

List of Subjects in 32 CFR Part 2004

Classified information.

For the reasons stated in the preamble, NARA proposes to amend Title 32 of the Code of Federal Regulations, Part 2004, as follows:

PART 2004—NATIONAL INDUSTRIAL SECURITY PROGRAM DIRECTIVE NO. 1

1. Revise the authority citation for part 2004 to read as follows:

Authority: Executive Order 12829, January 6, 1993, 58 FR 3479, as amended by Executive Order 12885, December 14, 1993, 58 FR 65863.

2. Amend § 2004.22 by adding new paragraph (c) to read as follows:

§ 2004.22 Operational Responsibilities [202(a)]

* * * * *

(c) National Interest Determinations (NIDs). Executive branch departments and agencies shall make a National Interest Determination (NID) before authorizing contractors, cleared or in process for clearance under a Special Security Agreement (SSA), to have access to proscribed information. To make a NID, the agency shall assess whether release of the proscribed information is consistent with the national security interests of the United States.

(1) The requirement for a NID applies to new contracts, including pre-contract activities in which access to proscribed information is required, and to existing contracts when contractors are acquired by foreign interests and an SSA is the proposed foreign ownership, control, or influence mitigation method.

(i) If access to proscribed information is required to complete pre-contract award actions or to perform on a new contract, the Government Contracting Activity (GCA) shall determine if release of the information is consistent with national security interests.

(ii) For contractors that have existing contracts that require access to proscribed information, have been or are in the process of being acquired by foreign interests, and have proposed an SSA to mitigate foreign ownership, the Cognizant Security Office (CSO) shall notify the GCA of the need for a NID.

(iii) The GCA(s) shall determine, ordinarily within 30 days, per § 2004.22(c)(4)(i), or 60 days, per § 2004.22(c)(4)(ii), whether release of the proscribed information is consistent with national security interests.

(2) In accordance with 10 U.S.C. 2536, DoD and the Department of Energy (DOE) cannot award a contract involving access to proscribed

information to a contractor effectively owned or controlled by a foreign government unless a waiver has been issued by the Secretary of Defense or Secretary of Energy.

(3) NIDs may be program-, project-, or contract-specific. For program and project NIDs, a separate NID is not required for each contract. The CSO may require the GCA to identify all contracts covered by the NID. NID decisions shall be made by officials as specified by CSA policy or as designated by the agency head.

(4) NID decisions shall ordinarily be made within 30 days.

(i) Where no interagency coordination is required because the department or agency owns or controls all of the proscribed information in question, the GCA shall provide a final documented decision to the applicable CSO, with a copy to the contractor, ordinarily within 30 days of the date of the request for the NID.

(ii) If the proscribed information is owned by, or under the control of, a department or agency other than the GCA (e.g., National Security Agency (NSA) for Communications Security, the Office of the Director of National Intelligence (ODNI) for Sensitive Compartmented Information, and DOE for Restricted Data), the GCA shall provide written notice to that department or agency that its written concurrence is required. Such notice shall be provided within 30 days of being informed by the CSO of the requirement for a NID. The GCA shall ordinarily provide a final documented decision to the applicable CSO, with a copy to the contractor, within 60 days of the date of the request for the NID.

(iii) If the NID decision is not provided within 30 days, per § 2004.22(c)(4)(i), or 60 days, per § 2004.22(c)(4)(ii), the CSA shall intercede to request the GCA to provide a decision. In such instances, the CSO will provide the contractor with updates at 30-day intervals until the NID decision is made.

(5) The CSO shall not delay implementation of an SSA pending completion of a GCA's NID processing, provided there is no indication that a NID will be denied either by the GCA or the owner of the information (i.e., NSA, DOE, or ODNI). However, the contractor shall not have access to additional proscribed information under a new contract until the GCA determines that the release of the information is consistent with national security interests and issues a NID.

(6) The CSO shall not upgrade an existing contractor clearance under an SSA to Top Secret unless an approved

NID covering the prospective Top Secret access has been issued.

§ 2004.24 [Redesignated as § 2004.5]

3. Redesignate § 2004.24 as § 2004.5, and transfer newly designated § 2004.5 from subpart B to subpart A.

4. In newly designated § 2004.5, redesignate paragraph (b) as paragraph (c), and add new paragraphs (b), (d), and (e), to read as follows:

§ 2004.5 Definitions.

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(b) "Cognizant Security Office (CSO)" means the organizational entity delegated by the Head of a CSA to administer industrial security on behalf of the CSA.

* * * * *

(d) "National Interest Determination (NID)" means a determination that access to proscribed information is consistent with the national security interests of the United States.

(e) "Proscribed information" means Top Secret; Communications Security, except classified keys used for data transfer; Restricted Data; Special Access Program; or Sensitive Compartmented Information.

Dated: November 23, 2009.

William J. Bosanko, Director, Information Security Oversight Office.

David S. Ferriero, Archivist of the United States.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2005-AL-0002; FRL-9086-3]

Approval and Promulgation of Implementation Plans: Alabama: Proposed Approval of Revisions to the Visible Emissions Rule and Alternative Proposed Disapproval of Revisions to the Visible Emissions Rule; Informational Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of document availability.

