required to meet. These provisions were designed to provide assurance that the reviewer could effectively perform an EQR of the particular engagement under review. At the same time, the provisions recognized that smaller firms may have few partners—and, in the case of sole practitioners, no additional partners—available in-house to perform the EQR.

Accordingly, the repropoed standard required an engagement quality reviewer from within the firm issuing the engagement report to be a partner or another individual in an equivalent position, but also allowed a qualified individual from outside the firm to perform the EQR. In either event, the repropoed standard required the reviewer to be an associated person¹² of a registered public accounting firm.¹³

all of the significant judgments made during the engagement.

¹² For clarity, in paragraph 3 of AS No. 7, the Board added a reference to Rule 1001(p)(i), which defines the term "associated person of a registered public accounting firm." A person not already associated with a registered firm can enter into a relationship with the firm issuing the report such that the person would become associated with that firm by performing the review. Specifically, a person not already associated with a firm would become associated with the firm issuing the report if *he or she* (rather than, or in addition to, his or her firm or other employer): (1) Receives compensation from the firm issuing the report for performing the review or (2) performs the review as agent for the firm issuing the report. For example, if the firm issuing the report contracts directly with an employee of an unregistered accounting firm to perform the engagement quality review, that person would become associated with the firm issuing the report by virtue of that independent contractor relationship.

¹³ A registered public accounting firm has an obligation to secure and enforce consents to cooperate with the Board from each associated person of the firm, *see* Section 102(b)(3) of the Act, including those who become associated with the

The repropoed standard also included a general competence requirement and requirements related to the reviewer's independence, integrity, and objectivity.

In-House Reviewer: Partner or an Individual in an Equivalent Position:

The requirement in the repropoed standard for a reviewer from within the firm to be a partner or an individual in an equivalent position was intended to address concerns expressed by some commenters on the original proposal about the authority of the engagement quality reviewer relative to that of the engagement partner. Because the EQR is intended to be an objective second look at work performed by the engagement team, the reviewer should be able to withstand pressure from the engagement partner or other firm personnel, such as members of the firm's national office. As described in the repropoed release, the Board believed that concerns about authority will most often arise when the reviewer and the engagement partner work at the same firm. The Board also believed that a standard based on perceptions of relative authority within a firm would not be sufficiently clear to be workable. Accordingly, the Board attempted to address these concerns with a requirement that an in-house reviewer—but not one from outside the firm—be a partner or person in an equivalent position.

While some commenters supported the repropoed requirement, others disagreed with it, generally because, in their view, being a partner or person in an equivalent position would not necessarily ensure that the reviewer possesses the qualities required to perform the EQR. These commenters noted that partners as well as non-partners may be subject to internal pressure within the firm to provide concurring approval of issuance. In addition, in one commenter's view, it would be burdensome for one-partner firms to hire an outside reviewer to comply with this requirement. Finally, some commenters also asked the Board to define the term "equivalent position."

While both partners and non-partners may experience pressure within the firm to provide concurring approval of issuance, the Board continues to believe that the repropoed requirement is the most appropriate way to address this issue. Partnership is not a perfect proxy for authority, but a partner is more likely to possess sufficient authority to conduct the EQR than a non-partner.

firm by performing the review. The Board also may directly sanction any such person who fails to cooperate in an investigation or inspection. *See* Section 105(b)(3) of the Act and PCAOB Rules 5110 and 4006.

The Board continues to believe that a requirement based on perceptions of authority would not be workable. Accordingly, the Board is adopting this requirement substantially as repropoed.¹⁴ At a firm that is not organized as a partnership, "an individual in an equivalent position" is someone with the degree of authority and responsibility of a partner in a firm that is organized as a partnership.

Qualified Reviewer from Outside the Firm:

As noted above, the repropoed standard also allowed a qualified reviewer from outside the firm to conduct the review. In the repropoed release, the Board expressed the view that allowing a sufficiently qualified professor or other individual not employed by an accounting firm to perform the EQR should not negatively affect audit quality and may mitigate the compliance burden on sole practitioners and smaller firms. The Board sought comment on whether a qualified accountant who is not employed by an accounting firm should be allowed to conduct the EQR.¹⁵

The majority of commenters on this topic did not oppose the repropoed provision. Some commenters, however, cautioned that reviewers from outside an accounting firm may not necessarily have the required technical expertise or recent audit experience. One commenter believed that allowing the use of such outside reviewers could "hamper the existing independence rules,"¹⁶ increase costs, and limit the potential growth of partners.

After considering these comments, the Board continues to believe that the EQR standard can—and should—allow firms the proposed flexibility in choosing a reviewer, provided that reviewer meets the competence and other qualification requirements. According to these requirements, as discussed below, any reviewer would have to have the level of knowledge and competence related to accounting, auditing, and financial reporting required to serve as the person

¹⁴ One commenter suggested that the phrasing of the repropoed standard did not establish a requirement for the in-house reviewer to be a partner because it stated that the reviewer "may be" a partner, a person in an equivalent position, or an individual outside the firm. While the use of "may" in that context imposed a requirement, to avoid any confusion on this point the Board has rephrased the requirement in paragraph 3 of AS No. 7 to use the word "must."

¹⁵ As noted in the repropoed release, under the existing requirement a firm may seek a waiver to engage an outside experienced individual to perform the EQR. Because AS No. 7 allows a firm to use an outside reviewer, such a waiver is not necessary under AS No. 7.

¹⁶ The comment did not explain how the independence rules would be hampered.

who has overall responsibility for the engagement under review. Accordingly, while some persons from outside a firm might not have the required qualifications, those who do can effectively perform the EQR.¹⁷

The Board also does not agree that allowing the use of a reviewer from outside the firm issuing the report would negatively affect the application or enforcement of the independence rules. As the Board noted in the reproposing release, it will continue to consider anyone who performs the EQR to be an “audit partner” and a member of the “audit engagement team” for purposes of independence requirements.¹⁸ In addition, because AS No. 7 would not require a firm to use an outside reviewer, allowing a firm to do so should not increase costs or limit the potential growth of partners. Any firm that is concerned that invoking the flexibility provided by the EQR standard would raise its costs or impede the development of its partners could, simply, decline to do so and use a reviewer from within the firm if one is available.

When considering an outside individual for the role of the engagement quality reviewer, the firm will likely need to make additional inquiries to obtain necessary information about the individual’s qualifications. For example, while information about independence of the firm’s partners is typically collected and evaluated as part of the periodic independence review, information about the independence of an outside reviewer will likely need to be requested and evaluated as part of the reviewer selection process. Firms also likely know more about the competence of their own partners than of an outside reviewer.

General Competence Requirement:

As noted above, the reproposed standard, like the original proposal, included a requirement for the reviewer to “possess the level of knowledge and competence related to accounting, auditing, and financial reporting required to serve as the person who has overall responsibility for the same type of engagement.” This provision was intended to set a minimum requirement for those who would perform the EQR. In response to comments on the original proposal, the reproposing release explained that this provision, by its

terms, did not require the engagement quality reviewer’s knowledge and competence to match those of the engagement partner, or for the reviewer to be a “clone” of the engagement partner.¹⁹

Some commenters reiterated their concerns that the engagement quality reviewer’s skills would be expected to match those of the engagement partner, and that such a requirement could cause resource constraints for smaller firms. Other commenters suggested modifying the general competence provision by stating that the reviewer’s competence should be established based on the facts and circumstances of the engagement, or describing the required qualifications from the reviewer’s perspective, rather than by comparing them to the qualifications of the engagement partner. Finally, some commenters suggested including in the EQR standard a statement that the reviewer may obtain the required level of knowledge and competence through utilizing assistants.

The Board continues to believe that if a minimum level of knowledge and competence in accounting, auditing, and financial reporting is required to conduct an audit, it is similarly necessary to effectively review that audit.²⁰ The reviewer is not required to possess other competencies, e.g., those related to communication or management skills, that the engagement partner may have.

Accordingly, the Board is adopting the general competence provision substantially as proposed. The Board is, however, modifying the requirement to clarify further that the determination of what constitutes the appropriate level of knowledge and competence should be based on the circumstances of the engagement, including the size and complexity of the business under audit or under interim review.²¹ In AS No. 7, the Board replaced the phrase “the same type of engagement” with “the engagement.” The new phrasing focuses the reviewer on the particular

¹⁹ Specifically, the reproposing release noted:

The general competence provision merely sets a minimum requirement for those who would perform the EQR, but it does not require the reviewer’s competence to match that of the engagement partner. In many cases, both individuals’ competence will exceed the minimum level prescribed, but there is no requirement that they do so in tandem, or even at all.

²⁰ While a reviewer may use assistants in performing the EQR, the reviewer’s own skills should meet the requirements of AS No. 7.

²¹ Footnote 18 on page 9 of the original release stated, “The determination of what constitutes the appropriate level of knowledge and competence should be based on the circumstances of the engagement, including the size or complexity of the business.”

engagement under review, rather than that “type” of engagement.²² Firms that do not have partners that meet this general competence requirement available to perform the EQR may engage an outside reviewer to perform an EQR.

Independence, Integrity, and Objectivity:

Like the original proposal, the reproposed standard required the reviewer to be independent of the company, perform the review with integrity, and maintain objectivity. Comments on the reproposal focused on two provisions regarding objectivity—the prohibition against the reviewer supervising the engagement team and the two-year “cooling-off” period before the engagement partner could perform the EQR.

Supervision of the Engagement Team:

The reproposed standard provided that to maintain objectivity the engagement quality reviewer should not, among other things, “supervise the engagement team with respect to the engagement subject to the engagement quality review.” The phrase “subject to the engagement quality review” was intended to clarify that partners with leadership responsibilities in a firm, region, service, or industry practice are not, solely because of those responsibilities, precluded from reviewing any engagement performed by their subordinates in the firm. Some commenters believed that the phrase “subject to the engagement quality review” was not sufficient to clarify this point.

After considering these comments, the Board has decided that the express prohibition against “supervis[ing] the engagement team with respect to the engagement subject to the engagement quality review” is not necessary to effectuate the Board’s intent. The remaining two criteria for maintaining objectivity in paragraph 7 of AS No. 7—not making decisions on behalf of the engagement team and not assuming any responsibilities of the engagement team—are sufficient to preclude those involved in the engagement from

²² In addition, to simplify the text of AS No. 7, the Board replaced the phrase “person with overall responsibility for the engagement” with the term “engagement partner.” Footnote 3 of AS No. 7 explains that the term “engagement partner” has the same meaning as the phrases the “auditor with final responsibility for the audit,” as described in AU sec. 311, *Planning and Supervision*, and the “practitioner-in-charge of an engagement,” as described in PCAOB interim quality control standard QC sec. 40, *The Personnel Management Element of a Firm’s System of Quality Control—Competencies Required by a Practitioner-in-Charge of an Attest Engagement*. Because all of these terms refer to the same person, this change does not alter the meaning of the EQR standard.

¹⁷ Similarly, a reviewer does not meet all of the qualification requirements in AS No. 7 by virtue of his or her status as a partner or employee of an accounting firm.

¹⁸ See Rule 2–01(f) of Regulation S–X, 17 CFR 210.2–01(f), for the definitions of “audit partner” and “audit engagement team.”

serving as the engagement quality reviewer.²³ For example, partners (including the engagement partner and other partners on larger engagements), managers, and others who supervise engagement personnel on the audit under review would not qualify under the remaining criteria because they have assumed responsibilities of the engagement team. At the same time, removing the phrase “supervise the engagement team” from AS No. 7 should further clarify that those in leadership positions in the firm who did not make decisions for or assume responsibilities of the engagement team may perform the EQR.

The Two-Year “Cooling-Off” Period:

The repropoed standard included a provision prohibiting an engagement partner from serving as the engagement quality reviewer for at least two years following his or her last year as the engagement partner.²⁴ The Board included the “cooling-off” period because it believed that it would be harder for an engagement partner who has had overall responsibility for the audit for at least a year to perform the review with the necessary level of objectivity. While a number of commenters expressed general support for a two-year “cooling-off” period, some believed that it could impose an undue hardship on smaller firms, and suggested a shorter “cooling-off” period.

After considering these comments, the Board continues to believe that a “cooling-off” period will be beneficial to audit quality and that a two-year period appropriately safeguards objectivity without imposing unnecessary hardship on most firms. At the same time, the Board recognizes that compliance with this requirement could

²³ AS No. 7 does not prohibit the engagement team from consulting with the reviewer, as long as the reviewer maintains his or her objectivity in accordance with paragraph 7. As noted in the repropoed release, such consultations may contribute to audit quality. In addition, one commenter asked the Board to clarify whether a reviewer may consult with the same personnel who previously consulted with the engagement team. The EQR standard does not prohibit the reviewer from holding discussions with such personnel. The reviewer may not, however, use personnel who previously consulted with the engagement team as assistants in performing the review unless they meet the objectivity and other qualification requirements of AS No. 7. To emphasize the requirement that assistants maintain objectivity, the Board added to paragraph 7 of AS No. 7 the phrase “and others who assist the reviewer.”

²⁴ SEC independence rules allow engagement partners and concurring partners to serve for five consecutive years, after which they may not serve in either role for another period of five years. Within a five-year period, SEC independence rules do not impose a “cooling-off” period before the engagement partner can serve as the concurring partner. See Rule 2—01(c)(6)(i)(A) of Regulation S-X.

be difficult for smaller firms with fewer personnel. In its independence rules, the Securities and Exchange Commission (“SEC”) exempted certain smaller firms from the audit partner rotation requirements. Specifically, Rule 2—01(c)(6)(ii) of Regulation S-X provides an exemption for firms with fewer than five issuer audit clients and fewer than ten partners, provided the Board “conducts a review at least once every three years of each of the audit client engagements that would result in a lack of auditor independence under” the SEC partner rotation requirements. The Board believes that this exemption—including the provision regarding Board inspections—also describes an appropriate exemption from the “cooling-off” requirement in the EQR standard. Accordingly, firms that qualify for the exemption from the SEC partner rotation requirements will also be exempt from the “cooling-off” period under AS No. 7.

EQR Process

The Board’s goal in proposing an EQR standard was to strengthen the existing requirements for concurring reviews in order to promote a more meaningful review of the work performed by the engagement team. Accordingly, the original proposal described certain procedures that the reviewer was required to perform that were more specific than those in the existing requirements. In response to comments received on the original proposal, the Board clarified some of the specifically required procedures and included, in a separate section in the repropoed standard, tailored requirements for an EQR of an interim review.

In general, commenters believed that the repropoed standard described the requirements of the EQR more clearly than the original proposal. However, a number of commenters suggested additional modifications that, in their view, would further clarify the Board’s intent and ensure consistency of the requirements with the statement of objective. As described below, after considering these comments, the Board has modified certain of these requirements.

Terminology Used To Describe the Required Procedures

Several commenters noted that the specifically required procedures in paragraphs 9, 10, 14, and 15 of the repropoed standard were described using different, but in some cases similar, terms such as “determine,” “evaluate,” “identify,” “read,” and “review,” which some commenters found confusing. In one commenter’s

view, the terms “determine,” “identify,” and “evaluate” may require the reviewer to perform procedures that are similar in scope to the procedures performed by the engagement partner. The commenters asked the Board to clarify the terminology in these sections of the EQR standard.

While the Board does not believe that this terminology required the reviewer to perform procedures that are appropriately performed by the engagement partner, it does agree that the terminology should not be confusing. Accordingly, the Board reduced the number of terms used in AS No. 7, so that the required procedures in paragraphs 9, 10, 14, and 15 are described using two terms, “evaluate” and “review”—with one exception. Because AU sec. 550, *Other Information in Documents Containing Audited Financial Statements*, requires the auditor to read other information in documents containing the financial statements to be filed with the SEC, paragraphs 10.g and 15.e of AS No. 7, like in the original and repropoed standards, also require the reviewer to read such other information and evaluate whether the engagement team has taken appropriate action with respect to any material inconsistencies with the financial statements or interim financial information, respectively, or material misstatements of fact of which the engagement quality reviewer is aware.

Review of Documentation:

A number of commenters viewed the statement in paragraphs 9 and 14 of the repropoed standard that “the reviewer should perform the procedures * * * by reviewing documentation” as too open-ended.²⁵ Commenters were concerned that this provision could be interpreted to require the review of all of the engagement documentation.

The Board did not intend to require—and the repropoed provision did not require—the reviewer to review all of the engagement documentation. Nevertheless, to clarify this point, the Board has added the phrase “to the extent necessary to satisfy the requirements” of paragraphs 10 and 11, in an EQR of an audit, and 15 and 16, in an EQR of an interim review. As a practical matter, the reviewer cannot comply with the requirements of the EQR standard without holding discussions with the engagement partner and reviewing documentation. AS No. 7 requires the reviewer to hold

²⁵ That statement was intended, along with other changes in the repropoed standard, to clarify that the EQR is a review of the engagement team’s work rather than a second audit. See page 17 of the repropoed release.

sufficient discussions with the engagement partner and other members of the engagement team and review sufficient documentation to perform the required procedures with due professional care. What is sufficient will necessarily depend on the facts and circumstances of the particular engagement under review. Auditors often document their significant judgments and conclusions in various summary documents, which could serve as a starting point for the reviewer's evaluation of the engagement team's work.

Paragraph 11 of the repropoed standard required the reviewer, in an EQR of an audit, to evaluate whether the engagement documentation that he or she reviewed when performing the procedures required by paragraph 10 indicates that the engagement team responded appropriately to significant risks and supports the conclusions reached by the engagement team with respect to the matters reviewed. One commenter suggested adding a requirement to paragraph 11 to evaluate engagement documentation for compliance with the requirements of Auditing Standard No. 3, *Audit Documentation* ("AS No. 3"). The Board originally proposed such a requirement but, in response to comments, did not include it in the repropoed standard.²⁶ The Board continues to believe that the documentation review requirements of paragraph 11 of the repropoed standard are appropriate and is adopting them as repropoed.

In an EQR of an interim review, paragraph 16 of the repropoed standard required the reviewer to evaluate whether the engagement documentation that he or she reviewed "[i]ndicates that the engagement team responded appropriately to significant risks," and "[s]upports the conclusions reached by the engagement team with respect to the matters reviewed." Some commenters noted that the auditor is not required to identify significant risks in a review of interim financial information and suggested not including a corresponding requirement in the EQR standard. The Board agrees and has not included this requirement in AS No. 7.

Specifically Required Procedures in the EQR of an Audit:

Like the original proposal, the repropoed standard required certain procedures designed to give the reviewer the necessary information to evaluate the engagement team's significant judgments and conclusions.

²⁶ Commenters suggested that such a requirement would duplicate the documentation review performed by the engagement partner.

In response to comments on the original proposal, the Board made changes to these provisions in the repropoed standard that were intended to clarify that the reviewer performs the EQR by reviewing the engagement team's work, rather than by auditing the company himself or herself. Some commenters suggested that the specifically required procedures in the repropoed standard needed additional clarification.

In the view of several commenters, the repropoed standard did not clearly articulate the requirement for the reviewer to focus on the significant judgments made and the related conclusions reached by the engagement team. These commenters believed that the repropoed standard might be interpreted as requiring the review of all of the engagement team's judgments and conclusions. In response, AS No. 7 refers to "significant judgments" instead of "judgments" in describing certain of the required procedures.

The Board also clarified the wording of paragraph 10.b of the repropoed standard, which required the reviewer to "evaluate the risk assessments and audit responses. * * *" Some commenters expressed concern that this formulation required a review of audit responses for all areas of the audit. In response, AS No. 7 more specifically requires the reviewer to evaluate the engagement team's audit responses to significant risks identified by the engagement team and other significant risks identified by the engagement quality reviewer through performance of the procedures required by the EQR standard.²⁷ This change should help focus reviewers on areas of the audit that are more likely to contain a significant engagement deficiency.

Some commenters also expressed concern about the requirements in paragraphs 10.e and 10.f of the repropoed standard to determine whether appropriate matters have been communicated to the audit committee, management, and others; and to determine whether appropriate consultations have taken place on

²⁷ The term "significant risk" is defined in the Board's recently proposed auditing standard on identifying and assessing risks of material misstatement to mean a "risk of material misstatement that is important enough to require special audit consideration." PCAOB Release No. 2008-006, *Proposed Auditing Standards Related to the Auditor's Assessment of and Response to Risk and Conforming Amendments to PCAOB Standards* (October 21, 2008). The Board intends that definition to apply to the EQR standard as well. The Board included this definition in a note to paragraph 10.b of AS No. 7. If, at the conclusion of the above mentioned rulemaking, the Board adopts a definition of significant risk that is different from that proposed, the Board will make a conforming change to the EQR standard.

difficult or contentious matters. According to these commenters, a requirement to determine whether all of the communications or consultations have taken place rather than to evaluate the engagement team's communications and consultations was inconsistent with the objective of the EQR. In response, the Board replaced the phrase "determine if" with "based on the procedures required by this standard, evaluate whether." This change should tailor the specific requirements more closely to the overall objective. The Board also placed these paragraphs after the other required procedures in paragraph 10 to emphasize that the reviewer performs the evaluation required by these paragraphs based on the information obtained through the other procedures required by the EQR standard, and made a corresponding change in paragraph 15 for the EQR of an interim review.

