

The clause at DFARS 252.228–7005, Accident Reporting and Investigation Involving Aircraft, Missiles, and Space Launch Vehicles, requires the contractor to report promptly to the administrative contracting officer all pertinent facts relating to each accident involving an aircraft, missile, or space launch vehicle being manufactured, modified, repaired, or overhauled in connection with the contract.

The clause at DFARS 252.228–7006, Compliance with Spanish Laws and Insurance, requires the contractor to provide the contracting officer with a written representation that the contractor has obtained the required types of insurance in the minimum amounts specified in the clause, when performing a service or construction contract in Spain.

**Amy G. Williams,**

*Editor, Defense Acquisition Regulations System.*

[FR Doc. E9–27851 Filed 11–18–09; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

[OMB Control Number 0704–0434]

#### Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Radio Frequency Identification Advance Shipment Notices

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Notice and request for comments regarding a proposed extension of an approved information collection requirement.

**SUMMARY:** In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of

automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use through December 31, 2009. DoD proposes that OMB approve an extension of the information collection requirement, to expire 3 years after the approval date.

**DATES:** DoD will consider all comments received by January 19, 2010.

**ADDRESSES:** You may submit comments identified by OMB Control Number 0704–0434, using any of the following methods:

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

*E-mail:* [dfars@acq.osd.mil](mailto:dfars@acq.osd.mil). Include OMB Control Number 0704–0434 in the subject line of the message.

*Fax:* (703) 602–7887.

*Mail:* Defense Acquisition Regulations System, Attn: Ms. Cassandra R. Freeman, OUSD (AT&L) DPAP (DARS), IMD3D139, 3062 Defense Pentagon, Washington, DC 20301–3062.

*Hand Delivery/Courier:* Defense Acquisition Regulations System, Crystal Square 4, Suite 200A, 241 18th street, Arlington, VA 22202–3402.

Comments received generally will be posted without change to <http://www.regulations.gov>, including any person information provided.

**FOR FURTHER INFORMATION CONTACT:** Ms. Cassandra R. Freeman, at (703) 602–8383. The information collection requirement addressed in this notice is available on the World Wide Web at <http://www.acq.osd.mil/dpap/dars/dfars/index.htm>. Paper copies are available from Ms. Cassandra R. Freeman, OUSD (AT&L) DPAP (DARS), IMD3D139, 3062 Defense Pentagon, Washington, DC 20301–3062.

#### SUPPLEMENTARY INFORMATION:

*Title and OMB Number:* Defense Federal Acquisition Regulation Supplement (DFARS) Part 211 and related clause at 252.211; Radio Frequency Identification Advance Shipment Notices, OMB Control Number 0704–0434.

*Needs and Uses:* DoD uses advance shipment notices for the shipment of material containing RFID tag data. DoD receiving personnel use the advance shipment notice to associate the unique identification encoded on the RFID tag with the corresponding shipment. Use of the RFID technology permits DoD an automated and sophisticated end-to-end supply chain, which has increased visibility of assets and permits delivery of supplies to the warfighter more quickly.

*Affected Public:* Businesses or other for-profit and not-for-profit institutions.  
*Annual Burden Hours:* 31,556.  
*Number of Respondents:* 25,000.  
*Responses per Respondent:* 3,981.  
*Annual Responses:* 101,515,500.  
*Average Burden per Response:* Approximately 1.1 seconds.  
*Frequency:* On Occasion.

#### Summary of Information Collection

The clause at DFARS 252.211–7006, Radio Frequency Identification Advance Shipment Notices, requires the contractor to ensure that the data on each passive RFID tag are unique and conforms to the requirements that they are readable and affixed to the appropriate location on the specific level of packaging in accordance with MIL–STD–129 tag placement specifications. The contractor shall encode an approved RFID tag using the appropriate instructions at the time of contract award. Regardless of the selected encoding scheme, the contractor is responsible for ensuring that each tag contains a globally unique identifier. The contractor shall electronically submit advance shipment notices with the RFID tag identification in advance of the shipment in accordance with the procedures at [http://www.acq.osd.mil/log/rfid/advance\\_shipment\\_ntc.htm](http://www.acq.osd.mil/log/rfid/advance_shipment_ntc.htm).

