

Board the authority, on its own volition, to require a party to apply for a Board permit. See 49 U.S.C. 10908(b)(2)(B), 10909(a); *January 14 Notice*, slip op. at 8–9. In general, that decision is solely within the control of the entity. The one exception is that a governor of the State in which an existing facility is located could petition the Board under 49 CFR 1155 Subpart B to require that facility to obtain a land-use-exemption permit in order for it to continue to operate. 49 U.S.C. 10908(b)(2)(B). But even in that circumstance, the authority lies with the State governors—not the Board—to initiate the Board’s processes. *Id.* In all other scenarios, a party can avoid being subject to the Board’s rules regarding land-use-exemption permits by complying with State requirements. Therefore, the interim rules will not circumscribe or mandate the conduct of a substantial number of small entities.

Moreover, there are no alternatives to the interim rules that would adequately achieve the objectives of the Clean Railroads Act. The only scenario in which a small entity might be compelled to avail itself of the new Board processes (when a State governor has properly petitioned the Board under 49 CFR 1155 Subpart B) must be included in the new rules because it is specifically required under the CRA. 49 U.S.C. 10908(b)(2)(B). Finally, we have provided a waiver provision that could mitigate any significant negative impact on small entities—an applicant may request a waiver of any particular part of the application procedures. See 49 CFR 1155.24(d)(2).

Pursuant to 5 U.S.C. 605(b), the factual basis for the certification that the regulations proposed in the *January 14 Notice* will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act has hereby been provided. Comments regarding this certification and its factual basis as described in this decision will be due by January 6, 2010, and replies to those comments will be due by January 19, 2010. A copy of the Board’s decision will be served upon the Chief Counsel for Advocacy, Offices of Advocacy, U.S. Small Business Administration, Washington, DC 20416.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

By the Board, Chairman Elliott, Vice Chairman Nottingham, and Commissioner Mulvey.

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. E9–30358 Filed 12–21–09; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0465]

### Agency Information Collection (Student Verification of Enrollment) Activity Under OMB Review

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

**DATE:** Comments must be submitted on or before January 21, 2010.

**ADDRESSES:** Submit written comments on the collection of information through <http://www.Regulations.gov>; or to VA’s OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to “OMB Control No. 2900–0465” in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Denise McLamb, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, FAX (202) 273–0443 or e-mail [denise.mclamb@mail.va.gov](mailto:denise.mclamb@mail.va.gov). Please refer to “OMB Control No. 2900–0465.”

#### SUPPLEMENTARY INFORMATION:

*Title:* Student Verification of Enrollment, VA Form 22–8979.

*OMB Control Number:* 2900–0465.

*Type of Review:* Extension of a currently approved collection.

*Abstract:* VA Form 22–8979 contains a student’s certification of actual attendance and verification of the student’s continued enrollment in courses leading to a standard college degree or in non-college degree programs. VA uses the data collected to determine the student’s continued

entitlement to benefits. Students are required to submit verification on a monthly basis to allow for a frequent, periodic release of payment.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on October 14, 2009, at page 52843.

*Affected Public:* Individuals or households.

*Estimated Annual Burden:* 17,024 hours.

*Estimated Average Burden Per Respondent:* 1 minute.

*Frequency of Response:* 4 times per year.

*Estimated Number of Respondents:* 255,354.

*Estimated Number of Responses:* 1,021,416.

Dated: December 17, 2009.

By direction of the Secretary:

**Denise McLamb,**

*Program Analyst, Enterprise Records Service.*

[FR Doc. E9–30363 Filed 12–21–09; 8:45 am]

**BILLING CODE 8320–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0518]

### Agency Information Collection (Income Verification) Activity Under OMB Review

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

**DATE:** Comments must be submitted on or before January 21, 2010.

**ADDRESSES:** Submit written comments on the collection of information through <http://www.Regulations.gov>; or to VA’s OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316.