Specifically Required Procedures in the EQR of an Interim Review:

In response to comments on the original proposal, the Board included in the repropoed standard separate requirements for reviewing audits and interim reviews. The EQR requirements for interim reviews were based on the requirements for an EQR of an audit but were tailored to the different procedures performed in an interim review. A number of commenters were supportive of including separate requirements for the EQR of interim reviews in the repropoed standard. Some commenters, as discussed below, suggested modifications to those requirements.

Paragraph 15.a of the repropoed standard required the evaluation of engagement planning, including the consideration of the firm's recent engagement experience with the company and risks identified in connection with the firm's client acceptance and retention process; the company's business, recent significant activities, and related financial reporting issues and risks; and the nature of identified risks of material misstatement due to fraud. In one commenter's view, that paragraph might suggest that an interim review should include the same type of risk assessment as an audit. After considering this comment, the Board disagrees. Paragraph 15.a does not impose a requirement on the engagement team to identify risks as part of an interim review. Rather, it requires the reviewer to evaluate the engagement team's consideration of risks that have already been identified, e.g., during the preceding year's audit.

Additionally, three commenters recommended not requiring the EQR of an interim review to include an evaluation of judgments made about the severity and disposition of identified control deficiencies. In one commenter's view, such an evaluation would be inconsistent with the scope of an interim review. AU sec. 722.07, provides that the auditor:

should perform limited procedures quarterly to provide a basis for determining whether he or she has become aware of any material modifications that, in the auditor's judgment, should be made to the disclosures about changes in internal control over financial reporting in order for the certifications to be accurate and to comply with the requirements of Section 302 of the Act.

In response, the Board modified the requirement in paragraph 15.b in AS No. 7 to be more consistent with the requirements of AU sec. 722.

Accordingly, AS No. 7 requires the reviewer, among other things, to evaluate significant judgments made about any material modifications that should be made to the disclosures about changes in internal control over financial reporting.

Paragraph 15.c of the reproposed standard required the reviewer, in the EQR of an interim review, to "[r]ead the interim financial information for all periods presented and for the immediately preceding interim period, management's disclosure for the period under review, if any, about changes in internal control over financial reporting, and the related engagement report, if a report is to be filed with the SEC." Some commenters suggested that the reviewer should be required to read the engagement report even when the issuer is not required to include the report in an SEC filing. The Board agrees and, accordingly, changed "to be filed with the SEC" to "to be issued."²⁸

Concurring Approval of Issuance

For an EQR of an audit, paragraph 12 of the reproposed standard provided that the reviewer "may provide concurring approval of issuance only if,

²⁸ Additionally, one commenter recommended not requiring the reviewer to read interim financial information "for the immediately preceding interim period" because it was not clear, to this commenter, what one would review when performing the EQR for the first quarter. AU sec. 722.16 requires the accountant to apply analytical procedures to the interim financial information, which should include, among other things, comparing the quarterly interim financial information with comparable information for the immediately preceding interim period (i.e., the fourth quarter of the prior year, in a first quarter interim review). Because the Board believes the reproposed requirement is appropriately within the scope of an EQR for an interim review, it has retained it in AS No. 7.

after performing with due professional care the review required by this standard, he or she is not aware of a significant engagement deficiency." A note to the same paragraph describes a "significant engagement deficiency" as any of the four conditions described in the original proposal.²⁹ The reproposed requirements for providing concurring approval of issuance in an EQR of an interim review were the same, except that the first of these four conditions was modified in light of the differences between an interim review and an audit. Specifically, in an EQR of an interim review, the first condition was "the engagement team failed to perform interim review procedures necessary in the circumstances of the engagement" rather than "the engagement team failed to obtain sufficient appropriate evidence in accordance with the standards of the PCAOB."

Commenters generally believed that the concurring approval of issuance provision was appropriately described, though one recommended excluding the reference to "due professional care" from the EQR standard because AU sec. 230, *Due Professional Care in the Performance of Work*, already imposes an overall requirement on auditors to exercise due professional care. Many commenters, however, were critical of the reproposing release's description of the reproposed requirement. A significant number of commenters objected to, or stated that they disagreed with, the statement in the reproposing release that the requirement to exercise due professional care imposes on the engagement quality reviewer essentially the same requirement as the "knows, or should know based on the requirements of this standard" formulation that was originally proposed. Some suggested that the Board is redefining the meaning of due professional care. One commenter stated that "[a] standard of 'knows, or should know' is akin to a strict liability requirement for engagement deficiencies," while another commenter suggested that the Board "clarify that in this context, 'due professional care' is not a negligence standard."

After considering the comments, the Board is adopting the concurring approval of issuance requirement as reproposed. While auditors are already

²⁹ As included in the reproposed standard, these conditions were: (1) The engagement team failed to obtain sufficient appropriate evidence in accordance with the standards of the PCAOB; (2) the engagement team reached an inappropriate overall conclusion on the subject matter of the engagement; (3) the engagement report is not appropriate in the circumstances; or (4) the firm is not independent of its client.

required to exercise due professional care in discharging their responsibilities, comments, as noted above and in the reproposing release, have reflected some confusion about the applicable standard of care in an EQR. Accordingly, reference to due professional care in the requirement is appropriate.

The Board is not redefining due professional care in the context of the EQR standard. As the Board noted in the reproposing release, AU sec. 230 describes due professional care as "reasonable care and diligence" and makes clear that an auditor who acts negligently, i.e., without "reasonable care and diligence," breaches the duty to exercise due professional care.³⁰ Due professional care, as described in AU sec. 230, imposes neither a strict liability nor an actual knowledge standard. The Board intends the term to mean "reasonable care and diligence," as described in AU sec. 230.

The application of a negligence standard to the concurring approval of issuance provision means, as noted in the reproposing release, that "a reviewer cannot evade responsibility because, as a result of an inadequate review, he or she did not discover a problem that a reasonably careful and diligent review would have revealed."³¹ For that reason, the provision requires the reviewer to perform the required review with due professional care as a prerequisite to providing concurring approval of issuance. A qualified reviewer who has done so will, necessarily, have discovered any significant engagement deficiencies that could reasonably have been discovered under the circumstances. Accordingly, under AS No. 7, such a reviewer may provide concurring approval of issuance if "he or she is not aware of a significant engagement deficiency." Because a reviewer who has not performed the required review with due professional care might not have discovered any significant engagement deficiencies that could reasonably have been discovered under the circumstances—i.e., those the reviewer reasonably should know about—such a reviewer may not,

³⁰ See AU sec. 230.03.

³¹ Of course, to impose the more severe sanctions authorized under the Act, such as a permanent bar or permanent revocation of registration, the Board must establish "(A) intentional or knowing conduct, including reckless conduct, that results in violation of the applicable statutory, regulatory, or professional standard; or (B) repeated instances of negligent conduct, each resulting in a violation of the applicable statutory, regulatory, or professional standard." Section 105(c)(5) of the Act; see also Rules on Investigations and Adjudications, PCAOB Release No. 2003-015, Appendix 2 at A2-76 (September 29, 2003) (discussing Section 105(c)(5)).

consistent with the standard, provide concurring approval of issuance.

Documentation of the EQR

The repropoed standard required the EQR documentation to contain sufficient information to identify: who performed the review, the documents reviewed, whether and when concurring approval of issuance was provided or the reasons for not providing the approval, and the significant discussions held, including the details of such discussions. These provisions were intended to respond to comments expressing concern that the originally proposed documentation requirements were overly detailed and would result in duplication of the engagement team's work. Some commenters reiterated their concerns that some of the repropoed requirements were duplicative of requirements to document the engagement itself or overly burdensome.

The Board continues to believe that it is necessary to strengthen the documentation requirements in the interim standard to provide for an informative record of the work performed during the EQR. At the same time, the Board has reconsidered its approach to the documentation requirement in light of the comments received. As described below, the Board has added a general requirement that places the specific requirements in the context of the overall purpose of EQR documentation—to provide a record of how the reviewer carried out the review in accordance with the standard's requirements.

Specifically, paragraph 19 of AS No. 7 includes a requirement for the engagement documentation to contain sufficient information to enable an experienced auditor,³² having no previous connection with the engagement, to understand the procedures performed by the engagement quality reviewer, and others who assisted the reviewer, to comply with the provisions of the standard.³³ This provision is similar to the audit documentation requirement in paragraph 6 of AS No. 3, and should clarify how the more specific requirements are meant to apply in particular circumstances.

For example, if a reviewer identified a significant engagement deficiency to

be addressed by the engagement team, the engagement team should document its response to the identified deficiency in accordance with AS No. 3. Because AS No. 7 does not require duplication of documentation prepared by the engagement team, the engagement quality reviewer does not have to separately document the engagement team's response. Rather, the EQR documentation should contain sufficient information to enable an experienced auditor, having no previous connection with the engagement, to understand, *e.g.*, the significant deficiency identified, how the reviewer communicated the deficiency to the engagement team, why such matter was important, and how the reviewer evaluated the engagement team's response. Similarly, if the reviewer participated in the discussion of the potential for material misstatement due to fraud,³⁴ and the engagement team documented the discussion in accordance with AS No. 3, AS No. 7 only requires the engagement quality reviewer or reviewer's assistants to prepare separate documentation if the documentation prepared by the engagement team does not contain sufficient information to enable an experienced auditor, having no previous connection with the engagement, to understand the procedures performed by the engagement quality reviewer, and others who assisted the reviewer, to comply with the provisions of AS No. 7.

In response to comments, the Board also considered whether modifications were necessary to the specific requirements. First, the Board received several comments related to the provisions of repropoed paragraph 19.b, which required the EQR documentation to contain information sufficient to identify the documents reviewed. One commenter believed that a reviewer "may feel compelled to engage in an unnecessary review of additional documents in order to compile a more 'complete' list." Conversely, another commenter believed that the reviewer would be discouraged "to inspect one or more documents than he or she otherwise might or should, thus reducing the quality of the EQR." Some commenters suggested clarifying how the documents should be identified as "reviewed" (*i.e.*, electronically or manually), or suggested limiting the scope of paragraph 19.b to "significant documents."

After considering these comments, the Board has decided to include this requirement in AS No. 7. Identifying a document as reviewed by the engagement quality reviewer should not be unduly burdensome, and will provide an informative record. Such a record could provide registered firms, and the Board, with better information about the EQR, which can be used to evaluate and improve the EQR process. The Board believes it is unnecessary to require in the standard a particular document identification method, such as electronic or manual signature. Rather, this should be determined by each firm individually.

Second, a number of commenters believed that the requirement in paragraph 19.c to document details of significant discussions held by the reviewer, and others who assisted the reviewer, would not improve audit quality and that it would be costly to implement. These commenters suggested that the reviewer might not be able to determine whether a discussion is significant at the time a discussion is held and therefore feel compelled to document every discussion. In order to make clear that documentation of every discussion is neither required nor a prudent use of resources, the Board has not included an explicit requirement to document discussions in AS No. 7. As explained above, however, if documentation of a particular discussion is necessary "to enable an experienced auditor, having no previous connection with the engagement, to understand the procedures performed * * * to comply with the provisions of th[e] standard," such documentation is required under the general documentation requirement.

Effective Date

In repropoing the standard, the Board intended to make a final standard effective for EQRs of interim reviews for fiscal years beginning after December 15, 2009 and for EQRs of audits for fiscal years ending on or after December 15, 2009. Several commenters were concerned that the proposed effective date would not allow for sufficient time to train the auditing firm's personnel and implement the new EQR requirements. These commenters recommended that the effective date of the EQR standard be linked to the beginning of an audit period to provide adequate time for registered firms to prepare for adoption. The Board agrees with the concerns expressed by the commenters and has decided to make AS No. 7 effective, subject to SEC approval, for both the EQR of audits and the EQR of interim reviews for fiscal

³² As described in paragraph 6 of AS No. 3, "[a]n experienced auditor has a reasonable understanding of audit activities and has studied the company's industry as well as the accounting and auditing issues relevant to the industry."

³³ Additionally, for clarity of presentation, the Board moved the requirement to include documentation of an EQR in the engagement documentation from paragraph 19 to a new paragraph 20 in AS No. 7.

³⁴ See paragraph .14 of AU sec. 316, *Consideration of Fraud in a Financial Statement Audit*.

years beginning on or after December 15, 2009.

Comparison With Other EQR Standards

Three commenters suggested that the Board provide a comparison between the EQR standard and standards of other standard-setters on this subject. One commenter noted that because issuer clients often represent a minor part of a smaller firm's audit client base, the audit methodology of such a firm may be based on other standards as well as PCAOB standards. In response, the Board has described certain significant differences between the Board's EQR standard and the analogous standards of the International Auditing and Assurance Standards Board ("IAASB")³⁵ and the Auditing Standards Board ("ASB") of the AICPA.³⁶

This comparison is provided for informational purposes only and may not represent the views of the ASB or IAASB regarding the interpretation of their standards. It describes only certain provisions of AS No. 7, and is not a substitute for the EQR standard itself. Compliance with AS No. 7 is required for registered public accounting firms. Compliance with the analogous ASB and IAASB standards is not sufficient to meet the requirements of AS No. 7.

The Board has developed AS No. 7 to enhance the quality of the engagement quality review ("EQR") process by strengthening the provisions of the Board's interim standard.³⁷ Recently, the ASB and IAASB also updated their standards related to the EQR, and the Board considered information in the standards of the ASB and IAASB when developing its new EQR standard. As described in this section, AS No. 7 includes provisions that are similar in terminology and substance to those in the ASB and IAASB standards, and other provisions added as necessary by the Board. For example, the Board included certain provisions in AS No. 7 that are not included in the standards of the ASB or IAASB to: Comply with the requirements of the Act; respond to the feedback received on the interim standard from the Board's Standing

³⁵ International Standard on Quality Control 1, *Quality Control for Firms that Perform Audits and Reviews of Financial Statements, and Other Assurance and Related Services Engagements*, and International Standard on Auditing 220, *Quality Control for an Audit of Financial Statements*, issued in December 2008.

³⁶ AICPA, Statement on Quality Control Standards No. 7, *A Firm's System of Quality Control* (October 2007).

³⁷ The Securities and Exchange Commission Practice Section ("SECP") of the AICPA Requirements of Membership Sections 1000.08(f); 1000.39, Appendix E.

Advisory Group ("SAG") and information obtained through PCAOB oversight of registered firms; and to ensure consistency of the provisions of AS No. 7 with the provisions and terminology of other relevant standards of the PCAOB.

Some of the provisions of the IAASB standards described in this section are included in the "Application and Other Explanatory Material" section of these standards. That section "does not in itself impose a requirement," but "is relevant to the proper application of the requirements of an ISA."³⁸ In contrast, the comparable provisions of AS No. 7 are included in the standard, and establish requirements.

Applicability

PCAOB

Section 103 of the Act requires the Board to adopt an EQR standard for audit engagements.³⁹ Because of the importance of interim financial information to investors, the Board has decided to include a requirement to perform an EQR for reviews of interim financial information performed in accordance with AU section ("sec.") 722, *Interim Financial Information*, ("interim reviews") in the EQR standard. Accordingly, AS No. 7 requires an EQR and concurring approval of issuance for each audit engagement and for each interim review engagement conducted pursuant to the standards of the PCAOB.⁴⁰

ASB

SQCS No. 7 does not require an EQR for any type of engagement. Accounting firms should determine whether an EQR is required for any engagement.⁴¹

IAASB

ISQC 1 requires an EQR only for audits of financial statements of listed entities. Accounting firms should determine whether an EQR is required for any other engagements.⁴²

Qualifications of a Reviewer

PCAOB

Associated Person—In order to obtain cooperation with the Board of the individuals that perform an EQR,⁴³ the

Board included in AS No. 7 a requirement, according to which the engagement quality reviewer must be an associated person of a registered public accounting firm.⁴⁴

A Reviewer from Outside the Firm—Similar to the standards of the ASB and IAASB, AS No. 7 allows a qualified individual from outside the firm to perform an EQR.⁴⁵

Partner or Person in an Equivalent Position—Because the EQR is intended to be an objective "second look" at work performed by the engagement team, the reviewer should possess sufficient authority to be able to withstand pressure from the engagement partner or other firm personnel, such as members of the firm's national office. The Board believes that concerns about authority will most often arise when the reviewer and the engagement partner are from the same firm. Therefore, the Board included in AS No. 7 the requirement that an in-house reviewer—but not one from outside the firm—be a partner or another individual in an equivalent position.⁴⁶

General Competence Requirement—The Board included in AS No. 7 a requirement for the reviewer to possess the level of knowledge and competence related to accounting, auditing, and financial reporting required to serve as the engagement partner on the engagement under review.⁴⁷ Without such knowledge and competence, the reviewer would not be able to appropriately evaluate the significant judgments made and related conclusions reached by the engagement team in an audit or an interim review.

Independence, Integrity, and Objectivity—The reviewer must comply with all applicable independence requirements,⁴⁸ and perform the review

including those who become associated with the firm by performing the review. The Board also may directly sanction any such person who fails to cooperate in an investigation or inspection. See Section 105(b)(3) of the Act and PCAOB Rules 5110 and 4006.

⁴⁴ See paragraph 3 of AS No. 7.

⁴⁵ See *id.*

⁴⁶ See *id.*

⁴⁷ See paragraph 5 of AS No. 7. PCAOB interim quality control standards describe the competencies required of a person who has the overall responsibility for an engagement (or any practitioner-in-charge of an attest engagement). See QC sec. 40, *The Personnel Management Element of a Firm's System of Quality Control-Competencies Required by a Practitioner-in-Charge of an Attest Engagement*.

⁴⁸ See, e.g., Rule 2-01(c)(6) of Regulation S-X, 17 CFR 210.2-01(c)(6) (subjecting the engagement quality reviewer to the five-year partner rotation requirement).

³⁸ See paragraph A59 of ISA 200, *Overall Objectives of the Independent Auditor and the Conduct of an Audit in Accordance with International Standards on Auditing*.

³⁹ See Section 103(a)(2)(A)(ii) of the Act.

⁴⁰ See paragraph 1 of AS No. 7.

⁴¹ See paragraphs 80-81 and 83 of SQCS No. 7.

⁴² See paragraphs 35(a)-(b) of ISQC 1.

⁴³ A registered public accounting firm has an obligation to secure and enforce consents to cooperate with the Board from each associated person of the firm, see Section 102(b)(3) of the Act,

with integrity and objectivity.⁴⁹ The engagement quality reviewer should be able to take a step back and conduct the review from the perspective of an outsider looking in.

Accordingly, AS No. 7 requires that the firm's quality control policies and procedures should include provisions to provide the firm with reasonable assurance that the engagement quality reviewer has sufficient competence, independence, integrity, and objectivity to perform the engagement quality review in accordance with the standards of the PCAOB.⁵⁰ As described later, the ASB and IAASB contain similar provisions, except the standards of IAASB do not include the direction on independence for the reviewer.

While AS No. 7 does not contain the direction included in the standards of ASB and IAASB that the firm's policies and procedures should establish the degree to which a reviewer can be consulted on the engagement without compromising his or her objectivity,⁵¹ or provide for the replacement of the reviewer when the reviewer's ability to perform an objective review has been, or may be, impaired,⁵² such direction is implicit in the requirement of AS No. 7 that a reviewer must maintain objectivity in performing the EQR.⁵³ Importantly, AS No. 7 provides direction on maintaining objectivity, according to which the engagement quality reviewer and others who assist the reviewer should not make decisions on behalf of the engagement team or assume any of the responsibilities of the engagement team.⁵⁴

"Cooling-off" period—An engagement quality reviewer is expected to take a fresh, objective look at the engagement. The Board believes that it would be harder for an engagement partner, who has had overall responsibility for the audit for a year or more, to perform the EQR with the necessary level of objectivity. Accordingly, AS No. 7 includes a requirement, according to which the reviewer may not be the person who served as the engagement partner during either of the two audits preceding the audit subject to the EQR. (Registered firms that qualify for the exemption under Rule 2-01(c)(6)(ii) of Regulation S-X, 17 CFR 210.2-

01(c)(6)(ii), are exempt from this requirement.)⁵⁵

ASB

SQCS No. 7 requires an auditing firm to establish the engagement quality reviewer qualifications, including those related to experience, authority, and objectivity.⁵⁶ SQCS No. 7 describes the engagement quality reviewer as a partner, other person in the firm, qualified external person, or a team made up of such individuals, none of whom is part of the engagement team, with sufficient and appropriate experience and authority to perform the EQR.⁵⁷ According to SQCS No. 7, what constitutes sufficient and appropriate technical experience, and authority depends on the circumstances of the engagement.⁵⁸

SQCS No. 7 does not include a "cooling-off" period, or a requirement for the reviewer to be an associated person of a registered public accounting firm.