**Amy G. Williams,**

*Editor, Defense Acquisition Regulations System.*

[FR Doc. E9–27853 Filed 11–18–09; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Notice of Intent To Revise Scope of Draft Environmental Impact Statement for Updating the Water Control Manuals for the Apalachicola-Chattahoochee-Flint River Basin To Account for Federal District Court Ruling

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** Notice is hereby given that the U.S. Army Corps of Engineers (Corps), Mobile District, intends to revise the scope of the Environmental Impact Statement (EIS) for the Water Control Manuals updates for the Apalachicola-Chattahoochee-Flint (ACF) River Basin in Alabama, Florida, and Georgia, to account for a July 17, 2009 Federal court ruling. On July 17,

2009, Judge Paul A. Magnuson issued a memorandum and order in the case *In re Tri-State Water Rights Litigation* (M.D. Fla. No. 3:07-md-01), addressing the Corps' authority to provide water supply benefits through its operation of the Buford Dam/Lake Sidney Lanier project. The Corps solicits comments from interested persons regarding significant new information and circumstances introduced by the July 17, 2009, Order related to the scope of the EIS in connection with the water control manual updates. Public comments will be considered in preparation of the Draft EIS and updated water control manuals.

A Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) was published in the **Federal Register** (73 FR 9780) on February 22, 2008. In January 2009, after considering public comments, the Corps published a Final Scoping Report, Environmental Impact Statement, Update of the Apalachicola-Chattahoochee-Flint (ACF) River Basin, in Alabama, Florida, and Georgia, available at <http://www.sam.usace.army.mil/pa/acf-wcm/>. Any comments previously submitted will be reviewed and addressed in any scoping revisions. There is no need to resubmit comments previously provided during the 2008 scoping effort, unless in your opinion the above-cited district court decision necessitates additional comments from you.

**DATES:** The public comment period will commence with publication of this notice, and will end 45 days after its publication. This notice will also be distributed to those who commented during the original scoping period of October-December 2008. This distribution will occur by mail and/or e-mail on or about the date of this notice. No additional public scoping meetings are planned. Comments on the scope of the EIS, including concerns, issues, or proposed alternatives that should be considered in the EIS, should be submitted in writing to (see **ADDRESSES**) and will be accepted throughout the public comment period. Comments may also be submitted by using the electronic comment form at: [http://www.sam.usace.army.mil/pa/acf-wcm/mail\\_list.htm#form](http://www.sam.usace.army.mil/pa/acf-wcm/mail_list.htm#form).

**ADDRESSES:** To facilitate the Master Water Control Manual update, a support contract has been awarded to Tetra Tech, Inc. for preparation of the EIS and additional scoping. Please mail written comments to Tetra Tech, Inc., 107 Saint Francis Street, Ste. 1403, Mobile, AL 36602-9986.

**FOR FURTHER INFORMATION CONTACT:** Questions about the manual update or

National Environmental Policy Act (NEPA) process should be directed to: Mr. Brian Zettle, Biologist, Environment and Resources Branch, Planning and Environmental Division, U.S. Army Engineer District-Mobile, Post Office Box 2288, Mobile, AL 36628-0001; Telephone (251) 690-2115; or delivered by electronic facsimile at (251) 694-3815; or e-mail: [brian.a.zettle@usace.army.mil](mailto:brian.a.zettle@usace.army.mil). You may also request to be included on the mailing list for public distribution of notices, meeting announcements and documents.

**SUPPLEMENTARY INFORMATION:** The Corps is updating the water control plans and manuals for the ACF Basin. This effort will include an updated Master Water Control Manual, containing plans for the coordinated operation of the five Federal reservoirs within the ACF basin as a system, and updated Water Control Manuals for each of those reservoirs, containing plans for the operation of those projects for their authorized purposes. Collectively, these documents may be referred to as the "water control plans and manuals," "water control manuals," or simply as the "Master Water Control Manual," which includes the project-specific water control manuals. The water control plans and manuals will contain drought plans and action zones to assist Federal water managers in knowing when to reduce or increase reservoir releases and conserve storage in the Federal reservoirs and how to ensure the safety of dams during atypical conditions such as droughts and floods. The draft EIS will assess environmental impacts associated with these updated operating criteria and guidelines.

