

and manufacturers whose quota applications were received as of October 21, 2009.

Therefore, under the authority vested in the Attorney General by Section 306 of the CSA (21 U.S.C. 826), and delegated to the Administrator of the DEA by 28 CFR 0.100, and redelegated to the Deputy Administrator pursuant to 28 CFR 0.104, the Deputy Administrator hereby orders that the 2010 Assessment of Annual Needs for ephedrine, pseudoephedrine, and phenylpropanolamine, expressed in kilograms of anhydrous acid or base, be established as follows:

List I chemical	Established 2010 assessment of annual needs
Ephedrine (for sale) .....	3,600
Phenylpropanolamine (for sale) .....	6,400
Pseudoephedrine (for sale) .....	404,000
Phenylpropanolamine (for conversion) .....	16,500
Ephedrine (for conversion) .....	75,000

The Office of Management and Budget has determined that notices of quotas are not subject to centralized review under Executive Order 12866.

This action does not preempt or modify any provision of state law; nor does it impose enforcement responsibilities on any state; nor does it diminish the power of any state to enforce its own laws. Accordingly, this action does not have any federalism implications warranting the application of Executive Order 13132.

The Deputy Administrator hereby certifies that this action will not have a significant economic impact upon a substantial number of small entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601–612. The establishment of Assessment of Annual Needs for ephedrine, pseudoephedrine, and phenylpropanolamine is mandated by law. The assessments are necessary to provide for the estimated medical, scientific, research and industrial needs of the United States; for lawful export requirements; and the establishment and maintenance of reserve stocks. Accordingly, the Deputy Administrator has determined that this action does not require a regulatory flexibility analysis.

This action meets the applicable standards set forth in Sections 3(a) and 3(b)(2) of Executive Order 12988 Civil Justice Reform.

This action will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the

private sector, of \$120,000,000 or more (adjusted for inflation) in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

This action is not a major rule as defined by Section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act). This action will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Dated: November 11, 2009.

**Michele M. Leonhart,**

*Deputy Administrator.*

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**BILLING CODE 4410–09–P**

## DEPARTMENT OF LABOR

### Bureau of Labor Statistics

#### Solicitation of Comments on a Proposal To Revise Method for Estimation of Monthly Labor Force Statistics for Certain Subnational Areas

**AGENCY:** Bureau of Labor Statistics, Labor.

**ACTION:** Notice of solicitation of comments.

**SUMMARY:** The Department of Labor, through the Bureau of Labor Statistics (BLS), is responsible for the development and publication of local area labor force statistics. This program includes the issuance of monthly estimates of the labor force, employment, unemployment, and the unemployment rate for each State and labor market area in the nation. A hierarchy of estimation methods is used to produce the 7,300 estimates covered by the Local Area Unemployment Statistics (LAUS) program (<http://thomas.loc.gov/bss/d111/d111laws.html>), based on the availability and quality of data from the Current Population Survey (CPS). The strongest estimating method—signal-plus-noise models with real-time benchmarking for current estimation and historical benchmarking—is employed for all States and the District of Columbia, the Los Angeles-Long Beach-Glendale, CA metropolitan division, New York City, and the

respective balances of New York and California. Models are also employed for five additional substate areas and their State balances. The areas are: the Chicago-Naperville-Joliet, IL metropolitan division; the Cleveland-Elyria-Mentor, OH metropolitan area; the Detroit-Warren-Livonia, MI metropolitan area; the Miami-Miami Beach-Kendall, FL metropolitan division; and the Seattle-Bellevue-Everett, WA metropolitan division.

As part of a program of continuing improvements in LAUS methodology, BLS is proposing the implementation of smoothed-seasonally-adjusted series for current and historical estimates. This approach is an innovative alternative to an annual historical benchmark for seasonally-adjusted State estimates that will address longstanding issues related to end-of-year revision, and also will enhance the analytical capability of the estimates.

BLS proposes to implement the revised methodology beginning with January 2010 current estimates, with historical estimates revised to 1976 for States, the District of Columbia, Los Angeles, New York City, and the respective balances of California and New York. The five other substate model estimates will be revised back to 1983.

**DATES:** Submit written comments on or before December 21, 2009.

**ADDRESSES:** Send comments to Sharon Brown, Division Chief, Division of Local Area Unemployment Statistics, Bureau of Labor Statistics, Room 4675, 2 Massachusetts Avenue, NE., Washington, DC 20212, by FAX at 202–691–6459, or by e-mail at [Brown.Sharon@bls.gov](mailto:Brown.Sharon@bls.gov).

**FOR FURTHER INFORMATION CONTACT:** Sharon Brown, Division Chief, Division of Local Area Unemployment Statistics, Bureau of Labor Statistics, Room 4675, 2 Massachusetts Avenue, NE., Washington DC 20212, by telephone at 202–691–6390, or by e-mail at [LAUSRM@bls.gov](mailto:LAUSRM@bls.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Department of Labor, through the BLS, has been responsible for the development and publication of local area labor force statistics since 1972. In 1978, the BLS broadened the use data from the CPS in the LAUS program by extending the annual reliability criterion to monthly data. Monthly CPS levels were used directly for the 10 largest States, two substate areas (New York City, Los Angeles), and the respective balances of New York and California. In 1985, the sample redesign

and other efficiencies improved the reliability of CPS data at the State level, resulting in the current criterion on monthly and annual average data of an 8 percent coefficient of variation on the level of unemployment when the unemployment rate is 6 percent. In addition, North Carolina joined the group of direct-use States. In 1989, variable coefficient time-series models for monthly estimation of State employment and unemployment were introduced for 39 States and the District of Columbia. Further improvement was effected with the implementation of signal-plus-noise models in 1994. These models rely heavily on monthly CPS data, as well as current wage and salary employment and unemployment insurance statistics. State labor force estimation for the direct-use States was based the time series modeling approach beginning in January 1996.