Similar to AS No. 7, SQCS No. 7 requires that the firm establish policies and procedures designed to maintain the objectivity of the reviewer, and that such policies and procedures provide that the reviewer should satisfy the independence requirements relating to the engagements reviewed.⁵⁹ Unlike AS No. 7, SQCS No. 7 does not provide a specific direction on maintaining objectivity. Instead, SQCS No. 7 provides examples of policies and procedures for maintaining the objectivity of the reviewer.⁶⁰

IAASB

ISQC 1 requires an auditing firm to establish the engagement quality reviewer qualification requirements, including those related to experience, authority, and objectivity.⁶¹ The engagement quality reviewer is described as a partner, other person in the firm, suitably qualified external person, or a team made up of such individuals, none of whom is part of the engagement team, with sufficient and appropriate experience and authority to objectively evaluate the significant judgments the engagement team made and the conclusions it reached in formulating the report.⁶² The application materials in ISQC 1 state that what constitutes sufficient and

appropriate technical expertise, experience and authority depends on the circumstances of the engagement.⁶³

ISQC 1 and ISA 220 do not include reviewer independence or "cooling-off" requirements, or a requirement for the reviewer to be an associated person of a registered public accounting firm.

Similar to AS No. 7, ISQC 1 requires that the firm establish policies and procedures designed to maintain the objectivity of the reviewer.⁶⁴ Unlike AS No. 7, the IAASB standards do not provide specific direction on maintaining objectivity. Instead, the application materials of ISQC 1 discuss policies and procedures for maintaining the objectivity of the reviewer.⁶⁵

Engagement Quality Review for an Audit:

Engagement Quality Review Process

PCAOB

Similar to the standards of the ASB and IAASB, AS No. 7 requires the reviewer to evaluate the significant judgments made and the related conclusions reached by the engagement team in forming the overall conclusion on the engagement and in preparing the engagement report; and to carry out the review through discussions with those performing the engagement and the review of documentation.⁶⁶

Further, AS No. 7 specifically requires the reviewer, among other things, to evaluate:

- The significant judgments that relate to engagement planning;⁶⁷
- The engagement team's assessment of and audit responses to significant risks, including fraud risks;⁶⁸ and
- The significant judgments made about identified misstatements and control deficiencies.⁶⁹

Also, AS No. 7 contains a requirement, similar to a requirement for audits of listed entities in ISA 220, according to which the reviewer, based on the procedures required by the standard, should evaluate whether appropriate consultations have taken place on difficult or contentious matters, and review the documentation, including conclusions, of such consultations.⁷⁰

According to PCAOB Rule 3520, *Auditor Independence*, "[a] registered

⁴⁹ See ET sec. 102, *Integrity and Objectivity*, and ET sec. 191, *Ethics Rulings on Independence, Integrity, and Objectivity*.

⁵⁰ See paragraph 4 of AS No. 7.

⁵¹ See paragraph 96 of SQCS No. 7; paragraph 39(b) of ISQC 1.

⁵² See paragraph 97 of SQCS No. 7; paragraph 41 of ISQC 1.

⁵³ See paragraph 6 of AS No. 7.

⁵⁴ See paragraph 7 of AS No. 7.

⁵⁵ See paragraph 8 of AS No. 7.

⁵⁶ See paragraphs 92-94 of SQCS No. 7.

⁵⁷ See paragraph 5.e of SQCS No. 7.

⁵⁸ See paragraph 93 of SQCS No. 7.

⁵⁹ See paragraph 94 of SQCS No. 7.

⁶⁰ See paragraph 95 of SQCS No. 7.

⁶¹ See paragraphs 39 and 40 of ISQC 1.

⁶² See paragraph 12(e) of ISQC 1; paragraph 7(c) of ISA 220.

⁶³ See paragraph A47 of the Application and Other Explanatory Materials of ISQC 1.

⁶⁴ See paragraph 40 of ISQC 1.

⁶⁵ See paragraph A49 of the Application and Other Explanatory Materials of ISQC 1.

⁶⁶ See paragraph 9 of AS No. 7.

⁶⁷ See paragraph 10.a of AS No. 7.

⁶⁸ See paragraph 10.b of AS No. 7.

⁶⁹ See paragraph 10.c of AS No. 7.

⁷⁰ See paragraph 10.h of AS No. 7.

public accounting firm and its associated persons must be independent of the firm's audit client throughout the audit and professional engagement period." Because of the importance of compliance with PCAOB and SEC independence requirements, AS No. 7 requires the reviewer to review the engagement team's evaluation of the firm's independence in relation to the engagement.⁷¹

In 2004, the Board adopted Auditing Standard No. 3, *Audit Documentation* ("AS No. 3"). According to paragraph 13 of AS No. 3, the auditor must identify all significant findings or issues in an engagement completion document. AS No. 7 requires the reviewer to review the engagement completion document and confirm with the person who has overall responsibility for the engagement that there are no significant unresolved matters.⁷²

Similar to the standards of the ASB and IAASB, AS No. 7 requires the reviewer to review the financial statements and the related engagement report.⁷³ Additionally, because an integrated audit includes an audit of internal control over financial reporting,⁷⁴ AS No. 7 requires the reviewer to review management's report on internal control.⁷⁵

An issuer may publish various documents that contain information in addition to audited financial statements and the auditor's report thereon. The auditor is required to read the other information and consider whether such information, or the manner of its presentation, is materially inconsistent with information, or the manner of its presentation, appearing in the financial statements.⁷⁶ Accordingly, AS No. 7 requires the reviewer to read other information in documents containing the financial statements to be filed with the SEC and evaluate whether the engagement team has taken appropriate action with respect to any material inconsistencies with the financial statements or material misstatements of fact of which the engagement quality reviewer is aware.⁷⁷

Finally, because of the importance to the audit process of effective communication between the auditor and those charged with governance, AS No. 7 requires the reviewer, based on the procedures required by the standard, to evaluate whether appropriate matters have been communicated, or identified for communication, to the audit committee, management, and other parties, such as regulatory bodies.⁷⁸

ASB

Similar to AS No. 7, SQCS No. 7 requires that the EQR procedures include an objective evaluation of the significant judgments made by the engagement team and the conclusions reached in formulating the report.⁷⁹ The EQR performed in accordance with SQCS No. 7 should include: reading the financial statements or other subject matter information and the report and considering whether the report is appropriate; review of selected documentation; and a discussion with the engagement partner regarding significant findings and issues.⁸⁰

In addition to the required procedures summarized in the preceding paragraph, an EQR performed in accordance with SQCS No. 7 may include consideration of certain other matters, examples of which are provided in the standard. SQCS No. 7 also provides examples of significant judgments that could be made by the engagement team.⁸¹

IAASB

The EQR procedures required by the standards of the IAASB are similar to those required by the ASB.⁸² Additionally, for audits of listed entities, the IAASB standards require the reviewer to consider: the engagement team's evaluation of the firm's independence in relation to the engagement; and whether appropriate consultation has taken place on matters involving differences of opinion or other difficult or contentious matters, and the conclusions arising from those consultations.⁸³

Evaluation of Engagement Documentation

PCAOB

AS No. 7 includes a documentation review requirement that is similar to the requirement for audits of listed entities

in the IAASB standards. According to AS No. 7, the reviewer should evaluate whether the engagement documentation that he or she reviewed when performing the required EQR procedures indicates that the engagement team responded appropriately to significant risks and supports the conclusions reached by the engagement team with respect to the matters reviewed.⁸⁴

ASB

Unlike AS No. 7, SQCS No. 7 does not require the reviewer to evaluate whether the engagement documentation satisfies certain criteria. Instead, SQCS No. 7 states that an EQR may include consideration of whether working papers selected for review reflect the work performed in relation to the significant judgments and support the conclusions reached.⁸⁵

IAASB

Similar to AS No. 7, the IAASB standards require, for audits of financial statements of listed entities, that the reviewer consider whether audit documentation selected for review reflects the work performed in relation to the significant judgments and supports the conclusions reached.⁸⁶

Concurring Approval of Issuance and Resolution of Differences of Opinion

PCAOB

Under the Act,⁸⁷ the Board's standard on EQR must require concurring approval of issuance of each audit report. AS No. 7 states that the engagement quality reviewer may provide concurring approval of issuance only if, after performing with due professional care the review required by the standard, he or she is not aware of a significant engagement deficiency.⁸⁸ The firm may grant permission to the client to use the engagement report only after the engagement quality reviewer provides concurring approval of issuance.⁸⁹

Unlike the standards of the ASB and IAASB, AS No. 7 does not include an

⁷¹ See paragraph 10.d of AS No. 7.

⁷² See paragraph 10.e of AS No. 7.

⁷³ See paragraph 10.f of AS No. 7.

⁷⁴ PCAOB Auditing Standard No. 5, *An Audit of Internal Control Over Financial Reporting That Is Integrated with An Audit of Financial Statements* establishes requirements and provides direction that apply when an auditor is engaged to perform an audit of management's assessment of the effectiveness of internal control over financial reporting.

⁷⁵ See paragraph 10.f of AS No. 7.

⁷⁶ See AU sec. 550, *Other Information in Documents Containing Audited Financial Statements*.

⁷⁷ See paragraph 10.g of AS No. 7.

⁷⁸ See paragraph 10.i of AS No. 7.

⁷⁹ See paragraph 85 of SQCS No. 7.

⁸⁰ See paragraphs 86 and 87 of SQCS No. 7.

⁸¹ See paragraphs 88 and 89 of SQCS No. 7.

⁸² See paragraph 37 of ISQC 1; paragraph 20 of ISA 220.

⁸³ See paragraphs 38(a) and 38(b) of ISQC 1; paragraphs 21(a) and 21(b) of ISA 220.

⁸⁴ See paragraph 11 of AS No. 7.

⁸⁵ See paragraph 88 of SQCS No. 7.

⁸⁶ See paragraph 38(c) of ISQC 1; paragraph 21(c) of ISA 220.

⁸⁷ See Section 103(a)(2)(A)(ii) of the Act.

⁸⁸ According to paragraph 12 of AS No. 7, "A significant engagement deficiency in an audit exists when (1) the engagement team failed to obtain sufficient appropriate evidence in accordance with the standards of the PCAOB, (2) the engagement team reached an inappropriate overall conclusion on the subject matter of the engagement, (3) the engagement report is not appropriate in the circumstances, or (4) the firm is not independent of its client."

⁸⁹ See paragraph 13 of AS No. 7.

explicit provision for addressing differences of opinion. Firms may develop their own procedures for resolving such differences. Ultimately, however, under the standard, the reviewer may not provide concurring approval of issuance if there remains a significant engagement deficiency. If no concurring approval is provided, AS No. 7 requires that the EQR documentation include information that identifies the reasons for not providing the approval.

ASB

SQCS No. 7 does not include a requirement for the engagement quality reviewer to provide concurring approval of issuance. Instead, SQCS No. 7 requires the EQR be completed before the engagement report is released.⁹⁰ According to SQCS No. 7, when the engagement quality reviewer makes recommendations that the engagement partner does not accept and the matter is not resolved to the reviewer's satisfaction, the firm's procedures for dealing with differences of opinion apply.⁹¹ The firm's policies and procedures should require that conclusions reached be documented and implemented, and the engagement report not be released until the matter, on which the difference of opinion has arisen, is resolved.⁹²

IAASB

The standards of the IAASB do not include a requirement for the engagement quality reviewer to provide concurring approval of issuance. Instead, the IAASB standards require that the engagement partner should not date the auditor's report until the completion of the EQR.⁹³ If differences of opinion arise between the engagement partner and the engagement quality reviewer, ISA 220 requires the engagement team to follow the firm's policies and procedures for dealing with and resolving differences of opinion.⁹⁴ ISQC 1 requires the firm to establish policies and procedures for dealing with and resolving differences of opinion between the engagement partner and the engagement quality reviewer. Such policies and procedures shall require that conclusions reached be documented and implemented, and the report not be dated until the matter is resolved.⁹⁵

⁹⁰ See paragraph 81 of SQCS No. 7.

⁹¹ See paragraph 91 of SQCS No. 7.

⁹² See paragraph 78 of SQCS No. 7.

⁹³ See paragraph 36 of ISQC 1; paragraph 19(c) of ISA 220.

⁹⁴ See paragraph 22 of ISA 220.

⁹⁵ See paragraphs 43–44 of ISQC 1.

Documentation of an EQR

PCAOB

Because of deficiencies in the documentation of concurring reviews, the Board decided to strengthen the existing documentation requirements. AS No. 7 requires that documentation of an EQR should contain sufficient information to enable an experienced auditor, having no previous connection with the engagement, to understand the procedures performed by the engagement quality reviewer, and others who assisted the reviewer, to comply with the provisions of the standard, including information that identifies: The engagement quality reviewer, and others who assisted the reviewer; the documents reviewed by the engagement quality reviewer and others who assisted the reviewer; and the date the engagement quality reviewer provided concurring approval of issuance or, if no concurring approval of issuance was provided, the reasons for not providing the approval.⁹⁶

Unlike the standards of the ASB or the IAASB, AS No. 7 requires that the documentation of an EQR be included in the engagement documentation and provides requirements related to retention of and subsequent changes to the EQR documentation.⁹⁷

ASB

According to SQCS No. 7, the documentation of an EQR should state that the procedures required by the firm's policies on EQR have been performed, the EQR has been completed before the report is released, and the reviewer is not aware of any unresolved matters that would cause the reviewer to believe that the significant judgments the engagement team made and the conclusions they reached were not appropriate.⁹⁸

SQCS No. 7 requires that the firm should: Establish procedures designed to maintain the confidentiality, safe custody, integrity, accessibility, and retrievability of engagement documentation; and establish policies and procedures for the retention of engagement documentation for a period sufficient to meet the needs of the firm, professional standards, laws, and regulations.⁹⁹

IAASB

The engagement quality reviewer is required to document that the procedures required by the firm's

⁹⁶ See paragraph 19 of AS No. 7.

⁹⁷ See paragraphs 20–21 of AS No. 7.

⁹⁸ See paragraph 99 of SQCS No. 7.

⁹⁹ See paragraphs 63–71 of SQCS No. 7.

policies on the EQR have been performed, the EQR has been completed on or before the date of the auditor's report, and the reviewer is not aware of any unresolved matters that would cause the reviewer to believe that the significant judgments the engagement team made and the conclusions they reached were not appropriate.¹⁰⁰

ISQC 1 requires that the firm should establish policies and procedures related to the completion of the assembly of final engagement files; confidentiality, safe custody, integrity, accessibility and retrievability of engagement documentation; and retention of engagement documentation.¹⁰¹

III. Date of Effectiveness of the Proposed Rules and Timing for Commission Action

Within 75 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Board consents, the Commission will:

- (a) by order approve such proposed rules; or
- (b) institute proceedings to determine whether the proposed rules should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule is consistent with the requirements of Title I of 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/pcaob.shtml>); or
- Send an e-mail to: rule-comments@sec.gov. Please include File Number PCAOB–2009–02 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 PCAOB–2009–02. This file number should be included on the

¹⁰⁰ See paragraph 42 of ISQC 1; paragraph 25 of ISA 220.

¹⁰¹ See paragraphs 45–47 of ISQC 1.

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/pcaob/shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule that are filed with the Commission, and all written communications relating to the proposed rule 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, 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 PCAOB. All comments received will be posted without change; we do 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. PCAOB-2009-02 and should be submitted on or before November 27, 2009.

By the Commission.

Elizabeth M. Murphy,
Secretary.

[FR Doc. E9-26659 Filed 11-4-09; 8:45 am]
BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-60902; File No. SR-ISE-2009-83]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Clarify the Definition of "Narrow-Based Index"

October 29, 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 October 19, 2009, the International Securities Exchange, LLC (the "Exchange" or the "ISE") 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. The Exchange has filed the proposal as

a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act³ 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

The Exchange proposes to amend ISE Rule 2001(i) by clarifying the definition of "industry index" and "narrow-based index" to include indices having component securities that are all headquartered within a single country. 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 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 self-regulatory organization 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

This proposed rule change is based on a filing previously submitted by NASDAQ OMX PHLX, Inc ("PHLX") that was effective on filing.⁵

ISE proposes to amend Rule 2001, which defines the terms "industry index" and "narrow-based index" to mean "an index designed to be representative of a particular industry or a group of related industries," to also accommodate an index having component securities that are all headquartered within a single country to be listed as a narrow-based index pursuant to Exchange rules. This would enable options based on an index, including companies all headquartered within a single country, to be rightfully

considered as a generic narrow-based index for purposes of listing on the Exchange and trading.

The listing and trading of index options on the Exchange is generally conditioned on the ability to meet the rule requirements for narrow-based and broad-based indexes.⁶ More particularly regarding narrow-based indexes, Rule 2002(b) states that the Exchange may trade options on an underlying index pursuant to Rule 19b-4(e) of the Act⁷ where all of the noted conditions noted are satisfied.⁸ Indeed, the Exchange has, and continues to, list and trade options on narrow-based indexes based on industries or a group of related industries that are located within various countries. These options are traded pursuant to the Exchange's index option trading rules.⁹

With the Exchange's interpretation of Rule 2001(i) as discussed herein, the Exchange proposes to list and trade options, pursuant to Rule 2002(b), on an index(es) that has component securities, which are all headquartered within a single country. The Exchange represents that, in all other material aspects, options on the underlying narrow-based index would be required to satisfy all other requirements for generic listing and trading pursuant to Rule 2002(b) and options on such indexes would be traded pursuant to the Exchange's trading rules.¹⁰ The proposed rule

⁶ A "broad-based index" or "market index" is defined in ISE Rule 2001(j) as an index designed to be representative of a stock market as a whole or of a range of companies in unrelated industries.

⁷ The Chicago Board Options Exchange and PHLX have the same ability pursuant to their own rules.

⁸ These include the index is capitalization-weighted, price-weighted, modified capitalization-weighted or equal dollar-weighted, and consists of ten or more component securities; each component security has a market capitalization of at least \$75 million, except that for each of the lowest weighted component securities in the index that in the aggregate account for no more than 10% of the weight of the index; the market capitalization is at least \$50 million; and trading volume of each component security has been at least one million shares for each of the last six months, except that for each of the lowest weighted component securities in the index that in the aggregate account for no more than 10% of the weight of the index, trading volume has been at least 500,000 shares for each of the last six months. See Rule 2002(b)(1)-(12) for all of the conditions [sic].

⁹ See Chapter 20 (index options trading rules). See also Chapters 1 through 19 (general options trading rules).

¹⁰ See *id.* The trading rules include, among other things, position limits, exercise limits and terms of options contracts (Rules 2005, 2007 and 2009). See also Securities Exchange Act Release No. 48405 (August 25, 2003), 68 FR 52257 (September 2, 2003) (Order Approving Proposed Rule Change and Amendment No. 1 by the International Securities Exchange, Inc. Relating to the Establishment of Trading Rules for Index Options and Generic Listing and Maintenance Standards for Narrow-Based Index Options).

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b-4(f)(6).

⁵ See Exchange Act Release No. 60150 (June 19, 2009), 74 FR 30658 (June 26, 2009) (SR-Phlx-2009-35).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

change simply seeks to clarify that the generic listing and trading standards would cover an index that otherwise qualifies as a "narrow-based index," with the exception that the component securities of the index are all headquartered within a single country.

The Exchange represents that its existing surveillance procedures applicable to trading in options will be adequate to properly monitor the trading in options on these narrow-based indexes.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act")¹¹ and the rules and regulations thereunder and, in particular, the requirements of Section 6(b) of the Act.¹² Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹³ 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 clarifying the term "narrow-based index" also accommodates an index having component securities that are all headquartered within a single country.

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 significantly affect the protection of investors or the public interest, does not impose any significant burden on competition, and, by its terms, does not become operative for 30

days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)¹⁴ of the Act and Rule 19b-4(f)(6)¹⁵ thereunder. The Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing the proposed rule change.

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-2009-83 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-2009-83. 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 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-2009-83 and should be submitted on or before November 27, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

Florence E. Harmon,
Deputy Secretary.

[FR Doc. E9-26588 Filed 11-4-09; 8:45 am]

BILLING CODE 8011-01-P

DEPARTMENT OF STATE

[Public Notice 6799]

Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: The Benjamin Franklin Transatlantic Fellows Summer Institute (Europe and Eurasia) and the Benjamin Franklin Summer Institute With Asia (Central and South Asia)

Announcement Type: New Grant.
Funding Opportunity Number: ECA/PE/C/PY-10-03.