On July 17, 2009, Judge Paul A. Magnuson issued a memorandum and order in the *Tri-State Water Rights litigation* available at [http://www.sam.usace.army.mil/pa/acf-wcm/pdf/071709court\\_ruling.PDF](http://www.sam.usace.army.mil/pa/acf-wcm/pdf/071709court_ruling.PDF). The court's ruling has introduced new information and circumstances that bear upon certain determinations reflected in the Corps' January 2009 Final Scoping Report, to the extent that those determinations included operating the Lake Lanier/Buford Dam project to support present or increased levels of municipal and industrial water supply withdrawals.

The court determined that the Corps has exceeded its authority under the project authorization and the Water Supply Act of 1958 by operating the Buford Dam/Lake Lanier project to accommodate present levels of withdrawals for water supply. The court's order states that "absent

Congressional authorization or some other resolution of this dispute" within three years of July 17, 2009, "the operation of Buford Dam will return to the 'baseline' operation of the mid-1970s. Thus, the required off-peak flow will be 600 cfs [cubic feet per second] and only Gainesville and Buford will be allowed to withdraw water from the lake." The order states that until that time, "the parties may continue to operate at current water-supply withdrawal levels but should not increase those withdrawals absent the agreement of all other parties to this matter."

As a result of this ruling, the Corps is revising the scope of the EIS and water control manual updates in the following respects:

a. In updating the ACF water control plans and manuals, which are expected to be implemented in approximately three years, i.e., in July 2012, the Corps will consider only operations that are within existing authority. The Corps previously announced its intent to update the plans and manuals "to reflect current operations." Because the court has held that the Corps lacks authority to continue to support present levels of water supply withdrawals at Lake Lanier or to reallocate storage to accommodate those or additional withdrawals, and because the court has ordered that most withdrawals from Lake Lanier must cease in 2012, the Corps will update the plans and manuals for operating the Lake Lanier project in a manner that reflects the court's order. Thus, the Corps will not continue to accommodate the present level of withdrawals beyond July 2012, nor will the Corps consider a reallocation of storage for water supply at Lake Lanier as part of the process for updating the ACF water control plans and manuals. Should the States and other interested parties to *In re Tri-State Water Rights Litigation* reach an agreement that involves reallocation of storage for water supply, the Corps would be prepared to submit that agreement to the Army and higher Executive Branch authorities for consideration and possible referral to Congress. Should Congress enact legislation authorizing additional water supply at Lake Lanier, the Corps would update its operations, plans and manuals accordingly.

b. Pursuant to the court's order, as of July 17, 2012, the updated manuals will reflect that water supply withdrawals from Lake Lanier will be limited to the amounts authorized by relocation agreements with the Cities of Gainesville and Buford, Georgia. Those agreements, which were executed at the

time of the reservoir's construction, authorize withdrawals of 8 million gallons per day (mgd) for Gainesville and 2 mgd for Buford, a combined 10 mgd.

c. Pursuant to the court's order, as of July 17, 2012, the updated manuals will reflect that "the required off-peak flow [at Buford Dam] will be 600 cfs." Currently, peak hydropower demand at Buford Dam typically occurs on weekdays from 0500–0900 and 1500–2200 between October 1 and March 31, and on weekdays from 1300–1900 between April 1 and September 30. When the Corps is not generating hydropower to meet this peak demand, the Corps will not release more than 600 cfs from Buford Dam to support water supply withdrawals.

All other aspects described in the notice of intent published in the **Federal Register** (73 FR 9780) on February 22, 2008 remain the same. To satisfy its obligations under NEPA, the Corps will evaluate present circumstances as part of its EIS, while acknowledging that it currently lacks authority to continue to accommodate present levels of water supply at Lake Lanier beyond July 17, 2012.

Additional information on the ACF River Basin and the Master Water Control Manual Update process will be posted on the Mobile District Web page as it becomes available: <http://www.sam.usace.army.mil>.

**R. Daren Payne,**

*Lieutenant Colonel, Corps of Engineers,  
Acting District Commander.*

[FR Doc. E9–27787 Filed 11–18–09; 8:45 am]

BILLING CODE 3720–58–P

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### The Release of the Draft Environmental Impact Statement (DEIS) for the Town of Nags Head Proposed Beach Nourishment Project in Dare County, NC

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice.

**SUMMARY:** The U.S. Army Corps of Engineers (COE), Wilmington District, Regulatory Division, has received a request for Department of the Army authorization, pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899, from the Town of Nags Head to dredge up to 4.6 million cubic yards of beach-quality sediment from an offshore

borrow source, and deposit the material along approximately 10 miles of ocean shoreline in the Town of Nags Head.