SUMMARY: The purpose of this notice is to inform the public that EPA has added a memorandum to the docket to explain the source of information for two exhibits that were provided in the original docket for the rulemaking entitled "Proposed Approval of Revisions to the Visible Emissions Rule

and Alternative Proposed Disapproval of Revisions to the Visible Emissions Rule.” The comment period for this proposed rulemaking was originally scheduled to close on November 16, 2009; however, EPA published a subsequent notice in the **Federal Register** extending the comment period for this proposed rulemaking to December 16, 2009 (74 FR 57978).

ADDRESSES: The hard copy docket is available at the U.S. Environmental Protection Agency, Air, Pesticides and Toxics Management Division, Air Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303. The electronic docket is available at <http://www.regulations.gov>. Refer to EPA docket number: “EPA-R04-OAR-2005-AL-0002”.

FOR FURTHER INFORMATION CONTACT: Ms. Lynorae Benjamin, U.S. Environmental Protection Agency, Air, Pesticides and Toxics Management Division, Air Planning Branch; 61 Forsyth Street, SW.; Atlanta, Georgia 30303. Ms. Benjamin can be reached via e-mail at Benjamin.lynorae@epa.gov or phone at (404) 562-9040.

SUPPLEMENTARY INFORMATION: On October 2, 2009, EPA published the “Proposed Approval of Revisions to the Visible Emissions Rule and Alternative Proposed Disapproval of Revisions to the Visible Emissions Rule,” for a 45-day public comment period to November 16, 2009. During this 45-day public comment period, EPA received two requests for further information related to two exhibits provided in the docket for the proposed rulemaking. Specifically, the requesters asked for the source of data for the exhibits numbered: EPA-R04-OAR-2005-AL-0002-0045 & EPA-R04-OAR-2005-AL-0002-0047. As a result of these requests, EPA has prepared a memorandum which provides further information regarding the two aforementioned exhibits, and has placed this memorandum in the docket for this proposed rulemaking for the consideration of other reviewers.

Of further note is that EPA received 3 requests for an extension of the public comment period on the rulemaking entitled “Proposed Approval of Revisions to the Visible Emissions Rule and Alternative Proposed Disapproval of Revisions to the Visible Emissions Rule.” The comment period for this proposed rulemaking was originally scheduled to close on November 16, 2009; however, EPA published a subsequent notice in the **Federal Register** extending the comment period for this proposed rulemaking to December 16, 2009.

Dated: November 11, 2009.

J. Scott Gordon,

Acting Regional Administrator, Region 4.

[FR Doc. E9-28420 Filed 11-27-09; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 0910131362-91411-01]

RIN 0648-XS43

Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Proposed 2010 and 2011 Harvest Specifications for Groundfish

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes 2010 and 2011 harvest specifications, apportionments, and Pacific halibut prohibited species catch limits for the groundfish fishery of the Gulf of Alaska (GOA). This action is necessary to establish harvest limits for groundfish during the 2010 and 2011 fishing years and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska. The intended effect of this action is to conserve and manage the groundfish resources in the GOA in accordance with the Magnuson-Stevens Fishery Conservation and Management Act.

DATES: Comments must be received by December 30, 2009.

ADDRESSES: Send comments to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. You may submit comments, identified by RIN 0648-XS43, by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>.
- *Mail:* P.O. Box 21668, Juneau, AK 99802.
- *Fax:* (907) 586-7557.
- *Hand delivery to the Federal Building:* 709 West 9th Street, Room 420A, Juneau, AK.

All comments received are a part of the public record. No comments will be

posted to <http://www.regulations.gov> for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Electronic copies of the Alaska Groundfish Harvest Specifications Final Environmental Impact Statement (Final EIS) and the Initial Regulatory Flexibility Analysis (IRFA) prepared for this action may be obtained from <http://www.regulations.gov> or from the Alaska Region Web site at <http://alaskafisheries.noaa.gov>. Copies of the final 2008 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the Gulf of Alaska (GOA), dated November 2008, are available from the North Pacific Fishery Management Council (Council) at 605 West 4th Avenue, Suite 306, Anchorage, AK 99510-2252, phone 907-271-2809, or from the Council's Web site at <http://alaskafisheries.noaa.gov/npfmc>.

FOR FURTHER INFORMATION CONTACT: Tom Pearson, 907-481-1780, or Obren Davis, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the GOA groundfish fisheries in the exclusive economic zone (EEZ) of the GOA under the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The Council prepared the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801, *et seq.* Regulations governing U.S. fisheries and implementing the FMP appear at 50 CFR parts 600, 679, and 680.

These proposed specifications are based in large part on the 2008 SAFE report (*see ADDRESSES*). In December 2009, the Council will consider the 2009 SAFE report to develop its recommendations for the final 2010 and 2011 acceptable biological catch (ABC) amounts and total allowable catch (TAC) limits. Anticipated changes in the final specifications from the proposed specifications are identified in this notice for public review.