Catalog of Federal Domestic Assistance Number: 19.415.

Application Deadline: January 6, 2010.

Executive Summary: The Office of Citizen Exchanges, Youth Programs Division, of the Bureau of Educational and Cultural Affairs (ECA) announces an open competition for two grants for summer institutes for youth. Public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3), including accredited, post-secondary U.S. educational institutions, may submit proposals to provide a three- to four-week U.S.-based institute for one of the two institute options in the summer of 2010 for up to 45 teenagers aged 16-18. One institute—the Benjamin Franklin Transatlantic Fellows Summer Institute—is for participants from Europe, the European

¹¹ 15 U.S.C. 78s(b)(1). [sic]

¹² 15 U.S.C. 78(f)(b). [sic]

¹³ 15 U.S.C. 78(f)(b)(5).

¹⁴ 15 U.S.C. 78s(b)(3)(A).

¹⁵ 17 CFR 240.19b-4(f)(6).

¹⁶ 17 CFR 200.30-3(a)(12).

countries of Eurasia, and the United States. The other institute—the Benjamin Franklin Summer Institute with Asia—is for participants from Afghanistan, Pakistan, Tajikistan, Turkmenistan, Uzbekistan, and the United States. U.S. Embassies in all the participating countries will select the foreign participants, and the U.S. grant recipients will select the American participants. Both institutes will focus on leadership development, critical thinking, diplomacy, community activism, and the media as ways that young adults can unite around their common goals. Support for individual or small group follow-on projects in the home communities of the exchange alumni will complete the program.

I. Funding Opportunity Description

Authority: Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is “to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.” The funding authority for the program above is provided through legislation.

Purpose: These institutes aim to foster relationships among the younger generation to build strong linkages and an awareness of shared values and to enable youth to face together the global challenges of the 21st Century. Through these institutes, diverse but intellectually curious students aged 16 to 18 will participate in an intensive, three- to four-week exchange program in the United States. Participants will be engaged in a variety of activities such as training sessions, workshops, community and/or school-based programs, and cultural events. Participants will work together to prepare joint projects that present and promote the Institutes’ stated goals and objectives.

Goals: The goals of the Benjamin Franklin Institutes are (1) to develop a sense of civic responsibility and a commitment to cooperation among youth; (2) to foster relationships among youth from different ethnic, religious, and national groups; (3) to promote

mutual understanding between the people of the United States and other countries; and (4) to develop a cadre of young leaders who will share their knowledge and skills with their peers through positive action.

With the specific focus of these institutes, the following outcomes will indicate a successful project:

- Participants from abroad will demonstrate an improved understanding of the United States and its people, and the American students will better understand the interests of the people of the participating countries.
- Participants will work together to identify and overcome misunderstanding or lack of understanding among nations both during the institute and after they return to their homes.
- Participants will develop critical thinking skills that will enable them to judge how effectively and accurately information is conveyed.
- Participants will demonstrate a better understanding of international relations and issues.
- Participants will gain an understanding of the roles of the media and public perceptions in diplomacy and global issues.

The Benjamin Franklin Transatlantic Fellows Summer Institute began in 2006 to honor the 300th anniversary of the birth of Benjamin Franklin, the legendary American statesman and diplomat, whose career, interests, and studies took him across the Atlantic Ocean, bringing about greater understanding between Americans and Europeans. His life offers inspiration to young citizens of today. As a diplomat and a printer, he used the power of diplomacy and the media to increase the exchange of information between Americans and the people of other countries. In this light, the earlier Summer Institutes guided participants to examine what we need to know about each other to communicate better and to face the many challenges of the 21st Century together. The Institutes also explored how young people interact with media, both as consumers and producers of information, and how freedom of expression both provides rights to, and imposes responsibilities on citizens.

The Bureau is now offering the opportunity to explore these themes to new delegations of youth by continuing its Benjamin Franklin Transatlantic Fellows Institute for European, Eurasians, and Americans, and by creating a new Institute for Fellows from Central Asia, South Asia, and the United States. The structure and themes

will be similar; specific differences are outlined below.

Each Institute will take place on a U.S. university or college campus, or at a similar venue. Ideally, the venue selected will be on or near a campus with a European or Asian Studies center, as appropriate. For a portion of the Institute, the Fellows will be housed together at a dormitory on campus, because living together will facilitate greater cooperation on the project and training. For at least ten days of the Institute, all Fellows will have homestays with local families.

Organizations or institutions may apply to implement only one of the two Institutes. If more than one proposal is received from an applicant, all of its proposals will be disqualified. Please clearly identify the Institute for which you are applying and outline the specific reasons why the application institution is qualified to work with participants from the selected region (Europe/Eurasia or Central/South Asia).

Institute A: Benjamin Franklin Transatlantic Fellows Summer Institute (Europe and the European Countries of Eurasia)

The Benjamin Franklin Transatlantic Fellows Summer Institute will be designed for up to 45 students ages 16–18 from Europe, the European countries of Eurasia, and the United States. One or two students will come from each participating country, except for the United States, which will have ten representatives. U.S. Embassies that wish to participate will screen and select the overseas participants from a pool of students with whom they have contact. All countries of Europe and the European countries of Eurasia will be eligible to nominate participants; the State Department will be responsible for the final selection of participants and the countries they will represent. U.S. Embassies will arrange and pay for the Europeans’ international travel to and from the United States. The grant recipient will be responsible for recruiting and selecting the American participants from across the United States. All students will be able to participate fully in English.

The grant recipient should arrange for highly qualified mentors for the Fellows during the course of the Institute, and for follow-on activities; the mentors may also serve as trainers or instructors, as appropriate. The grantee organization will arrange for adult chaperones for select transatlantic flights (*e.g.*, Frankfurt to the institute site), and adult staff should be available to support the participants during the course of the Institute.

A study trip to Washington, DC must be included either during the Institute or at the end. The State Department will organize one day of activities and the grant recipient will arrange other activities in Washington that offer insight into leadership, diplomacy, and the media. A side trip to Philadelphia to visit key sites connected to Benjamin Franklin's legacy is recommended. The Institute may take place in one or two communities (including, or in addition to the study trip) and should offer the participants exposure to the variety of American life.

Institute B: Benjamin Franklin Summer Institute With Asia (Central and South Asia)

The Benjamin Franklin Summer Institute With Asia will be designed for up to 45 students ages 16–18 from five countries in South and Central Asia and from the United States. Seven students will come from each participating country: Afghanistan, Pakistan, Tajikistan, Turkmenistan, and Uzbekistan. They will be joined by ten students from the United States. U.S. Embassies will screen and select the overseas participants, and will arrange and pay for the Asian participants' international travel to and from the United States. The grant recipient will be responsible for recruiting and selecting the American participants from across the United States, and for their travel to the Institute. All students will be able to participate fully in English.

The grant recipient should arrange for highly qualified mentors for the Fellows during the course of the Institute and for follow-on activities; the mentors may also serve as trainers or instructors as appropriate. Adult staff should be available to support the participants during the course of the Institute. The U.S. embassies will arrange for adult chaperones for the international travel.

For both Institutes:

Program content: The Institute should focus primarily on the exploration of global issues through interactive activities, practical experiences, and other hands-on opportunities, through which the participants will learn more about democratic practices, volunteer service, conflict resolution, critical thinking, tolerance and respect for diversity, youth leadership, and the media. In addition to the American Fellows, program activities should engage American teenagers wherever possible. Cultural and recreational activities will balance the schedule.

Before and during the Institute, students will gather information on young adults' views about one or two

areas of common or global interest, such as sustainable development, inter-ethnic cooperation, or human rights. They will also identify and address stereotypes they hold of others. The students will gather information via the Internet and various forms of the media, through interviews with their contemporaries and with experts—including academics and diplomats—and by other methods, such as designing and conducting a survey. The grant recipient should be prepared to guide some of these pre-program and on-program activities.

Increasingly young people have come to rely upon mass communication—the use of words, sounds, and images by a few to inform, educate, entertain and persuade the many—to learn about the world they inhabit. Mass media not only supplies factual information, it also expresses cultural preferences, promotes value systems, and fuels commerce through advertising and product placement. The program should provide the participants with a new perspective on their learning, networking, perceptions of each other, the communities they live in, and the broader media culture.

Training will focus on developing a critical reading of printed, broadcast, and electronic media. The students should increase their awareness of the levels of communication in news and popular media, to be able to judge the content and accuracy for themselves. Training will cover communication skills, problem solving, and team building.

Finally, students will design simple educational materials, an outreach campaign, a newsletter, or another type of project that enables the Fellows to share the content of their discussions with their peers.

The participants will take part in at least one community service activity during the U.S. program to demonstrate American volunteerism. The program should provide context for the participants to undertake the service activity—identifying community needs, the nature of volunteerism, charitable giving, *etc.*—and a debriefing so that the service activity is not an isolated event and to help participants see how they can apply the experience at home.

In addition to this community service, the participants will present and test the educational materials or outreach described above. Upon their return home, participants will develop, test, and present the materials with audiences in their home countries.

Guidelines:

Pending the availability of funds, the grants will begin on or about April 15, 2010. Applicants should propose a

three- to four-week U.S. institute that will take place between late June and late August 2010. The grant period will be approximately 12 months in duration, as appropriate to the program design.

The grant recipient will be responsible for the following:

- Recruitment, screening, and selection of American participants, ages 16–18, representing the diversity of the United States.
- The designing and planning of a substantive program in the United States that promotes international dialogue on key global issues, critical thinking, democracy and tolerance, media analysis, leadership development, civic education, and community service. Some activities should be school and/or community-based, as feasible, and the projects will involve as much interaction with American peers, even beyond those directly participating in the Institute, as possible.
- Logistical arrangements, properly screened host family arrangements, other accommodations, disbursement of stipends/per diem, local travel, and travel between sites.
- Monitoring of the participants' safety and well-being while at the institute.
- Follow-on activities in the participants' home countries designed to reinforce the ideas, values, and skills imparted during the U.S. program.

Applicant organizations must demonstrate their capacity for doing projects of this nature, focusing on three areas of competency: (1) Provision of programs that address the goals and themes outlined in this document; (2) age-appropriate programming for youth; and (3) previous experience in working in Europe/Eurasia or Central/South Asia, as appropriate. Applicant organizations should be able to help U.S. embassies support follow-on activities for the alumni of the U.S.-based Institutes.

Proposals must demonstrate how the stated objectives will be met. The proposal narrative should provide detailed information on how the major program activities will be implemented, and applicants should explain and justify their programmatic choices. Programs must comply with J–1 visa regulations for the International Visitor category. Please be sure to refer to the complete Solicitation Package—this RFGP, the Project Objectives, Goals, and Implementation (POGI), and the Proposal Submission Instructions (PSI)—for further information.

II. Award Information

Type of Award: Grant Agreement.

Fiscal Year Funds: FY-2010.

Approximate Total Funding:
\$424,000.

Number of Awards: Two.

Approximate Average Award:
\$212,000.

Anticipated Award Date: Pending availability of funds, April 15, 2010.

Anticipated Project Completion Date:
March 31, 2011.

Additional Information: Pending successful implementation of this program and the availability of funds in subsequent fiscal years, it is ECA's intent to renew these grants for two additional fiscal years, before openly competing it again.

III. Eligibility Information

III.1. Eligible Applicants: Applications may be submitted by public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3).

III.2. Cost Sharing or Matching Funds: There is no minimum or maximum percentage required for this competition. However, the Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

When cost sharing is offered, it is understood and agreed that the applicant must provide the amount of cost sharing as stipulated in its proposal and later included in an approved agreement. Cost sharing may be in the form of allowable direct or indirect costs. For accountability, you must maintain written records to support all costs which are claimed as your contribution, as well as costs to be paid by the Federal government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A-110, (Revised), Subpart C.23—Cost Sharing and Matching. In the event you do not provide the minimum amount of cost sharing as stipulated in the approved budget, ECA's contribution will be reduced in like proportion.

III.3. Other Eligibility Requirements:

(a) Bureau grant guidelines require that organizations with less than four years experience in conducting international exchanges be limited to \$60,000 in Bureau funding. ECA anticipates making two awards in amounts exceeding \$60,000 to support program and administrative costs required to implement this exchange program. Therefore, organizations with less than four years experience in

conducting international exchanges are ineligible to apply under this competition. The Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

(b) Organizations or institutions may apply for only one of the two institutes. If more than one proposal is received from an applicant, all proposals will be disqualified.

IV. Application and Submission Information

Note: Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

IV.1 Contact Information To Request an Application Package: Please contact the Youth Programs Division (ECA/PE/C/PY), U.S. Department of State, SA-5, 3rd Floor, Washington, DC 20522-0503, Telephone (202) 632-6079, Fax (202) 632-9355, E-mail:

PiersonCompeauHM@state.gov to request a Solicitation Package. Please refer to the Funding Opportunity Number (ECA/PE/C/PY-10-03) when making your request. Alternatively, an electronic application package may be obtained from grants.gov. Please see section IV.3f for further information.

The Solicitation Package contains the Proposal Submission Instruction (PSI) document which consists of required application forms, and standard guidelines for proposal preparation. It also contains the Project Objectives, Goals and Implementation (POGI) document, which provides specific information, award criteria and budget instructions tailored to this competition. Please specify Program Officer Carolyn Lantz and refer to the Funding Opportunity Name and Number located at the top of this announcement on all other inquiries and correspondence.

IV.2. To Download a Solicitation Package via Internet: The entire Solicitation Package may be downloaded from the Bureau's Web site at <http://exchanges.state.gov/grants/open2.html>, or from the Grants.gov Web site at <http://www.grants.gov>.

Please read all information before downloading.

IV.3. Content and Form of Submission: Applicants must follow all instructions in the Solicitation Package. The application should be submitted per the instructions under IV.3f. "Application Deadline and Methods of Submission" section below.

IV.3a. You are required to have a Dun and Bradstreet Data Universal

Numbering System (DUNS) number to apply for a grant or cooperative agreement from the U.S. Government. This number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access <http://www.dunandbradstreet.com> or call 1-866-705-5711. Please ensure that your DUNS number is included in the appropriate box of the SF-424 which is part of the formal application package.

IV.3b. All proposals must contain an executive summary, proposal narrative and budget.

Please refer to the solicitation package. It contains the mandatory Project Objectives, Goals and Implementation (POGI) document and the mandatory Proposal Submission Instructions (PSI) document for additional formatting and technical requirements.

IV.3c. You must have nonprofit status with the IRS at the time of application. **Please note:** Effective January 7, 2009, all applicants for ECA Federal assistance awards must include in their application the names of directors and/or senior executives (current officers, trustees, and key employees, regardless of amount of compensation). In fulfilling this requirement, applicants must submit information in one of the following ways:

(1) Those who file Internal Revenue Service Form 990, "Return of Organization Exempt From Income Tax," must include a copy of relevant portions of this form.

(2) Those who do not file IRS Form 990 must submit information above in the format of their choice.

In addition to final program reporting requirements, award recipients will also be required to submit a one-page document, derived from their program reports, listing and describing their grant activities. For award recipients, the names of directors and/or senior executives (current officers, trustees, and key employees), as well as the one-page description of grant activities, will be transmitted by the State Department to OMB, along with other information required by the Federal Funding Accountability and Transparency Act (FFATA), and will be made available to the public by the Office of Management and Budget on its USASpending.gov Web site as part of ECA's FFATA reporting requirements.

If your organization is a private nonprofit which has not received a grant or cooperative agreement from ECA in the past three years, or if your organization received nonprofit status

from the IRS within the past four years, you must submit the necessary documentation to verify nonprofit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d. Please take into consideration the following information when preparing your proposal narrative:

IV.3d.1 Adherence to All Regulations Governing the J Visa

The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs is the official program sponsor of the exchange program covered by this RFGP, and an employee of the Bureau will be the “Responsible Officer” for the program under the terms of 22 CFR part 62, which covers the administration of the Exchange Visitor Program (J visa program). Under the terms of 22 CFR part 62, organizations receiving awards (either a grant or cooperative agreement) under this RFGP will be third parties “cooperating with or assisting the sponsor in the conduct of the sponsor’s program.” The actions of recipient organizations shall be “imputed to the sponsor in evaluating the sponsor’s compliance with” 22 CFR part 62. Therefore, the Bureau expects that any organization receiving an award under this competition will render all assistance necessary to enable the Bureau to fully comply with 22 CFR part 62 *et seq.*

The Bureau of Educational and Cultural Affairs places critically important emphases on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by recipient organizations and program participants to all regulations governing the J visa program status. Therefore, proposals should *explicitly state in writing* that the applicant is prepared to assist the Bureau in meeting all requirements governing the administration of Exchange Visitor Programs as set forth in 22 CFR part 62. If your organization has experience as a designated Exchange Visitor Program Sponsor, the applicant should discuss their record of compliance with 22 CFR part 62 *et seq.*, including the oversight of their Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, recordkeeping, reporting and other requirements.

The Office of Citizen Exchanges of ECA will be responsible for issuing DS-2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at <http://exchanges.state.gov> or from: Office of Designation, ECA/EC/D, SA-5, Floor C2, Department of State, Washington, DC 20522-0582.

IV.3d.2 Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau’s authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. “Diversity” should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and disabilities. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the ‘Support for Diversity’ section for specific suggestions on incorporating diversity into your proposal. Public Law 104-319 provides that “in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,” the Bureau “shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.” Public Law 106-113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

IV.3d.3. Program Monitoring and Evaluation

Proposals must include a plan to monitor and evaluate the project’s success, both as the activities unfold and at the end of the program. The Bureau recommends that your proposal include a draft survey questionnaire or other technique plus a description of a methodology to use to link outcomes to original project objectives. The Bureau expects that the recipient organization will track participants or partners and be able to respond to key evaluation questions, including satisfaction with the program, learning as a result of the program, changes in behavior as a result of the program, and effects of the program on institutions (institutions in which participants work or partner institutions). The evaluation plan should include indicators that measure

gains in mutual understanding as well as substantive knowledge.

Successful monitoring and evaluation depend heavily on setting clear goals and outcomes at the outset of a program. Your evaluation plan should include a description of your project’s objectives, your anticipated project outcomes, and how and when you intend to measure these outcomes (performance indicators). The more that outcomes are “smart” (specific, measurable, attainable, results-oriented, and placed in a reasonable time frame), the easier it will be to conduct the evaluation. You should also show how your project objectives link to the goals of the program described in this RFGP.

Your monitoring and evaluation plan should clearly distinguish between program *outputs* and *outcomes*. *Outputs* are products and services delivered, often stated as an amount. Output information is important to show the scope or size of project activities, but it cannot substitute for information about progress towards outcomes or the results achieved. Examples of outputs include the number of people trained or the number of seminars conducted. *Outcomes*, in contrast, represent specific results a project is intended to achieve and is usually measured as an extent of change. Findings on outputs and outcomes should both be reported, but the focus should be on outcomes.

We encourage you to assess the following four levels of outcomes, as they relate to the program goals set out in the RFGP (listed here in increasing order of importance):

1. Participant satisfaction with the program and exchange experience.
2. Participant learning, such as increased knowledge, aptitude, skills, and changed understanding and attitude. Learning includes both substantive (subject-specific) learning and mutual understanding.
3. Participant behavior, concrete actions to apply knowledge in work or community; greater participation and responsibility in civic organizations; interpretation and explanation of experiences and new knowledge gained; continued contacts between participants, community members, and others.
4. Institutional changes, such as increased collaboration and partnerships, policy reforms, new programming, and organizational improvements.

Please note: Consideration should be given to the appropriate timing of data collection for each level of outcome. For example, satisfaction is usually captured as a short-term outcome, whereas behavior and

institutional changes are normally considered longer-term outcomes.

Overall, the quality of your monitoring and evaluation plan will be judged on how well it (1) specifies intended outcomes; (2) gives clear descriptions of how each outcome will be measured; (3) identifies when particular outcomes will be measured; and (4) provides a clear description of the data collection strategies for each outcome (*i.e.*, surveys, interviews, or focus groups). (Please note that evaluation plans that deal only with the first level of outcomes [satisfaction] will be deemed less competitive under the present evaluation criteria.)

Recipient organizations will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

IV.3e. Please take the following information into consideration when preparing your budget:

IV.3e.1. Applicants must submit SF-424A—"Budget Information—Non-Construction Programs" along with a comprehensive budget for the entire program. Grant requests, which will be for one of the two Institutes announced, may not exceed \$212,000. This amount will not include the international travel costs for the exchange participants. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

IV.3f. Application Deadline and Methods of Submission:

Application Deadline Date:
Wednesday, January 6, 2010.

Reference Number: ECA/PE/C/PY-10-03.