The applicant proposes to utilize a self-contained hopper dredge during a proposed construction window from April through September to undertake the dredging operations and discharge the sand on the beach via submerged pipeline. The applicant's proposed borrow areas include sites identified as having beach quality material in the U.S. Army Corps of Engineers, Wilmington District's EIS, entitled *Final Feasibility Report and Environmental Impact Statement on Hurricane Protection and Beach Erosion Control*, dated September 2000 (USACE 2000).

**DATES:** Written comments on the Draft EIS will be received until December 30, 2009.

**ADDRESSES:** Copies of comments and questions regarding the Draft EIS may be addressed to: U.S. Army Corps of Engineers, Wilmington District, Washington Regulatory Field Office. ATTN: File Number 200640282, 2407 W. Fifth Street, Washington, NC 27889. Copies of the Draft EIS can be reviewed on the Wilmington District Regulatory homepage at, <http://www.saw.usace.army.mil/wetlands/regtour.htm>, or contact Ms. Sharon Barnett, at (910) 251–4555, to receive written or CD copies of the Draft EIS.

**FOR FURTHER INFORMATION CONTACT:** Questions about the proposed action and DEIS can be directed to Mr. Raleigh Bland, Project Manager, Regulatory Division, telephone: (910) 251–4564.

**SUPPLEMENTARY INFORMATION:**

1. *Project Description.* The project site is located off NC Highway 12, adjacent to the Atlantic Ocean, in the Town of Nags Head, Dare County, NC. The proposed project totals approximately 10 miles of ocean shoreline beginning approximately 1 mile from the town's northern limit and extending south to the town line adjacent to the Cape Hatteras National Seashore. The proposed borrow area is located in the Atlantic Ocean approximately 2–3 miles offshore of the project site. The Town of Nags Head encompasses approximately 11 miles of ocean shoreline on a barrier island located at the northern end of North Carolina's Outer Banks. The width of the berm of the island's dune system varies considerably with location along the town's beach and with the season. Along most of the project area, the winter berm is non-existent due to continuing erosion processes. Dune habitat is currently decreasing due to excessive erosion of the base or toe of the dunes by waves that travel unimpeded over eroded wet

beach to directly impact dunes. The Town of Nags Head proposes to excavate 4.6 million cubic yards of beach-quality sediment from an offshore borrow source, and deposit the material along approximately 10 miles of ocean shoreline owned by the Town of Nags Head.

2. *Proposed Action.* The purpose of the proposed action is to nourish the Town of Nags Head's ocean shoreline to restore a protective beach, replace sand lost during the period of delay in the implementation of the Federal *Dare County Hurricane Protection and Beach Erosion Control Project* (USACE 2000), and to help preserve property values and the tax base of Dare County.

The proposed borrow area includes portions of offshore areas identified by the Corps of Engineers in the 2000 Federal Dare County Project. The anticipated optimal equipment for excavations will include ocean-certified, self-contained hopper dredges. Such equipment typically excavates shallow trenches (approximately 2–3 foot sections) in each pass (leaving narrow undisturbed areas at the margin of each cut), then travels to a buoyed pipeline anchored close to shore. Discharge to the beach is via submerged pipeline across the surf zone, then by way of shore-based pipe positioned along the dry beach. Only a small area of the Corps borrow area will be required to provide up to 4.6 million cubic yards of beach quality material. The applicant is coordinating the specific area for use in the proposed project with the Corps with the following understanding: (1) The final borrow area required for the emergency beach nourishment project can be limited to the equivalent of a 0.9 square-mile (approximately 575 acres) area, (2) the borrow area used will be contiguous rather than a series of small impact areas, (3) once used, the borrow area will no longer be available for use, consistent with the Dare County Project, and (4) the borrow area will be delineated so as to avoid ongoing biological monitoring stations established by the Corps in connection with the Dare County Project. The project will be built in approximate 1–2 mile sections, optimizing the disposition of pipeline. Sections will be pumped into place with the aid of temporary dikes pushed up by bulldozers in the surf zone. Daily operations will impact approximately 500–1,000 linear feet of shoreline as work progresses in either direction from the submerged pipeline. Upon completion of a section, the submerged pipe and beach-building equipment will be shifted to the next section. As construction progresses, sections will be