Improvements introduced with the redesign in January 2005 ensured that State estimates add to the national estimates of employment and unemployment each month, through real-time benchmarking. In doing so, the benchmark changed from annual State-level estimates of employment and unemployment to monthly national estimates of these measures. In this way, economic shocks are reflected in the State estimates on a real-time basis, and end-of-year revisions are significantly smaller.

Historical benchmarking is part of the annual processing activities performed on the models. The first two steps, revision of inputs and model re-estimation, are the same for both the not-seasonally-adjusted (NSA) series and the seasonally-adjusted series. The final step, benchmarking to historical control totals, differs by series. The NSA estimates are benchmarked to monthly Division model controls which have been controlled to monthly national CPS estimates. This ensures that the monthly State NSA estimates sum to the national CPS estimates. The annual average of the NSA estimates is used to control the monthly seasonally-adjusted model estimates. This process preserves the underlying smoothness in the model estimates that would be lost by applying the monthly benchmarking procedure.

However, the current procedure had an unanticipated impact on the historical benchmarking for the seasonally-adjusted estimates during 2008. Unemployment rose steeply in the nation and all States during 2008. The benchmark methodology that required the use of the annual average as the historical control total for the seasonally-adjusted estimates meant that unemployment rates were adjusted

downward during the latter months of 2008. This impacted comparisons with January 2009 unemployment estimates that continued to reflect the steep economic decline. In addition to issues with historical benchmarking, the monthly real-time benchmarking procedure introduces volatility into the current seasonally-adjusted estimates, producing estimates with spurious turning points that are difficult to explain to data users.

## II. Current Action

To address these serious issues, the BLS proposes modifying the procedures for the seasonally-adjusted estimates and implementing a smoothing methodology for both current and historical seasonally-adjusted series. Smoothing the current series will reduce the number of spurious turning points in the estimates. For historical estimates, the first two steps in annual processing: revising model inputs and re-estimating the series, are unchanged. The last step, benchmarking to control totals, will be revised for the seasonally-adjusted estimates. The use of the annual average of the NSA series as the control total will be dropped. Instead, as in current monthly estimation, the historical seasonally-adjusted series will be adjusted by the same pro-rata factor used in adjusting the NSA estimates to the national control totals. Since the pro-rata factors fluctuate from month-to-month, this procedure will introduce additional variability into the historical series, which could dominate the monthly change in the benchmarked series. Smoothing the series following the application of the pro-rata adjustment will reduce the volatility added. The smoother selected is the Henderson Trend Filter (H13).

Detailed descriptions of the current and proposed approaches are available from the office listed above.

## III. Desired Focus of Comments

Comments and recommendations are requested from the public on the use of the Henderson Trend Filter (H13) to smooth the LAUS current and historical seasonally adjusted estimates.

Signed at Washington, DC, this 17th day of November 2009.

**Kimberley Hill,**

*Acting Chief, Division of Management Systems, Bureau of Labor Statistics.*

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**BILLING CODE 4510-24-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Request for Certification of Compliance—Rural Industrialization Loan and Grant Program

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** The Employment and Training Administration is issuing this notice to announce the receipt of a “Certification of Non-Relocation and Market and Capacity Information Report” (Form 4279-2) for the following:

*Applicant/Location:* Legacy Senior Care Group, LLC/Richfield, Ohio.

*Principal Product/Purpose:* The loan, guarantee, or grant application is to enable a new business venture to construct and manage an assisted living facility that also offers memory care. The NAICS industry code for this enterprise is: 623311 Continuing Care Retirement Communities.

**DATES:** All interested parties may submit comments in writing no later than December 4, 2009. Copies of adverse comments received will be forwarded to the applicant noted above.

**ADDRESSES:** Address all comments concerning this notice to Anthony D. Dais, U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room S-4231, Washington, DC 20210; or e-mail [Dais.Anthony@dol.gov](mailto:Dais.Anthony@dol.gov); or transmit via fax (202) 693-3015 (this is not a toll-free number).

**FOR FURTHER INFORMATION CONTACT:** Anthony D. Dais, at telephone number (202) 693-2784 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** Section 188 of the Consolidated Farm and Rural Development Act of 1972, as established under 29 CFR Part 75, authorizes the United States Department of Agriculture to make or guarantee loans or grants to finance industrial and business activities in rural areas. The Secretary of Labor must review the application for financial assistance for the purpose of certifying to the Secretary of Agriculture that the assistance is not calculated, or likely, to result in: (a) A transfer of any employment or business activity from one area to another by the loan applicant's business operation; or, (b) An increase in the production of goods, materials, services, or facilities in an area where there is not sufficient