Methods of Submission:

Applications may be submitted in one of two ways:

(1) In hard-copy, via a nationally recognized overnight delivery service (*i.e.*, Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, *etc.*), or

(2) Electronically through <http://www.grants.gov>.

Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF-424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

IV.3f.1 Submitting Printed Applications

Applications must be shipped no later than the above deadline. Delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. ECA will *not* notify you upon receipt of application. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. Delivery of proposal packages *may not* be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

Important note: When preparing your submission please make sure to include one extra copy of the completed SF-424 form and place it in an envelope addressed to "ECA/EX/PM".

The original and six copies of the application should be sent to: Program Management Division, ECA-IIP/EX/PM, Ref.: ECA/PE/C/PY-10-03, SA-5, Floor 4, Department of State, Washington, DC 20522-0504.

With the submission of the proposal package, please also e-mail the Executive Summary, Proposal Narrative, and Budget sections of the proposal, as well as any attachments essential to understanding the program, in Microsoft Word and/or Excel to the program officer at LantzCS@state.gov. The Bureau will provide these files electronically to the Public Affairs Section at the U.S. Embassies for their review.

IV.3f.2 Submitting Electronic Applications

Applicants have the option of submitting proposals electronically through [Grants.gov](http://www.grants.gov) (<http://www.grants.gov>). Complete solicitation packages are available at [Grants.gov](http://www.grants.gov) in the "Find" portion of the system.

Please Note: ECA strongly encourages organizations interested in applying for this competition to submit printed, hard copy applications as outlined in section IV.3f.1. above, rather than submitting electronically through [Grants.gov](http://www.grants.gov). This recommendation is being made as a result of the anticipated high volume of grant proposals that will be submitted via the [Grants.gov](http://www.grants.gov) webportal as part of the Recovery Act stimulus package. As stated in this RFGP, ECA bears no responsibility for data errors resulting from transmission or conversion processes for proposals submitted via [Grants.gov](http://www.grants.gov).

Please follow the instructions available in the "Get Started" portion of the site (<http://www.grants.gov/GetStarted>).

Several of the steps in the [Grants.gov](http://www.grants.gov) registration process could take several weeks. Therefore, applicants should check with appropriate staff within their organizations immediately after reviewing this RFGP to confirm or determine their registration status with [Grants.gov](http://www.grants.gov).

Once registered, the amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. In addition, validation of an electronic submission via [Grants.gov](http://www.grants.gov) can take up to two business days.

Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.

The [Grants.gov](http://www.grants.gov) Web site includes extensive information on all phases/aspects of the [Grants.gov](http://www.grants.gov) process, including an extensive section on frequently asked questions, located under the "For Applicants" section of the Web site. ECA strongly recommends that all potential applicants review thoroughly the [Grants.gov](http://www.grants.gov) Web site, well in advance of submitting a proposal through the [Grants.gov](http://www.grants.gov) system. ECA bears no responsibility for data errors resulting from transmission or conversion processes.

Direct all questions regarding [Grants.gov](http://www.grants.gov) registration and submission to: [Grants.gov](http://www.grants.gov) Customer Support. *Contact Center Phone:* 800-518-4726. *Business Hours:* Monday-Friday, 7 a.m.-9 p.m. Eastern Time. *E-mail:* support@grants.gov.

Applicants have until midnight (12 a.m.), Washington, DC time of the closing date to ensure that their entire application has been uploaded to the [Grants.gov](http://www.grants.gov) site. *There are no exceptions to the above deadline. Applications uploaded to the site after midnight of the application deadline date will be automatically rejected by the grants.gov system, and will be technically ineligible.*

Please refer to the *Grants.gov* Web site, for definitions of various “application statuses” and the difference between a submission receipt and a submission validation. Applicants will receive a validation e-mail from grants.gov upon the successful submission of an application. Again, validation of an electronic submission via *Grants.gov* can take up to two business days. *Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.* ECA will *not* notify you upon receipt of electronic applications.

It is the responsibility of all applicants submitting proposals via the *Grants.gov* Web portal to ensure that proposals have been received by Grants.gov in their entirety, and ECA bears no responsibility for data errors resulting from transmission or conversion processes.

IV.3g. Intergovernmental Review of Applications: Executive Order 12372 does not apply to this program.

V. Application Review Information

V.1. Review Process

The Bureau will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State’s Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards (grants) resides with the Bureau’s Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below:

1. *Quality of the program idea:* The proposed program should be well developed, respond to design outlined in the solicitation, and demonstrate originality. It should be clearly and accurately written, substantive, and with sufficient detail. Proposals should exhibit originality, substance, precision, and relevance to the Bureau’s mission.

2. *Program planning and ability to achieve program objectives:* A detailed

agenda and work plan should clearly demonstrate how project objectives would be achieved. The agenda and plan should adhere to the program overview and guidelines described above. The substance of workshops, seminars, presentations, school-based activities, and/or site visits should be described in detail. Objectives should be reasonable, feasible, and flexible. The proposal should clearly demonstrate how the institution will meet the program’s objectives and plan.

3. *Support of diversity:* The proposal should demonstrate the recipient’s commitment to promoting the awareness and understanding of diversity in program content. Applicants should demonstrate readiness to accommodate participants with physical disabilities.

4. *Institutional capacity and track record:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program goals. The proposal should demonstrate an institutional record, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by the Bureau’s Office of Contracts. The Bureau will consider the past performance.

5. *Cross-cultural sensitivity and area expertise:* Applicants must demonstrate their understanding of the area in which they propose to work and should demonstrate sensitivity to participants’ values, customs, and life experiences in the programming.

6. *Follow-on activities:* Proposals should provide a plan for a Bureau-supported follow-on visit by project staff to the relevant country or region, plus a plan for continued follow-on activity, not necessarily with Bureau support, that insures that this program is not an isolated event.

7. *Project evaluation:* The proposal should include a plan to evaluate the activity’s success, both as the activities unfold and at the end of the program. The proposal should include a draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives. The grant recipient will be expected to submit intermediate reports after each project component is concluded.

8. *Cost-effectiveness and cost sharing:* The applicant should demonstrate efficient use of Bureau funds. The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate.

The proposal should maximize cost-sharing through other private sector support as well as institutional direct funding contributions, which demonstrates institutional and community commitment.

VI. Award Administration Information

VI.1a. Award Notices

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures. Successful applicants will receive a Federal Assistance Award (FAA) from the Bureau’s Grants Office. The FAA and the original proposal with subsequent modifications (if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The FAA will be signed by an authorized Grants Officer, and mailed to the recipient’s responsible officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review from the ECA program office coordinating this competition.

VI.1b. The Following Additional Requirements Apply to This Project: Special Provision for Performance in a Designated Combat Area (Currently Iraq and Afghanistan) (December 2008)

All Recipient personnel deploying to areas of combat operations, as designated by the Secretary of Defense (currently Iraq and Afghanistan), under assistance awards over \$100,000 or performance over 14 days must register in the Department of Defense maintained Synchronized Pre-deployment and Operational Tracker (SPOT) system. Recipients of Federal assistance awards shall register in SPOT before deployment, or if already in the designated operational area, register upon becoming an employee under the assistance award, and maintain current data in SPOT. Information on how to register in SPOT will be available from your Grants Officer or Grants Officer Representative during the final negotiation and approval stages in the Federal assistance awards process. Recipients of Federal assistance awards are advised that adherence to this policy and procedure will be a requirement of all final Federal assistance awards issued by ECA.

Recipient performance may require the use of armed private security personnel. To the extent that such private security contractors (PSCs) are required, grantees are required to ensure they adhere to Chief of Mission (COM)

policies and procedures regarding the operation, oversight, and accountability of PSCs.

VI.2 Administrative and National Policy Requirements:

Terms and Conditions for the Administration of ECA agreements include the following:

Office of Management and Budget Circular A-122, "Cost Principles for Nonprofit Organizations."

Office of Management and Budget Circular A-21, "Cost Principles for Educational Institutions."

OMB Circular A-87, "Cost Principles for State, Local and Indian Governments".

OMB Circular No. A-110 (Revised), Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations.

OMB Circular No. A-102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

OMB Circular No. A-133, Audits of States, Local Government, and Non-profit Organizations.

Please reference the following Web sites for additional information:

<http://www.whitehouse.gov/omb/grants>.

<http://fa.statebuy.state.gov>.

VI.3. Reporting Requirements: You must provide ECA with a hard copy original plus one copy of the following reports:

1. Interim reports, as required in the Bureau grant agreement.

2. A final program and financial report no more than 90 days after the expiration of the award.

3. A concise, one-page final program report summarizing program outcomes no more than 90 days after the expiration of the award. This one-page report will be transmitted to OMB, and be made available to the public via OMB's *USAspending.gov* Web site—as part of ECA's Federal Funding Accountability and Transparency Act (FFATA) reporting requirements.

4. A SF-PPR, "Performance Progress Report" Cover Sheet with all program reports.

Award recipients will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. Please refer to IV. Application and Submission Instructions (IV.3.d.3) above for Program Monitoring and Evaluation information.

All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

VII. Agency Contacts

For questions about this announcement, contact: Carolyn Lantz, Program Officer, Youth Programs Division (ECA/PE/C/PY), U.S.

Department of State, SA-5, 3rd Floor, Washington, DC 20522-0503, Telephone (202) 632-6421, Fax (202) 632-9355, E-mail: LantzCS@state.gov.

All correspondence with the Bureau concerning this RFGP should reference the title, Benjamin Franklin Institute, and number, ECA/PE/C/PY-10-03.

Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

VIII. Other Information

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: October 26, 2009.

Maura M. Pally,

Acting Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. E9-26425 Filed 11-4-09; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF STATE

[Public Notice 6801]

Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: Near East and South Asia Undergraduate Exchange Program

Announcement Type: New Cooperative Agreement.

Funding Opportunity Number: ECA/A/E/NEA-10-02.

Catalog of Federal Domestic Assistance Number: 19.009.

Key Dates

Application Deadline: January 15, 2010.

Executive Summary: The Office of Academic Exchange Programs of the Bureau of Educational and Cultural Affairs announces an open competition to administer the FY2010 Near East and South Asia Undergraduate Exchange Program. Public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 USC 501(c)(3) in the United States may submit proposals to organize and carry out academic exchange activities for students from underrepresented sectors in the Middle East, North Africa and South Asia (eligible countries and locales are listed below in the Purpose section). The recipient organization will be responsible for the following aspects of the program: Placement of no less than 115 foreign students at accredited U.S. institutions (90 for one academic year, 25 for one semester), student travel to the U.S., orientation, enrichment programming, advising, monitoring and support, pre-return activities, evaluation, and follow-up with program alumni. It is anticipated that the total amount of funding for FY2010 administrative and program costs will be \$3,500,000 pending availability of funds.

I. Funding Opportunity Description

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87-256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program above is provided through legislation.

Purpose

The principal objective of the Near East and South Asia Undergraduate Exchange Program (herein referred to as the "NESA UGRAD") is to provide a substantive exchange experience at a U.S. college or university to a diverse

group of emerging student leaders from underrepresented sectors in the Middle East, North Africa and South Asia. In this context, the recipient organization should ensure that participants are able to enroll full-time in courses at U.S. institutions alongside U.S. peers, and provide the participants with opportunities to understand the U.S. and U.S. citizens inside and outside the classroom.

Participants will return to their home countries at the conclusion of the exchange program to re-enter colleges and universities there, and re-integrate with their home societies.

An objective of the program is to provide participants with tailored instruction in the academic skills and study habits required to be successful at the undergraduate level as well as be better prepared for higher level studies in the U.S. in the future.

The NESA UGRAD will provide no less than 115 scholarships—90 for one academic year and 25 for one semester (Pakistan only)—at U.S. institutions of higher education to outstanding students from non-elite sectors from the Near East (countries/locales may include Algeria, Bahrain, Egypt, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, Yemen, the Palestinian Territories) and South Asia (India, Nepal, Pakistan, and Bangladesh). Additional countries may be added to meet the overall needs of the program and availability of funds. Scholarships will be granted primarily to students who are currently enrolled in an undergraduate degree program in their home country, although students just completing their final year of high school will also be eligible. The recipient organization will place participants in non-degree programs at both two- and four-year U.S. colleges and universities.

The recipient organization should develop enrichment activities to enhance the participants' academic education, including having students make local presentations about their countries, community service, and internships (for one year students only). All participants are required to return to their home countries immediately upon the conclusion of the program. Transfers of academic program or visa sponsorship of participants to another U.S. institution will not be considered.

ECA will award one cooperative agreement for this program. Programs and projects must conform to Bureau requirements and guidelines outlined in the Solicitation Package. ECA programs are subject to the availability of funds.

Programs must comply with J-1 Visa regulations. Please refer to the Solicitation Package for further information.

In a cooperative agreement, the Near East Asia Programs Branch of the Office of Academic Exchange Programs in the Bureau of Educational and Cultural Affairs (ECA/A/E/NEA) is substantially involved in program activities above and beyond routine grant monitoring. ECA/A/E/NEA activities and responsibilities for this program are, but not limited to, the following:

1. Participating in the design and direction of program activities;
2. Approval of key personnel;
3. Final selection of program participants;
4. Approval and input for all program agendas and timelines;
5. Final approval of all student placements;
6. Final approval of internship placements;
7. Guidance in execution of all project components;
8. Arrangement for State Department speakers during workshops;
9. Assistance with participant emergencies;
10. Providing background information related to participants' home countries and cultures; and
11. Liaison with Public Affairs Sections of the U.S. Embassies and country desk officers at the State Department.

Note: All materials, publicity, and correspondence related to the program must acknowledge this as a program of the Bureau of Educational and Cultural Affairs, U.S. Department of State. The Bureau will retain copyright use of and distribute materials related to this program as it sees fit.

II. Award Information

Type of Award: Cooperative Agreement. ECA's level of involvement in this program is listed under number I above.

Fiscal Year Funds: FY2010.

Approximate Total Funding: \$3,500,000.

Approximate Number of Awards: 1.

Anticipated Award Date: Pending availability of funds, the anticipated program start date will be March 1, 2010.

Anticipated Project Completion Date: December 31, 2011.

Additional Information: Pending successful implementation of this program and the availability of funds in subsequent fiscal years, it is ECA's intent to renew this grant for two additional fiscal years, before openly competing it again.

III. Eligibility Information

III.1. Eligible Applicants

Applications may be submitted by public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 USC 501(c)(3).

III.2. Cost-Sharing or Matching Funds

There is no minimum or maximum percentage required for this competition. However, the Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

When cost sharing is offered, it is understood and agreed that the applicant must provide the amount of cost sharing as stipulated in its proposal and later included in an approved grant agreement. Cost sharing may be in the form of allowable direct or indirect costs. For accountability, you must maintain written records to support all costs which are claimed as your contribution, as well as costs to be paid by the Federal government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A-110, (Revised), Subpart C.23—Cost Sharing and Matching. In the event you do not provide the minimum amount of cost sharing as stipulated in the approved budget, ECA's contribution will be reduced in like proportion.

III.3. Other Eligibility Requirements

(a.) Bureau grant guidelines require that organizations with less than four years of experience in conducting international exchange programs will be limited to \$60,000. ECA anticipates awarding one grant, in the amount of up to \$3,000,000 to support the program and administrative costs required to implement the program. Therefore, applicant organizations with less than four years experience in conducting international exchange programs are ineligible to apply under this competition. The Bureau encourages applications to provide the maximum levels of cost sharing and funding to in support of its program.

IV. Application and Submission Information

Note: Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

IV.1. Contact Information To Request an Application Package

Please contact the Near East Asia Programs Branch, Office of Academic Exchange Programs, ECA/A/E/NEA, SA-5 Floor 4, U.S. Department of State, Washington, DC 20522-0504, 202-632-3270, Fax: 202-632-9411 or AlamiLT@state.gov to request a Solicitation Package. Please refer to the Funding Opportunity Number ECA/A/E/NEA-10-02 located at the top of this announcement when making your request.

Alternatively, an electronic application package may be obtained from grants.gov. Please see section IV.3f for further information.

The Solicitation Package contains the Proposal Submission Instruction (PSI) document which consists of required application forms, and standard guidelines for proposal preparation.

It also contains the Project Objectives, Goals and Implementation (POGI) document, which provides specific information, award criteria and budget instructions tailored to this competition.

Please specify Program Officer, Laura Alami, and refer to the Funding Opportunity Number ECA/A/E/NEA-10-02 on all other inquiries and correspondence.

IV.2. To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from the Bureau's Web site at: <http://exchanges.state.gov/grants/open2.html>, or from the Grants.gov Web site at <http://www.grants.gov>.

Please read all information before downloading.

IV.3. Content and Form of Submission

Applicants must follow all instructions in the Solicitation Package. The application should be submitted per the instructions under IV.3f. Application Deadline and Methods of Submission section below.

IV.3a. You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the U.S. Government. This number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access <http://www.dunandbradstreet.com> or call 1-866-705-5711. Please ensure that your DUNS number is included in the appropriate box of the SF-424 which is part of the formal application package.

IV.3b. All proposals must contain an executive summary, proposal narrative and budget.

Please Refer to the Solicitation Package. It contains the mandatory Proposal Submission Instructions (PSI) document and the Project Objectives, Goals and Implementation (POGI) document for additional formatting and technical requirements.

IV.3c. You must have nonprofit status with the IRS at the time of application.

Please note: Effective January 7, 2009, all applicants for ECA federal assistance awards must include in their application the names of directors and/or senior executives (current officers, trustees, and key employees, regardless of amount of compensation). In fulfilling this requirement, applicants must submit information in one of the following ways:

(1) Those who file Internal Revenue Service Form 990, "Return of Organization Exempt From Income Tax," must include a copy of relevant portions of this form.

(2) Those who do not file IRS Form 990 must submit information above in the format of their choice.

In addition to final program reporting requirements, award recipients will also be required to submit a one-page document, derived from their program reports, listing and describing their grant activities. For award recipients, the names of directors and/or senior executives (current officers, trustees, and key employees), as well as the one-page description of grant activities, will be transmitted by the State Department to OMB, along with other information required by the Federal Funding Accountability and Transparency Act (FFATA), and will be made available to the public by the Office of Management and Budget on its USASpending.gov website as part of ECA's FFATA reporting requirements.

If your organization is a private nonprofit which has not received a grant or cooperative agreement from ECA in the past three years, or if your organization received nonprofit status from the IRS within the past four years, you must submit the necessary documentation to verify nonprofit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d. Please take into consideration the following information when preparing your proposal narrative:

IV.3d.1. Adherence to All Regulations Governing the J Visa

The Bureau of Educational and Cultural Affairs is placing renewed emphasis on the secure and proper

administration of Exchange Visitor (J visa) Programs and adherence by grantees and sponsors to all regulations governing the J visa. Therefore, proposals should demonstrate the applicant's capacity to meet all requirements governing the administration of the Exchange Visitor Programs as set forth in 22 CFR 62, including the oversight of Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, recordkeeping, reporting and other requirements.

The award recipient will be responsible for issuing DS-2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at <http://exchanges.state.gov> or from: Office of Designation, ECA/EC/D, SA-5, Floor C2, Department of State, Washington, DC 20522-0582.

Please refer to Solicitation Package for further information.

IV.3d.2. Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the "Support for Diversity" section for specific suggestions on incorporating diversity into your proposal. Public Law 104-319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," the Bureau "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Public Law 106-113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

IV.3d.3. Program Monitoring and Evaluation

Proposals must include a plan to monitor and evaluate the project's success, both as the activities unfold and at the end of the program. The Bureau recommends that your proposal include a draft survey questionnaire or other technique plus a description of a methodology to use to link outcomes to original project objectives. The Bureau expects that the award recipient will track participants or partners and be able to respond to key evaluation questions, including satisfaction with the program, learning as a result of the program, changes in behavior as a result of the program, and effects of the program on institutions (institutions in which participants work or partner institutions). The evaluation plan should include indicators that measure gains in mutual understanding as well as substantive knowledge.

Successful monitoring and evaluation depend heavily on setting clear goals and outcomes at the outset of a program. Your evaluation plan should include a description of your project's objectives, your anticipated project outcomes, and how and when you intend to measure these outcomes (performance indicators). The more that outcomes are "smart" (specific, measurable, attainable, results-oriented, and placed in a reasonable time frame), the easier it will be to conduct the evaluation. You should also show how your project objectives link to the goals of the program described in this RFGP.

Your monitoring and evaluation plan should clearly distinguish between program *outputs* and *outcomes*. *Outputs* are products and services delivered, often stated as an amount. Output information is important to show the scope or size of project activities, but it cannot substitute for information about progress towards outcomes or the results achieved. Examples of outputs include the number of people trained or the number of seminars conducted. *Outcomes*, in contrast, represent specific results a project is intended to achieve and is usually measured as an extent of change. Findings on outputs and outcomes should both be reported, but the focus should be on outcomes.

We encourage you to assess the following four levels of outcomes, as they relate to the program goals set out in the RFGP (listed here in increasing order of importance):

1. Participant satisfaction with the program and exchange experience.
2. Participant learning, such as increased knowledge, aptitude, skills, and changed understanding and

attitude. Learning includes both substantive (subject-specific) learning and mutual understanding.

3. Participant behavior, concrete actions to apply knowledge in work or community; greater participation and responsibility in civic organizations; interpretation and explanation of experiences and new knowledge gained; continued contacts between participants, community members, and others.

4. Institutional changes, such as increased collaboration and partnerships, policy reforms, new programming, and organizational improvements.

Please note: Consideration should be given to the appropriate timing of data collection for each level of outcome. For example, satisfaction is usually captured as a short-term outcome, whereas behavior and institutional changes are normally considered longer-term outcomes.

Overall, the quality of your monitoring and evaluation plan will be judged on how well it (1) specifies intended outcomes; (2) gives clear descriptions of how each outcome will be measured; (3) identifies when particular outcomes will be measured; and (4) provides a clear description of the data collection strategies for each outcome (*i.e.*, surveys, interviews, or focus groups). (Please note that evaluation plans that deal only with the first level of outcomes [satisfaction] will be deemed less competitive under the present evaluation criteria.)

The recipient organization will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

IV.3d.4. Describe your plans for: *i.e.* Sustainability, overall program management, staffing, coordination with ECA and PAS or any other requirements.

IV.3e. Please take the following information into consideration when preparing your budget:

IV.3e.1. Applicants must submit SF-424A—"Budget Information—Non-Construction Programs" along with a comprehensive budget for the entire program. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

IV.3e.2. Allowable costs for the program include the following:

1. Participant expenses.
2. Administrative costs.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

IV.3f. Application Deadline and Methods of Submission

Application Deadline Date: January 15, 2010.

Reference Number: ECA/A/E/NEA-10-02.

Methods of Submission:

Applications may be submitted in one of two ways:

(1.) In hard-copy, via a nationally recognized overnight delivery service (*i.e.*, Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, etc.), or

(2.) Electronically through <http://www.grants.gov>.

Please Note: ECA strongly encourages organizations interested in applying for this competition to submit printed, hard copy applications as outlined in section IV.3f.1., below rather than submitting electronically through Grants.gov. This recommendation is being made as a result of the anticipated high volume of grant proposals that will be submitted via the Grants.gov webportal as part of the Recovery Act stimulus package. As stated in this RFGP, ECA bears no responsibility for data errors resulting from transmission or conversion processes for proposals submitted via Grants.gov

Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF-424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

IV.3f. Submitting Printed Applications

Applications must be shipped no later than the above deadline. Delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. ECA will *not* notify you upon receipt of application. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. Delivery of proposal packages *may not* be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

Important note: When preparing your submission please make sure to include one extra copy of the completed SF-424 form and place it in an envelope addressed to "ECA/EX/PM".

The original and eight (8) copies of the application should be sent to: Office of Academic Exchange Programs, ECA/A/E/NEA, SA-5, 4th Floor, 2200 C Street, NW., Washington, DC 20037.

Applicants submitting hard-copy applications must also submit the "Executive Summary" and "Proposal Narrative" sections of the proposal in text (.txt) format on a PC-formatted disk. The Bureau will provide these files electronically to the appropriate Public Affairs Section(s) at the U.S. embassies for their review.

IV.3f.2 Submitting Electronic Applications

Applicants have the option of submitting proposals electronically through Grants.gov (<http://www.grants.gov>). Complete solicitation packages are available at Grants.gov in the "Find" portion of the system.

Please Note: ECA strongly encourages organizations interested in applying for this competition to submit printed, hard copy applications as outlined in section IV.3f.1. above, rather than submitting electronically through *Grants.gov*. This recommendation is being made as a result of the anticipated high volume of grant proposals that will be submitted via the *Grants.gov* webportal as part of the Recovery Act stimulus package. As stated in this RFGP, ECA bears no responsibility for data errors resulting from transmission or conversion processes for proposals submitted via *Grants.gov*.

Please follow the instructions available in the 'Get Started' portion of the site (<http://www.grants.gov/GetStarted>).

Several of the steps in the Grants.gov registration process could take several weeks. Therefore, applicants should check with appropriate staff within their organizations immediately after reviewing this RFGP to confirm or determine their registration status with Grants.gov. Once registered, the amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your internet connection. In addition, validation of an electronic submission via Grants.gov can take up to two business days.

Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.

The Grants.gov Web site includes extensive information on all phases/aspects of the Grants.gov process,

including an extensive section on frequently asked questions, located under the "For Applicants" section of the Web site. ECA strongly recommends that all potential applicants review thoroughly the Grants.gov Web site, well in advance of submitting a proposal through the Grants.gov system. ECA bears no responsibility for data errors resulting from transmission or conversion processes.

Direct all questions regarding Grants.gov registration and submission to: Grants.gov Customer Support, Contact Center Phone: 800-518-4726. Business Hours: Monday-Friday, 7AM-9PM Eastern Time, *E-mail: support@grants.gov.*

Applicants have until midnight (12 a.m.), Washington, DC time of the closing date to ensure that their entire application has been uploaded to the Grants.gov site. *There are no exceptions to the above deadline. Applications uploaded to the site after midnight of the application deadline date will be automatically rejected by the grants.gov system, and will be technically ineligible.*

Please refer to the Grants.gov Web site, for definitions of various "application statuses" and the difference between a submission receipt and a submission validation.

Applicants will receive a validation e-mail from grants.gov upon the successful submission of an application. Again, validation of an electronic submission via Grants.gov can take up to two business days. *Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.* ECA will not notify you upon receipt of electronic applications.

It is the responsibility of all applicants submitting proposals via the Grants.gov web portal to ensure that proposals have been received by Grants.gov in their entirety, and ECA bears no responsibility for data errors resulting from transmission or conversion processes.

IV.3g. Intergovernmental Review of Applications Executive Order 12372 does not apply to this program.

V. Application Review Information

V.1. Review Process

The Bureau will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be

subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for cooperative agreements resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. *Quality of the program idea:* Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission.

2. *Ability to achieve program objectives:* Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above. Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

3. *Multiplier effect/impact:* Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

4. *Support of Diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, program venue and program evaluation) and program content (orientation and wrap-up sessions, program meetings, resource materials and follow-up activities).

5. *Institution's Record/Capacity:* Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by Bureau Grants Staff. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants.

6. *Project Evaluation and Follow-on:* Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. A draft survey questionnaire or other technique plus

description of a methodology to use to link outcomes to original project objectives is recommended. Proposals should also provide a plan for continued follow-on activity (with minimal Bureau support) ensuring that Bureau supported programs are not isolated events.

7. *Cost-effectiveness/Cost-sharing:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

8. *Value to U.S.-Partner Country Relations:* Proposed projects should receive positive assessments by the U.S. Department of State's geographic area desk and overseas officers of program need, potential impact, and significance in the partner countries.

VI. Award Administration Information

VI.1a. Award Notices

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures. Successful applicants will receive an Federal Assistance Award (FAA) from the Bureau's Grants Office. The FAA and the original proposal with subsequent modifications (if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The FAA will be signed by an authorized Grants Officer, and mailed to the recipient's responsible officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review from the ECA program office coordinating this competition.

VI.1b. The following additional requirements apply to this project: All awards made under this competition must be executed according to all relevant U.S. laws and policies regarding assistance to the Palestinian Authority, and to the West Bank and Gaza. Organizations must consult with relevant Public Affairs Offices before entering into any formal arrangements or agreements with Palestinian organizations or institutions.

Note: To assure that planning for the inclusion of the Palestinian Authority complies with requirements, please contact Laura Alami, Tel: 202-632-3270, e-mail: AlamiLT@state.gov for additional information.

VI.2. Administrative and National Policy Requirements

Terms and Conditions for the Administration of ECA agreements include the following:

Office of Management and Budget Circular A-122, "Cost Principles for Nonprofit Organizations."

Office of Management and Budget Circular A-21, "Cost Principles for Educational Institutions."

OMB Circular A-87, "Cost Principles for State, Local, and Indian Governments".

OMB Circular No. A-110 (Revised), Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and other Nonprofit Organizations.

OMB Circular No. A-102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

OMB Circular No. A-133, Audits of States, Local Government, and Non-profit Organizations

Please reference the following Web sites for additional information:
<http://www.whitehouse.gov/omb/grants>.
<http://fa.statebuy.state.gov>.

VI.3. Reporting Requirements

You must provide ECA with a hard copy original plus one copy of the following reports:

(1.) A final program and financial report no more than 90 days after the expiration of the award;

(2.) A concise, one-page final program report summarizing program outcomes no more than 90 days after the expiration of the award. This one-page report will be transmitted to OMB, and be made available to the public via OMB's USAspending.gov Web site—as part of ECA's Federal Funding Accountability and Transparency Act (FFATA) reporting requirements.

(3.) A SF-PPR, "Performance Progress Report" Cover Sheet with all program reports.

Award recipients will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. (Please refer to IV. Application and Submission Instructions (IV.3.d.3) above for Program Monitoring and Evaluation information.)

All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

Optional Program Data Requirements: Organizations awarded grants will be required to maintain specific data on program participants and activities in an electronically accessible database format that can be shared with the Bureau as required. As a minimum, the data must include the following:

(1) Name, address, contact information, and biographic sketch of all persons who travel internationally on funds provided by the grant or who benefit from the grant funding but do not travel. (2) Itineraries of international and domestic travel, providing dates of travel and cities in which any exchange experiences take place. Final schedules for in-country and U.S. activities must be received by the ECA Program Officer at least three work days prior to the official opening of the activity.

VII. Agency Contacts

For questions about this announcement, contact: Laura Alami, Near East Asia Programs Branch, Office of Academic Exchange Programs, ECA/A/E/NEA, SA-5 Floor 4, U.S. Department of State, Washington, DC 20522-0504, 202-632-3270 and Fax: 202-632-9411, <http://www.exchanges.state.gov>.

All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/A/E/NEA-10-02. Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

VIII. Other Information

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: October 30, 2009.

Maura M. Pally

Acting Assistant, Secretary for Educational and Cultural Affairs U.S. Department of State.

Notice:

The terms and conditions published in this RFGP are binding and may not

be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: October 30, 2009.

Maura M. Pally,

Acting Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. E9-26681 Filed 11-4-09; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2009-0171]

2010-2015 Strategic Planning

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice and request for comment.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) is currently seeking public comment on emerging or potential traffic safety problems. Public feedback will assist the agency in preparing to meet the challenges it faces in the next 5 years on improving motor vehicle and traffic safety in the United States. This foundational work will assist the agency in shaping its 2010-2015 strategic plan.

This notice invites comments, suggestions and recommendations from all individuals and organizations that have an interest in motor vehicle and highway safety, consumer programs (e.g., fuel economy, vehicle theft, odometer fraud, tire performance) administered by the agency, and/or other NHTSA activities. Respondents can choose to answer any number of questions proposed in this notice. The agency values any comments received and would also like input on the strategic planning process in general. Please include any elements believed important for NHTSA to consider in shaping its vision and building its 2010-2015 strategic plan.

DATES: Comments must be received no later than January 4, 2010.

ADDRESSES: You may submit comments identified by Long Range Strategic

Planning DOT DMS Docket Number [XXX] by any of the following methods:

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

- *Fax:* 1-202-493-2251.

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

- *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. *Telephone:* 1-800-647-5527.

Instructions: All submissions must include the agency name and docket number. It is suggested that comment submissions be limited to ten (10) pages with unlimited attachments. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: 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** published on April 11, 2000 (Volume 65, Number 70, pp. 19477-78) or you may visit <http://www.dot.gov/privacy.html>.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> and follow the online instructions, or visit the Docket Management Facility at the street address listed above.

FOR FURTHER INFORMATION CONTACT: Dee Williams, Acting Director, Office of Strategic Planning, National Highway Traffic Safety Administration, Room W40-311, 1200 New Jersey Avenue, SE., Washington, DC 20590. *Telephone:* 202-366-3503. E-mail: dee.williams@dot.gov.

SUPPLEMENTARY INFORMATION: NHTSA was established as the successor to the National Highway Safety Bureau in 1970, to carry out safety programs under the National Traffic and Motor Vehicle Safety Act of 1966 (Chapter 301 of Title 49, United States Code) and the Highway Safety Act of 1966 (Chapter 4 of Title 23, United States Code). The agency also administers consumer programs established by the Motor

Vehicle Information and Cost Saving Act of 1972 (Part C of Subtitle VI (Chapters 321, 323, 325, 327, 329 and 331) of Title 49, United States Code).

NHTSA's mission is to save lives, prevent injuries, and reduce traffic-related health care and other economic costs due to road traffic crashes through education, research, safety standards, and enforcement activity. Motor vehicle crashes are responsible for 95 percent of all transportation-related fatalities and are the leading cause of death for people in the United States of every age from age 3 through 34 (based on 2006 data).

The economic costs associated with these crashes also seriously impact the Nation's fiscal health. The cost to our economy of all motor vehicle crashes was approximately \$230 billion in 2000, or 2.3 percent of the U.S. gross domestic product. Alcohol-involved crashes cost over \$50 billion, accounting for 22 percent of all crash costs. In 2003, failure to wear safety belts cost \$18 billion. Twenty-six percent of overall crash costs are paid by those individuals directly involved in these crashes. The remaining 74 percent of overall crash costs is paid by the public through insurance premiums, taxes, and higher health care costs.

In order to address these public health issues and economic costs of highway crashes, the agency seeks to improve public health by helping to make highway travel safer. The agency develops, promotes and implements educational, regulatory, enforcement and emergency medical service programs aimed at ending preventable tragedies and reducing the economic costs associated with motor vehicle use and highway travel. A multi-disciplinary approach that draws upon diverse fields such as epidemiology, engineering, biomechanics, emergency medicine, the social sciences, human factors, economics, education, law enforcement, and communication science to address one of the most complex and challenging public health problems facing our society.

NHTSA is a leader in collecting and analyzing motor vehicle crash data, in conducting research, and in developing countermeasures designed to prevent and mitigate vehicle crashes, thereby reducing associated fatalities and traumatic injury. The agency improves traffic safety through its regulation and enforcement of motor vehicle and motor vehicle equipment; develops evidence-based education and enforcement programs and promotes their use by States, localities, and other safety partners; sponsors critical research; conducts innovative projects to improve traffic and motor vehicle safety;

provides leadership in understanding and assessing the safety impact of advanced technologies; and, works to develop harmonized international safety standards. All aspects of engineering, education, enforcement and evaluation are incorporated into programs to address the challenges of crash and injury prevention involving people, vehicles, and the roadway environment.

Over the last 43 years, the agency has had a solid record of achievement in reducing traffic crash fatalities and resulting injuries. Since 1966, the crash fatality rate has dropped from 5.5 deaths per 100 million vehicle miles of travel (VMT) to a historic low of 1.27 in 2008. While the recent reductions in total fatalities may be due in part to a decrease in vehicle miles traveled, additional factors that may be attributed to the decline include more crashworthy vehicles in the fleet, improvements in roadway infrastructure, increases in safety belt use, and decreases in impaired driving. While the reduction in the fatality rate shows progress, much work still needs to be done to reduce the number of deaths and serious injuries that take place every year on our Nation's highways. Moreover, as new technology continues to develop and evolve, it will be essential to address emerging risks in addition to seeking ways to harness the potential of technology to an even greater extent to help reduce crashes.

In an attempt to anticipate and meet the challenges on the horizon, NHTSA is embarking upon a long-range strategic planning initiative. The initiative will have two phases. Phase I begins with this solicitation of comments from individuals and public and private organizations interested in the nation's motor vehicle and highway safety programs, consumer programs (e.g., fuel economy, vehicle theft and odometer fraud, tire performance) administered by the agency, and other NHTSA activities. The information gathered during Phase I will serve as the foundation for Phase II: the development of NHTSA's Strategic Plan 2010–2015. The information and data generated from Phase I will assist the agency at shaping its future vision, program plans, and safety goals.

NHTSA requests comments, suggestions and recommendations that will assist the agency in assessing and understanding the potential effects and implications that changes in demographic, economic, environmental, institutional, and technological factors will have on motor vehicle and highway traffic safety.

The following are some of the key issues that the agency would like public

comments to address. In addition to general comments, the agency seeks documents, studies, or references relevant to the issues. The agency is particularly interested in learning about emerging or potential safety problems, gaps in current strategies and approaches, and in receiving recommendations for addressing traffic safety problems effectively. While the strategic plan under development will cover 2010–2015, the agency is interested in the public's views on issues and trends beyond 2015. The public may respond to all or some of the questions below. NHTSA will consider all comments received but may not necessarily include all comments into the strategic plan due to inconsistency with NHTSA's mission, budget constraints, and data driven priority areas. Stakeholder meetings and listening sessions will be held at a later date to obtain feedback on the questions below.

A. Factors and Issues

(A1) What are critical, highway safety issues facing the nation today?

(A2) What will future key demographic and social influences be on highway safety (e.g. novice and older drivers, gender, obesity, cultural diversity, immigration, geographic distribution, alcohol and drug consumption, shifts in economic development, etc.)?

(A3) In general, how might driving behaviors change in the United States in the future? How might demographic and social influences change driving behaviors and impact highway safety?

(A4) What changes in the auto fleet, including size and mix, will impact highway safety?

(A5) What changes in commercial vehicle use will impact highway safety?

(A6) What international trends and technologies will influence future developments in American automotive industry?

(A7) What changes in energy and environmental issues will impact public policy and highway safety? How will these changes impact vehicle use?

(A8) What change in the highway or energy distribution infrastructures will either affect or be needed for improved highway safety?

(A9) What changes in auto and medical insurance might affect highway safety?

(A10) What changes in the national, State, and local economies will impact public policy and highway safety? Will these changes require modification in Federal funding programs or delivery systems for highway safety?

(A11) How might changes in vehicle theft and odometer fraud impact NHTSA's future program efforts in these areas?

(A12) What are new and emerging areas of automotive safety research (e.g., injury prevention, passive safety, active safety, advanced crash notification, etc.) that would enable NHTSA and the auto industry to improve motor vehicle safety?

(A13) What are new and emerging areas of behavioral safety research that would enable NHTSA to improve highway safety countermeasures?

(A14) What additional analytical data need to be collected with respect to motor vehicle and highway safety? How might data and information be combined for more effective and valuable results? How might these data be collected, linked, analyzed and made available in a more efficient and cost-effective manner?

(A15) What are critical data elements that NHTSA does not collect that should be collected to identify areas to target to reduce traffic fatalities and injuries?

(A16) How can crash avoidance data be gathered?

(A17) What role will public education and consumer information play in the future of highway safety? What other cost effective tools should NHTSA use to promote motor vehicle and highway safety programs?

(A18) What changes in the area of Federal, State, and local legislation are appropriate and how might that legislation affect traffic safety in the future? What changes are likely?

(A19) How might homeland security affect traffic safety in the future?

(A20) What changes are imminent in State politics, and the relationship between the States and agency? What changes would help the agency achieve its safety goals?

(A21) How will "Smart Growth" or livable community concepts impact traffic safety? What is NHTSA's role within these growing inter-disciplinary fields?

B. Technology

(B1) How will advanced vehicle technologies (i.e., crash avoidance) impact the future of motor vehicles and highway safety?

(B2) What future technologies should be researched and encouraged to enhance highway safety?

(B3) What technological changes are necessary in other modes of passenger and freight transportation to positively impact motor vehicle and highway safety?

(B4) What changes in medical technology and emergency medical

services will impact motor vehicle and highway safety and health outcomes?

(B5) How can the development and implementation of crash notification technologies (*i.e.*, automatic advanced crash notification) and crash victim triage protocols impact health outcomes related to motor vehicle crashes?

(B6) What changes do you envision in automation, information management, and workplace alternatives (*e.g.*, telecommuting)? How will these activities impact highway safety and commuting and travel behaviors?

(B7) What changes in law enforcement practices and technologies might impact highway safety?

(B8) How will technology affect driving behavior? What issues related to vehicle/driver interaction could affect safety? What issues should NHTSA research?

C. Institutional Relationships

(C1) How do you and/or your organization (include organization's name) interact with NHTSA? Please explain the dynamics of this relationship.

(C2) How could NHTSA strengthen its relationship with your organization and with other organizations and institutions engaged in traffic safety programs?

D. NHTSA's Role and Mission

(D1) In your view, should there be major changes in NHTSA's role/mission in the future?

(D2) What are NHTSA's strengths and weaknesses?

(D3) How can NHTSA have a greater impact in the reduction of injury and loss of life on the nation's highways?

(D4) What is NHTSA doing well and not well? How can NHTSA improve the way it does business or provides customer service? Please identify possible improvements or ideas for doing better.

(D5) What should NHTSA's role in international highway safety be? How should NHTSA be involved in international global road safety efforts? What opportunities exist for NHTSA to learn from highway safety initiatives in other countries?

(D6) What mechanisms should NHTSA consider using for communication with the public?

Request for Comments

How Do I Prepare and Submit Comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the Docket

number of this document (2010–2015 Strategic Planning, XXXX) in your comments.

Please send two paper copies of your comments to Docket Management or submit them electronically. The mailing address is Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590. If you submit your comments electronically, log onto the *Federal eRulemaking Portal*: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

How Can I Be Sure That My Comments Were Received?

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, NCC–01, 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 Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

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 possible, we will also consider comments that Docket Management receives after that date.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

How Can I Read the Comments Submitted by Other People?

You may read the comments by visiting Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC from 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. You may also see the comments on the Internet by taking the following steps:

(1) Go to <http://www.regulations.gov>.

(2) On that page, in the field marked "search," type in the docket number provided at the top of this document.

(3) The next page will contain results for that docket number; it may help you to sort by "Date Posted: Oldest to Recent."

(4) On the results page, click on the desired comments. You may download the comments. However, since the comments are imaged documents instead of word processing documents, the downloaded comments may not be word searchable.

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** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit <http://www.dot.gov/privacy.html>.

Gregory Walter,

Senior Associate Administrator for Policy and Operations.

[FR Doc. E9–26658 Filed 11–4–09; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA 2009–0112]

Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for the renewal of a currently approved information collection that is summarized below

under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by January 4, 2010.

ADDRESSES: You may submit comments identified by DOT Docket ID Number FHWA-2009-0112, by any of the following methods:

Web Site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Fax: 1-202-493-2251.

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

Hand Delivery or Courier: 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. ET, Monday through Friday, except on Federal Holidays.

FOR FURTHER INFORMATION CONTACT: For questions concerning the National Historic Covered Bridge Preservation Program (NHCBP), please contact Mr. Everett Mattias, Office of Bridge Technology, HIBT-30, at (202) 366-6712, FAX (202) 366-3077, or e-mail everett.mattias@dot.gov. For legal questions, please contact Mr. Robert Black, Office of the Chief Counsel, (202) 366-1359, robert.black@dot.gov; Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: National Historic Covered Bridge Preservation Program.

OMB Control Number: 2125-0609.

Frequency: Annual.

Respondents: The 50 State DOTs, Puerto Rico and the District of Columbia.

Background: Covered bridges are unique structures embodying character, functionality and historical prominence. The National Historic Covered Bridge Preservation Program has been established to find comprehensive and proven means of maintaining the ability of these vestiges of our bridge-building heritage to continue to serve current and future generations. The program was originally established under section 1224 of TEA-21 and continued under Section 1804 of SAFETEA-LU. The legislation authorizes \$10 million

annually to be appropriated for each fiscal year between FY 2006 and FY 2009. The program has been authorized for continuation under the current continuing resolution. The program is established to provide grants to States for rehabilitation, repair and preservation of historic covered bridges and to enable the Secretary of Transportation to perform research and initiate education programs on historic covered bridges.

Projects eligible for grants include rehabilitation and repair together with preservation through: installation of fire protection systems, including a fireproofing or fire detection system and sprinklers, installation of a system to prevent vandalism and arson, or relocation of a bridge to a preservation site. The statute requires that, to the maximum extent practicable, grant projects are carried out in the most historically appropriate manner, preserve the existing structure of the historic covered bridge, and provide for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

Research and education activities include the collection and dissemination of information on historic covered bridges; conducting educational programs relating to the history and construction techniques of historic covered bridges; conducting research on the history of historic covered bridges; and conducting research on, and study techniques for, protecting historic covered bridges from rot, fire, natural disasters, or weight-related damage.

Guidelines and Administration

To administer this program, the FHWA will collect information necessary to evaluate and rank projects. The information collection was developed considering public input¹ and is intended to only address the project funding allotted through the program. Research funding will be administered separately through the FHWA Office of Infrastructure Research and Development (R&D) at the Turner Fairbank Highway Research Center, who will also administer the research and education activities. The FHWA Office of Bridge Technology will administer the grant program to assist the States in their efforts to rehabilitate, repair or preserve the Nation's historic covered bridges, which are listed or eligible for listing on the National Register of Historic Places. The FHWA will award

¹ Implementation Guidance for the National Historic Covered Bridge Preservation Program, August 23, 2000; 65 FR 51401.

grants based on applications received and funds available through accompanying appropriations legislation.

Information Proposed for Collection

Information recommended under TEA-21 and proposed for the current program includes the following:

- State's Priority Ranking;
- National Bridge Inventory (NBI) Structure Number;
- Bridge Name;
- Description of Location;
- Congressional District and Representative;
- Year Built;
- Whether the structure is on or eligible for listing on the National Register of Historic Places and description of the qualities that qualify the bridge for the National Register;
- Structure description (e.g., number of spans, length, width, design type, description of decking, beams/stringers, sides and roof, wood species, wood preservation system in use, builder, traffic carried, etc.);
- General plan and elevation;
- Description of previous repair work (description, year, etc.);
- Description of proposed work including wood preservative system, fire protection, vandalism and arson prevention systems to be used;
- Indication of whether the State has a historic bridge inventory/management plan accepted by the State Historic Preservation Officer (SHPO). A programmatic agreement for historic bridges with the SHPO, FHWA and the Advisory Counsel on Historic Preservation (ACHP) may substitute;
- Description of whether the SHPO has reviewed and certified this project is warranted in accordance with the SHPO's statewide historic preservation plan; how it benefits statewide preservation efforts; how it enhances cultural tourism or enhances the history/economic development of the community; and other benefits upon successful completion of this project;
- Amount of State or local government matching funds or other resources (donated materials or labor may qualify);
- A statement addressing when the project is completed, and if the bridge will meet the current State or AASHTO standards for the roadway classification that it carries;
- Plan for documentation of the bridge and the work performed;
- Scheduled start and completion date for the project (month and year); and
- Contact information for the State DOT, Local Agency (if applicable), FHWA Division Office, and SHPO.

As indicated above, the FHWA has developed a template for the application. The application may be made based on this template provided by the FHWA including this information. This template is available through the FHWA Division Offices and through the FHWA Office of Bridge Technology and is available at the following URL: <http://www.fhwa.dot.gov/bridge/022803a.htm#application>. The template is not required but rather is provided for convenience of the applicants.

Burden Hours for Information Collection

Burden hour estimates and discussions are provided for each item presented and required within the application submittal process.

- State's Priority Ranking; 30 minutes.
 - The priority ranking will be performed by the submitting agency. Given that a small number of applications will be submitted by an individual State, the prioritization process will be limited and 30 minutes is conservatively assumed to include any potential discussion.
- NBI Structure Number; 5 minutes.
 - Projects submitted must be legally defined as a "bridge" and must be located on a public road. With this constraint, each structure will already have an NBI Structure Number assigned.
- Bridge Name; 5 minutes.
 - A description of the bridge may be included in the NBI database; however, this may or may not be the commonly referenced name used locally. A burden of 5 minutes is assumed to permit the applicant to review the NBI record and any additional documentation to isolate the common bridge name.
- Description of Location; 10 minutes.
 - The location is already included in the NBI database. A burden of 10 minutes is provided assuming that the applicant will elaborate on the location information.
- Congressional District and Representative; 5 minutes.
 - The location of the bridge will be known from the information in the NBI database. A 5-minute burden is specified assuming that the applicant will have to cross reference the location with Congressional district maps. This time would be negligible if the State has employed a GIS system including the infrastructure information and the political boundaries.
- Year Built; 5 minutes.
 - The year built is already recorded in the National Bridge Inventory.
- Whether the structure is on or eligible for listing on the National Register of Historic Places and description of the qualities that qualify the bridge for the National Register; 15 minutes.
 - The NBI record indicated whether the structure is located on or eligible for the National Register of Historic Places. The 15-minute burden is assumed to allow the applicant to describe the qualities that qualify the bridge for the National Register.
- Structure description (e.g., number of spans, length, width, design type, description of decking, beams/stringers, sides and roof, wood species, wood preservation system in use, builder, traffic carried, etc.); 15 minutes.
 - Most of this information will be included within the NBI database or on the inspection reports. 15 minutes is assumed for the applicant to synthesize information.
- General plan and elevation; 5 minutes.
 - This information is available for structures that have been placed on the National Register of Historic Places or for those which are eligible and have applications complete. This information is also available for projects that have completed conceptual and preliminary engineering and design.
- Description of previous repair work (description, year, etc.); 15 minutes.
 - This information is available from bridge inspection reports and bridge files located within the State Transportation Agency. Time estimated is intended for synthesis of information from other sources.
- Description of proposed work including wood preservative system, fire protection, vandalism and arson prevention systems to be used; 15 minutes.
 - This information will be established by the need when identified and the details will be identified through the conceptual and preliminary engineering process, which is done independently. A 15-minute burden is assumed to synthesize the existing information.
- Indication of whether the State has a historic bridge inventory/management plan accepted by the SHPO. A programmatic agreement for historic bridges with the SHPO, FHWA and the ACHP may substitute; 5 minutes.
 - This item is readily obtained through contact with the SHPO.
- Description of whether the SHPO has reviewed and certified this project is warranted in accordance with the SHPO's statewide historic preservation plan; how it benefits statewide preservation efforts; how it enhances cultural tourism or enhances the history/economic development of the community; and other benefits upon successful completion of this project; 45 minutes.
 - This information is readily obtained through contact with the SHPO. A total of 45 minutes includes time for the State Historic Preservation Officer to review the project, in relation to the statewide preservation efforts, to articulate the benefits, and to document the findings.
- Amount of State or local government matching funds or other resources (donated materials or labor may qualify); 5 minutes.
 - A nominal amount of time is required to document the matching funds and amounts.
- When the project is complete, will the bridge meet the current State or AASHTO standards for the roadway classification that it carries; 5 minutes.
 - A nominal amount of time is required to ascertain and identify whether the bridge will meet the standards for the roadway classification as any exception to the standard will be identified through the preliminary engineering process and already documented.
- Plan for documentation of the bridge and the work performed; 15 minutes.
 - A plan for documentation is encouraged. Typically, each State Transportation Agency will already have a process in place to document work performed. Applicants are encouraged to identify any additional requirements warranted for these historical structures and to articulate the overall plan within the application.
- Scheduled start and completion date for the project (month and year); 5 minutes.
 - This will be determined through other processes that are performed independent of this program, including preliminary engineering and the STIP process. The available information must be synthesized on the application, which takes a nominal amount of time.
- Contact information for the State DOT, Local Agency (if applicable), FHWA Division Office, and SHPO; 5 minutes.
 - This requires providing a list of contacts and involves a nominal amount of time.

Individual Respondent Burden: The total amount of time estimated to complete the report is 3½ hours.

Estimated Total Annual Burden Hours: 105 hours (FHWA estimates receiving 30 reports from the State Transportation Departments).

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that burdens could be minimized, including use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: October 30, 2009.

Judith Kane,

Acting Chief, Management Programs and Analysis Division.

[FR Doc. E9-26669 Filed 11-4-09; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Airport Property at the Gunnison-Crested Butte Regional Airport, Gunnison, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release airport property.

SUMMARY: The FAA proposes to rule and invite public comment on the release of land at the Gunnison-Crested Butte Regional Airport under the provisions of Section 47125(a) of Title 49 United States Code (U.S.C.).

DATES: Comments must be received on or before December 7, 2009.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Mr. Craig A. Sparks, Manager, Federal Aviation Administration, Northwest Mountain Region, Airports Division, Denver Airports District Office, 26805 E. 68th Ave., Suite 224, Denver, Colorado, 80249.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. John DeVore, Airport Manager, 519 West Rio Grande, Gunnison, Colorado 81230.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Schaffer, Project Manager, Federal Aviation Administration, Northwest Mountain Region, Airports Division, Denver Airports District Office, 26805 E.

68th Ave., Suite 224, Denver, Colorado 80249.

The request to release property may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release property at the Gunnison-Crested Butte Regional Airport under the provisions of Section 47 125(a) of Title 49 United States Code (U.S.C.). On October 16, 2009, the FAA determined that the request to release property at the Gunnison-Crested Butte Regional Airport submitted by the County of Gunnison, Colorado met the procedural requirements of the Federal Aviation Regulations, Part 155. The FAA may approve the request, in whole or in part, no later than December 7, 2009.

The following is a brief overview of the request:

The County of Gunnison, Colorado requests the release of 160 acres of non-aeronautical airport property, otherwise known as Parcel 41 of the Gunnison-Crested Butte Regional Airport. The purpose of this release is to allow non-aviation related development of the parcel. The sale of this parcel will provide funds for airport improvements.

Any person may inspect the request by appointment at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, inspect the application, notice and other documents germane to the application in person at the Gurmison-Crested Butte Regional Airport, 519 West Rio Grande, Gunnison, Colorado, 81230.

Issued in Denver, Colorado, on October 16, 2009.

Craig A. Sparks,

Manager, Denver Airports District Office.

[FR Doc. E9-26481 Filed 11-4-09; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8870

AGENCY: Internal Revenue Service (IRS), Treasury.

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 IRS is soliciting comments concerning Form 8870, Information Return for Transfers Associated With Certain Personal Benefit Contracts.

DATES: Written comments should be received on or before January 4, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland Internal Revenue Service, room 6242, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622-3634, or through the Internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Information Return for Transfers Associated with Certain Personal Benefit Contracts.

OMB Number: 1545-1702.

Form Number: 8870.

Abstract: Section 537 of the Ticket to Work and Work Incentives Improvement Act of 1999 added section 170(f)(10) to the Internal Revenue Code. Section 170(f)(10)(F) requires an organization to report annually: (1) Any premiums paid after February 8, 1999, to which section 170(f)(10) applies; (2) the name and taxpayer identification number (TIN) of each beneficiary under each contact to which the premiums related; and (3) any other information the Secretary of the Treasury may require. A charitable organization described in section 170(c) or a charitable remainder trust described in section 664(d) that paid premiums after February 9, 1999, or certain life insurance, annuity, and endowment contracts (personal benefit contracts) must complete and file Form 8870.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 5,000.

Estimated Time per Respondent: 14 hours, 50 minutes.

Estimated Total Annual Burden Hours: 74,200.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to

respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

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.

Approved: October 28, 2009.

R. Joseph Durbala,

IRS Supervisory Tax Analyst.

[FR Doc. E9-26641 Filed 11-4-09; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 4506T-EZ

AGENCY: Internal Revenue Service (IRS), Treasury.

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 IRS is soliciting comments concerning Form 4506T-EZ, Short Form Request for Individual Tax Return Transcript.

DATES: Written comments should be received on or before January 4, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6242, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, (202) 622-3634, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Short Form Request for Individual Tax Return Transcript.

OMB Number: 1545-2154.

Form Number: Form 4506T-EZ.

Abstract: Form 4506T-EZ is used to request tax return transcripts. A taxpayer may designate a third party to receive the transcript.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or Households, Farms, and Businesses and other for-profit organizations.

Estimated Number of Respondents: 1,000,000.

Estimated Time per Respondent: 47 minutes.

Estimated Total Annual Burden Hours: 790,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

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.

Approved: October 29, 2009.

R. Joseph Durbala,

IRS Supervisory Tax Analyst.

[FR Doc. E9-26642 Filed 11-4-09; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8802

AGENCY: Internal Revenue Service (IRS), Treasury.

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 IRS is soliciting comments concerning Form 8802, Application for United States Residency Certification.

DATES: Written comments should be received on or before January 4, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622-6665, or through the Internet at Allan.M.Hopkins@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Application for United States Residency Certification.

OMB Number: 1545-1817.

Form Number: Form 8802.

Abstract: An entity must use Form 8802 to apply for United States Residency Certification. All requests for

U.S. residency certification must be received on Form 8802, Application for United States Residency Certification. This application must be sent to the Philadelphia Service Center. As proof of residency in the United States and of entitlement to the benefits of a tax treaty, U.S. Government certification that you are a U.S. citizen, U.S. corporation, U.S. partnership, or resident of the United States for purposes of taxation.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organization, and not-for-profit institution.

Estimated Number of Respondents: 100,000.

Estimated Time per Respondent: 4 hours, 13 minutes.

Estimated Total Annual Burden Hours: 421,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

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.

Approved: October 15, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9-26643 Filed 11-4-09; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2000-42

AGENCY: Internal Revenue Service (IRS), Treasury.

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 IRS is soliciting comments concerning Revenue Procedure 2000-42, Section 1503(d) Closing Agreement Requests.

DATES: Written comments should be received on or before January 4, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, Room 6242, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202)622-3634, or through the Internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Section 1503(d) Closing Agreement Requests.

OMB Number: 1545-1706.

Revenue Procedure Number: Revenue Procedure 2000-42.

Abstract: Revenue Procedure 2000-42 informs taxpayers of the information they must submit to request a closing agreement under regulation section 1.1503-2(g)(2)(iv)(B)(i) to prevent the recapture of dual consolidated losses upon the occurrence of certain triggering events.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 20.

Estimated Average Time per Respondent: 100 hours.

Estimated Total Annual Burden Hours: 2000.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

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.

Approved: October 26, 2009.

R. Joseph Durbala,

IRS Supervisory Tax Analyst.

[FR Doc. E9-26644 Filed 11-4-09; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2000-41

AGENCY: Internal Revenue Service (IRS), Treasury.

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 IRS is soliciting comments concerning Revenue Procedure 2000-41, Change in Minimum Funding Method.

DATES: Written comments should be received on or before *January 4, 2010* to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6242, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to R. Joseph Durbala at Internal Revenue Service, Room 6242, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622-3634, or through the Internet at *RJoseph.Durbala@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Change in Minimum Funding Method.

OMB Number: 1545-1704.

Revenue Procedure Number: Revenue Procedure 2000-41.

Abstract: Revenue Procedure 2000-41 provides a mechanism whereby a plan sponsor or plan administrator may obtain a determination from the Internal Revenue Service that its proposed change in the method of funding its pension plan(s) meets the standards of section 412 of the Internal Revenue Code.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not-for-profit institutions, and State, local or Tribal governments.

Estimated Number of Respondents: 300.

Estimated Time per Respondent: 18 hours.

Estimated Total Annual Burden Hours: 5,400.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long

as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

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.

Approved: October 23, 2009.

R. Joseph Durbala,

IRS Supervisory Tax Analyst.

[FR Doc. E9-26645 Filed 11-4-09; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 97-48

AGENCY: Internal Revenue Service (IRS), Treasury.

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 IRS is soliciting comments concerning Revenue Procedure 97-48, Automatic Relief for Late S Corporation Elections.

DATES: Written comments should be received on or before January 4, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of revenue procedure should be directed to Allan Hopkins at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622-6665, or through the Internet at *Allan.M.Hopkins@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Automatic Relief for Late S Corporation Elections.

OMB Number: 1545-1562.

Revenue Procedure Number: Revenue Procedure 97-48.

Abstract: The Small Business Job Protection Act of 1996 provides the IRS with the authority to grant relief for late S corporation elections. This revenue procedure provides that, in certain situations, taxpayers whose S corporation election was filed late can obtain relief by filing Form 2553 and attaching a statement explaining that the requirements of the revenue procedure have been met.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 100.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 100.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

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.

Approved: October 15, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9-26646 Filed 11-4-09; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 2009-83

AGENCY: Internal Revenue Service (IRS), Treasury.

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 IRS is soliciting comments concerning Notice 2009-83, Credit for Carbon Dioxide Sequestration under Section 45Q.

DATES: Written comments should be received on or before January 4, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6242, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of notice should be directed to R. Joseph Durbala, at (202) 622-3634, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Credit for Carbon Dioxide Sequestration under Section 45Q.

OMB Number: 1545-2153.

Notice Number: Notice 2009-83 (NOT-151370-08).

Abstract: The proposed notice sets forth interim guidance, pending the issuance of regulations, relating to the

credit for carbon dioxide sequestration (CO₂ sequestration credit) under § 45Q of the Internal Revenue Code.

Current Actions: This is a new collection. There are no changes being made to the notice at this time.

Type of Review: Extension of currently approved collection.

Affected Public: Business and for-profit.

Estimated Number of Respondents: 30.

Estimated Average Time per Respondent: 6 hrs.

Estimated Total Annual Burden Hours: 180 hrs.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

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.

Approved: October 29, 2009.

R. Joseph Durbala,

IRS Supervisory Tax Analyst.

[FR Doc. E9-26647 Filed 11-4-09; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8869

AGENCY: Internal Revenue Service (IRS), Treasury.

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 IRS is soliciting comments concerning Form 8869, Qualified Subchapter S Subsidiary Election.

DATES: Written comments should be received on or before January 4, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, Room 6242, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, (202) 622-3634, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Qualified Subchapter S Subsidiary Election.

OMB Number: 1545-1700.

Form Number: 8869.

Abstract: Effective for tax years beginning after December 31, 1996, Internal Revenue Code section 1361(b)(3) allows an S corporation to own a corporate subsidiary, but only if it is wholly owned. To do so, the parent S corporation must elect to treat the wholly owned subsidiary as a qualified subchapter S subsidiary (QSub). Form 8869 is used to make this election.

Current Actions: There are no changes being made to the form at this time.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 5,000.

Estimated Time per Respondent: 8 hrs., 9 mins.

Estimated Total Annual Burden Hours: 40,750.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to

respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

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.

Approved: October 22, 2009.

R. Joseph Durbala,

IRS Supervisory Tax Analyst.

[FR Doc. E9-26648 Filed 11-4-09; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[TD 8841 (Final)]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

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 IRS is soliciting comments concerning an existing final regulation, REG-209322-82 (TD 8841), Return of Partnership Income (§ 1.6031(a)-1).

DATES: Written comments should be received on or before January 4, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, Room 6242, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202)622-3634, or through the Internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Return of Partnership Income.

OMB Number: 1545-1583.

Regulation Project Number: REG-209322-82 (TD 8841 (final)).

Abstract: Section 1.6031(a)-1 requires partnerships to file a partnership return. The information in this section is required to enable the IRS to verify that a taxpayer is reporting the correct amount of income or gain or claiming the correct amount of losses, deductions, or credits from that taxpayer's interest in the partnership. The partnership return is filed on Form 1065.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other for-profit organizations, and farms. The burden is reflected in the burden estimate of Form 1065.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

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.

Approved: October 28, 2009.

R. Joseph Durbala,

IRS Supervisory Tax Analyst.

[FR Doc. E9-26649 Filed 11-4-09; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[EE-81-88]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

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 IRS is soliciting comments concerning an existing final regulation, EE-81-88 (TD 8599), Deductions for Transfers of Property (§ 1.83-6(a)).

DATES: Written comments should be received on or before January 4, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, Room 6242, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202)622-3634, or through the Internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Deductions for Transfers of Property.

OMB Number: 1545-1448.

Regulation Project Number: EE-81-88.

Abstract: Abstract Section 1.83–6(a) of the regulation provides that when property is transferred in connection with the performance of services, the recipient of service may claim a deduction for the amount included as compensation in the gross income of the service provider. The service provider will be deemed to have included an amount in gross income if the service recipient provides a timely Form W–2 or 1099, as appropriate.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, and farms.

The estimated annual burden of reporting will be reflected in the reporting requirements for Forms W–2 and 1099–MISC.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

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.

Approved: October 28, 2009.

R. Joseph Durbala,

IRS Supervisory Tax Analyst.

[FR Doc. E9–26650 Filed 11–4–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–252936–96]

Proposed Collection; Comment Request For Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

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 IRS is soliciting comments concerning a final regulation, REG–252936–96 (TD 8780), Rewards for Information Relating to Violations of Internal Revenue Laws (section 301.7623–1).

DATES: Written comments should be received on or before January 4, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this regulation should be directed to Allan Hopkins, at (202) 622–6665, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at Allan.M.Hopkins@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Rewards for Information Relating to Violations of Internal Revenue Laws.

OMB Number: 1545–1534.
Regulation Project Number: REG–252936–96.

Abstract: The regulations explain the procedure for submitting information that relates to violations of the internal revenue laws. The regulations also require a person claiming a reward for information to provide, in certain circumstances, identification of evidence that the person is the proper claimant.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, businesses or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 10,000

Estimated Time per Respondent: 3 hr.
Estimated Total Annual Burden Hours: 30,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

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.

Approved: October 15, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–26651 Filed 11–4–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 941, 941–PR, 941–SS, Schedule B (Form 941), and Schedule B (Form 941–PR)

AGENCY: Internal Revenue Service (IRS), Treasury.

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 IRS is soliciting comments concerning Forms 941 (Employer's Quarterly Federal Tax Return), 941-PR (Planilla Para La Declaracion Trimestral Del Patrono-LaContribucion Federal Al Seguro Social Y Al Seguro Medicare), 941-SS (Employer's Quarterly Federal Tax Return-American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands), Schedule B (Form 941) (Employer's Record of Federal Tax Liability), and Schedule B (Form 941-PR) (Registro Suplementario De La Obligacion Contributiva Federal Del Patrono).

DATES: Written comments should be received on or before January 4, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622-6665, or through the Internet at Allan.M.Hopkins@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Employer's Quarterly Federal Tax Return.

OMB Number: 1545-0029.

Form Numbers: 941, 941-PR, 941-SS, Schedule B (Form 941), and Schedule B (Form 941-PR).

Abstract: Form 941 is used by employers to report payments made to employees subject to income and social security/Medicare taxes and the amounts of these taxes. Form 941-PR is used by employers in Puerto Rico to report social security and Medicare taxes only. Form 941-SS is used by employers in the U.S. possessions to report social security and Medicare taxes only. Schedule B is used by employers to record their employment tax liability.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals, individuals or households, not-for-profit institutions, Federal government, and state, local or tribal governments.

Estimated Number of Responses:

37,810,463.

Estimated Time per Respondent: 8 hours, 26 minutes.

Estimated Total Annual Burden Hours: 318,884,262.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

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.

Approved: October 15, 2009.

R. Joseph Durbala,

IRS Reports Clearance Office.

[FR Doc. E9-26652 Filed 11-4-09; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 706-A

AGENCY: Internal Revenue Service (IRS), Treasury.

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 IRS is soliciting comments concerning Form 706-A, United States Additional Estate Tax Return.

DATES: Written comments should be received on or before January 4, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, Room 6242, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, (202) 622-3634, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: United States Additional Estate Tax Return.

OMB Number: 1545-0016.

Form Number: Form 706-A.

Abstract: Form 706-A is used by individuals to compute and pay the additional estate taxes due under Code section 2032A(c). IRS uses the information to determine that the taxes have been properly computed. The form is also used for the basis election of section 1016(c)(1).

Current Actions: There were no changes made to the document that resulted in any change to the burden previously reported to OMB. We are making this submission to renew the OMB approval.

Type of Review: Extension to previously approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 180.

Estimated Time per Respondent: 9 hours 19 minutes.

Estimated Total Annual Burden Hours: 1,678.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and

tax return information are confidential, as required by 26 U.S.C. 6103.

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.

Approved: October 28, 2009.

R. Joseph Durbala,

IRS Supervisory Tax Analyst.

[FR Doc. E9-26653 Filed 11-4-09; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 2008-33

AGENCY: Internal Revenue Service (IRS), Treasury.

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 IRS is soliciting comments concerning Notice 2008-33, Credit for New Qualified Alternative Motor Vehicles (Qualified Fuel Cell Motor Vehicles).

DATES: Written comments should be received on or before January 4, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P Kirkland, Internal Revenue Service, Room 6242, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or

copies of the form and instructions should be directed to R. Joseph Durbala, (202) 622-3634, at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Credit for New Qualified Alternative Motor Vehicles (Qualified Fuel Cell Motor Vehicles).

OMB Number: 1545-2028.

Form Number: Notice 2008-33.

Abstract: This Notice will be used to determine whether the vehicle for which the credit is claimed under § 30B by a taxpayer is property that qualifies for the credit. The collection of information is required to obtain a benefit. The likely respondents are corporations and partnerships.

Current Actions: There is no change in the notice previously approved by OMB. However, corrections are being made to the previously reported burden to be consistent with the original notice. The corrections result in a total burden decrease of 80 hours. This form is being submitted for renewal purposes only.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals and Households, Businesses and other for-profit organizations.

Estimated Number of Respondents: 5.
Estimated Time per Respondent: 40 hours.

Estimated Total Annual Burden Hours: 200.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

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.

Approved: October 27, 2009.

R. Joseph Durbala,

IRS Supervisory Tax Analyst.

[FR Doc. E9-26654 Filed 11-4-09; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Advisory Council to the Internal Revenue Service; Meeting

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: The Internal Revenue Service Advisory Council (IRSAC) will hold a public meeting on Wednesday, November 18, 2009.

FOR FURTHER INFORMATION CONTACT: Ms. Anna Millikan, Program Analyst, National Public Liaison, CL:NPL, 7559, 1111 Constitution Avenue, NW., Washington, DC 20224. **Telephone:** 202-622-6433 (not a toll-free number). **E-mail address:** *public_liaison@irs.gov.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), a public meeting of the IRSAC will be held on Wednesday, November 18, 2009, from 9 a.m. to 1 p.m. at the Embassy Suites DC Convention Center Hotel, 900 10th Street, NW., Capital Room C/D, Washington, DC 20001. Issues to be discussed include: Training ("just-in-time") for technical employees, Enterprise Compliance Audits, Automated Collection System (ACS) Telephone Navigation, Use of the Interactive Tax Law Tool on IRS.gov by Taxpayers, Publication 590, Individual Retirement Account (IRAs), Enhancing Voluntary Compliance through Civil Tax Penalty Reform, Offer in Compromise Refinements, Circular 230 Applicability to Appraisers, and Enrolled Agent Look-up Feature. Reports from the four IRSAC sub-groups, Large and Mid-size Business, Small Business/Self-Employed, Wage & Investment, and Office of Professional Responsibility will also be presented and discussed. Last minute agenda

changes may preclude advanced notice. The meeting room accommodates approximately 80 people, IRSAC members and Internal Revenue Service officials inclusive. Due to limited seating, please call Anna Millikan to confirm your attendance. Ms. Millikan can be reached at 202-622-6433.

Attendees are encouraged to arrive at least 30 minutes before the meeting begins. Should you wish the IRSAC to consider a written statement, please call 202-622-6433, or write to: Internal Revenue Service, Office of National Public Liaison, CL:NPL:7559, 1111 Constitution Avenue, NW., Washington, DC 20224 or e-mail:

*public_liaison@irs.gov.

Dated: October 28, 2009.

Carl Medley,

Designated Federal Official, Branch Chief, Liaison/Tax Forum Branch.

[FR Doc. E9-26640 Filed 11-4-09; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to Executive Order 12978

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control ("OFAC") is publishing the names of 23 individuals and entities whose property and interests in property have been unblocked pursuant to Executive Order 12978 of October 21, 1995, *Blocking Assets and Prohibiting Transactions With Significant Narcotics Traffickers*.

DATES: The unblocking and removal from the list of Specially Designated Nationals and Blocked Persons ("SDN List") of the 23 individuals and entities identified in this notice whose property and interests in property were blocked pursuant to Executive Order 12978 of October 21, 1995, is effective on October 30, 2009.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, *tel.*: 202/622-2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (<http://www.treas.gov/ofac>) or via

facsimile through a 24-hour fax-on demand service, *tel.*: (202) 622-0077.

Background

On October 21, 1995, the President, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701-1706) ("IEEPA"), issued Executive Order 12978 (60 FR 54579, October 24, 1995) (the "Order"). In the Order, the President declared a national emergency to deal with the threat posed by significant foreign narcotics traffickers centered in Colombia and the harm that they cause in the United States and abroad.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The persons listed in an Annex to the Order; (2) any foreign person determined by the Secretary of Treasury, in consultation with the Attorney General and Secretary of State: (a) to play a significant role in international narcotics trafficking centered in Colombia; or (b) to materially assist in, or provide financial or technological support for or goods or services in support of, the narcotics trafficking activities of persons designated in or pursuant to the Order; and (3) persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to be owned or controlled by, or to act for or on behalf of, persons designated pursuant to the Order.

On October 30, 2009, OFAC removed from the SDN List the 23 individuals and entities listed below, whose property and interests in property were blocked pursuant to the Order:

1. A G REPRESENTACIONES LTDA., Calle 22 Norte No. 9-43, Cali, Colombia; Calle 20N No. 5N-26 Of. 102, Cali, Colombia; NIT # 800132578-3 (Colombia) [SDNT].
2. ARDILA HUYO, Jorge Armando, c/o INTERNACIONAL DE DIVISAS S.A., Cali, Colombia; c/o INTERNACIONAL DE DIVISAS S.A., LLC, Miami, FL; c/o OBURSATILES S.A., Cali, Colombia; c/o A G REPRESENTACIONES LTDA., Cali, Colombia; c/o GALAVIZ CORPORATION, LTD., Cali, Colombia; c/o GALAVIZ CORPORATION, LTD., Miami, FL; c/o GALAVIZ CORPORATION, LTD., Nassau, Bahamas, The; c/o VALORCORP S.A., Bogota, Colombia; DOB 7 Feb 1960; Cedula No. 16448389 (Colombia); Passport 16448389 (Colombia) (individual) [SDNT].
3. ARDILA HUYO, Luis Alejandro, c/o INTERNACIONAL DE DIVISAS S.A., Cali, Colombia; c/o INTERNACIONAL DE DIVISAS S.A., LLC, Miami, FL; c/o OBURSATILES S.A., Cali, Colombia; c/o ARDILA-MARMOLEJO, LTD., Nassau, Bahamas, The; c/o A-G REPRESENTACIONES LTDA., Cali, Colombia; c/o GALAVIZ CORPORATION, LTD., Cali, Colombia; c/o GALAVIZ CORPORATION, LTD., Miami, FL; c/o GALAVIZ CORPORATION, LTD., Nassau, Bahamas, The; c/o VALORCORP S.A., Bogota, Colombia; DOB 4 Jan 1962; Cedula No. 16670574 (Colombia); Passport AF924686 (Colombia) (individual) [SDNT].
4. ARDILA-MARMOLEJO, LTD. (f.k.a. HUYO-GIRALDO, LTD.), Nassau, Bahamas, The; Business Registration Document # 88,046 B (Bahamas, The) [SDNT].
5. GALAVIZ CORPORATION, LTD., 7801 NW 37 Street No. 152059, Miami, FL 33166; Avenida 4 Norte 6N-67 Of. 705, Cali, Colombia; Nassau, Bahamas, The [SDNT].
6. INTERNACIONAL DE DIVISAS S.A., Calle 10 No. 4-40 of. 312, Cali, Colombia; Centro Comercial Cosmocentro Local 103, Cali, Colombia; Calle 19 No. 5-48 Local 226, Pereira, Colombia; Carrera 22 No. 18-65 Local 28, Manizales, Colombia; Carrera 52 No. 72-65 Local 106, Barranquilla, Colombia; Carrera 28 No. 29-06 Local 104, Palmira, Colombia; Transversal 71D No. 26-94 Sur Local 3504, Bogota, Colombia; NIT # 805013989-5 (Colombia) [SDNT].
7. INTERNACIONAL DE DIVISAS S.A., LLC, 280 Crandon Blvd., Suite 32-185, Miami, FL 33149-1540; Business Registration Document # L00000003506 (United States); US FEIN 65-0996161 (United States) [SDNT].
8. INVERSIONES CAPITAL LTDA., Calle 22 Norte No. 9-43, Cali, Colombia; NIT # 800106082-2 (Colombia) [SDNT].
9. IRAGORI TORRES, Maria Consuelo (a.k.a. IRAGORRI TORRES, Maria Consuelo), c/o INTERNACIONAL DE DIVISAS S.A., Cali, Colombia; c/o INTERNACIONAL DE DIVISAS S.A., LLC, Miami, FL; c/o OBURSATILES S.A., Cali, Colombia; c/o SEPULVEDA-IRAGORRI LTD., Nassau, Bahamas, The; c/o ALERO S.A., Cali, Colombia; c/o VALORCORP S.A., Bogota, Colombia; DOB 26 Apr 1964; Cedula No. 31921847 (Colombia); Passport 31921847 (Colombia) (individual) [SDNT].
10. KESMAN OVERSEAS, 3rd Floor, Geneva Place, Waterfront Drive, Road Town, Tortola, Virgin Islands, British [SDNT].
11. MAHECHA JARAMILLO, Cesar Javier, c/o OBURSATILES S.A., Cali, Colombia; DOB 22 Dec 1967; Cedula No. 16746488 (Colombia); Passport 16746488 (Colombia) (individual) [SDNT].
12. NAVIA DIAZ, Ricardo Alberto, c/o INTERNACIONAL DE DIVISAS S.A., Cali, Colombia; c/o INTERNACIONAL DE DIVISAS S.A., LLC, Miami, FL; c/o OBURSATILES S.A., Cali, Colombia; DOB 11 Nov 1961; Cedula No. 16662355 (Colombia); Passport 16662355

- (Colombia) (individual) [SDNT].
13. REPRESENTACIONES ZATZA LTDA., Calle 11 No. 16-23, Cali, Colombia; NIT # 805011682-0 (Colombia) [SDNT].
 14. SALCEDO MARTINEZ, Myriam (a.k.a. SALCEDO DE VARGAS, Myriam), c/o FUNDACION VIVIR MEJOR, Cali, Colombia; c/o FUNDASER, Cali, Colombia; Cedula No. 41572808 (Colombia); Passport 41572808 (Colombia) (individual) [SDNT].
 15. SANCLEMENTE BEDOYA, Claudia Patricia, c/o INTERNACIONAL DE DIVISAS S.A., Cali, Colombia; c/o INTERNACIONAL DE DIVISAS S.A., LLC, Miami, FL; c/o OBURSATILES S.A., Cali, Colombia; c/o VALORCORP S.A., Bogota, Colombia; DOB 5 Dec 1968; Cedula No. 31999055 (Colombia); Passport 31999055 (Colombia) (individual) [SDNT].
 16. SARASTI GUERRERO, Rodrigo Jose, Avenida 10 Norte No. 18-35, Cali, Colombia; c/o KESMAN OVERSEAS, Road Town, Tortola, Virgin Islands, British; c/o OBURSATILES S.A., Cali, Colombia; c/o ZARATAN CORPORATION, Cali, Colombia; c/o ZARATAN CORPORATION, Road Town, Tortola, Virgin Islands, British; DOB 25 Aug 1964; Cedula No. 16699921 (Colombia); Passport 16699921 (Colombia) (individual) [SDNT].
 17. SEPULVEDA ZAPATA, Efrain Hernan, c/o INTERNACIONAL DE DIVISAS S.A., Cali, Colombia; c/o INTERNACIONAL DE DIVISAS S.A., LLC, Miami, FL; c/o OBURSATILES S.A., Cali, Colombia; c/o SEPULVEDA-IRAGORRI LTD., Nassau, Bahamas, The; c/o REPRESENTACIONES ZATZA LTDA., Cali, Colombia; c/o VALORCORP S.A., Bogota, Colombia; DOB 21 Mar 1960; Cedula No. 16449272 (Colombia); Passport 16449272 (Colombia) (individual) [SDNT].
 18. SEPULVEDA-IRAGORRI, INC., 4382 Fox Ridge Dr., Weston, FL 33331; Business Registration Document # P00000115667 (United States); US FEIN 65-1062397 [BPI-SDNT].
 19. SEPULVEDA-IRAGORRI, LTD., Calle 6 Oeste No. 4-200 apt. 202, Cali, Colombia; Nassau, Bahamas, The [SDNT].
 20. VALERO JIMENEZ, Luis Hernan, Avenida 4N No. 19N-34, Cali, Colombia; Spain; c/o VALERO Y ASOCIADOS GABINETE JURIDICO S.L., Valencia, Spain; Paseo Murviedro Monte Picayo, No. 14, Pucol, Valencia, Spain; DOB 22 Sep 1965; Cedula No. 16723237 (Colombia); Passport 16723237 (Colombia) (individual) [SDNT].
 21. VALERO Y ASOCIADOS GABINETE JURIDICO S.L., Paseo Alameda, 60, Valencia 46023, Spain; C.I.F. B97393029 (Spain) [SDNT].
 22. VALORES CORPORATIVOS S.A. (a.k.a. VALORCORP S.A.), Transversal 9 No. 55-97 Of. 401, Bogota, Colombia; NIT # 830015542-7 (Colombia) [SDNT].
 23. ZARATAN CORPORATION, Avenida 4 Norte No. 4N-30, Cali, Colombia; Calle 7 Oeste No. 1-13, Cali, Colombia; Vanterpool Plaza, P.O. Box 873, Wickhams Cay I, Road Town, Tortola, Virgin Islands, British [SDNT].

Dated: October 30, 2009.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. E9-26655 Filed 11-4-09; 8:45 am]

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Reminders. Effective January 1, 2009, the Reminders, including Rules Going Into Effect and Comments Due Next Week, no longer appear in the Reader Aids section of the Federal Register. This information can be found online at <http://www.regulations.gov>.

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at <http://bookstore.gpo.gov/>.

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