

times of the backup protection system being utilized.

25. With this understanding, the Commission proposes to interpret Requirement R1.3.10 as requiring a planner to study the effects of the as-designed backup protection system, and a planner must consider whether this clearing is consistent with the as-designed normal clearing of the protection system being studied. It follows that where a study's base case is designed to test the effects of backup protection systems, the base case assumption that the backup protection system operates in the time normally expected is not equivalent to delayed clearing due to a primary protection system component failure.

26. Rather, the backup protection system becomes the analytical starting point for the examined normal operating conditions, *i.e.*, the base case, and any additional time and elements removed from service resulting from operation of that backup protection beyond those the primary protection system would require is intentional and as designed. The operating characteristics (*i.e.*, time and elements removed) of the primary protection system are simply no longer part of the analysis. Delayed clearing in the case of simulating the effects of backup protection systems only results when there is a failure of a protection system component in the protection systems being simulated.

27. Finally, we propose that the interpretation of R1.3.10 discussed herein will apply prospectively from the effective date of any Final Rule and no entity will be subject to financial penalties for having operated in a manner inconsistent with this proposed interpretation prior to the effective date of any Final Rule.

#### *D. Related Discussion in Order No. 693*

28. The Commission did not specifically discuss a protection system failure or misoperation in Order No. 693. However, the Commission discussed the issue of a single point of protection system failure and how it factors into planning studies under the System Protection Coordination (PRC) Reliability Standards. The Commission stated:

With respect to MISO's comment that virtually all protection systems have backups and therefore the Commission's proposals are not necessary, unless the backup protection has the same design goals and capabilities as the primary protection, a relay failure in the primary protection may still threaten system reliability. Further, we note that while the [Protection and Control] Reliability Standards do not specifically require protection systems consisting of redundant

and independent protection groups for each critical element in the Bulk-Power System, such requirements are included as one potential solution in the TPL Reliability Standards.<sup>26</sup>

29. Therefore, the Commission has recognized the effect that non-operation of primary protection systems may have on reliability in the context of observing that redundant or backup protection systems may minimize the reliability risks that non-operation of primary protection systems poses. Consistent with the concern the Commission discussed regarding the PRC Reliability Standards, Requirement R1.3.10 of Reliability Standard TPL-002-0 provides that the effect of non-operation of primary protection systems be studied for a valid assessment of system reliability.

#### **V. Comment Procedures**

30. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due May 10, 2010. Comments must refer to Docket No. RM10-6-000, and must include the commenter's name, the organization they represent, if applicable, and their address in their comments.

31. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's Web site at <http://www.ferc.gov>. The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

32. Commenters that are not able to file comments electronically must send an original and 14 copies of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426.

33. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

<sup>26</sup> Order No. 693, FERC Stats & Regs. ¶ 31,242 at P 1436, n.380 (if delayed clearing results in reliability criteria violations, one solution can be the use of redundant relay systems, citing TPL-002-0 Table I, footnote e).

#### **VI. Document Availability**

34. 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.

35. 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.

36. 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](mailto: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](mailto:public.referenceroom@ferc.gov).

By direction of the Commission.

**Kimberly D. Bose,**  
Secretary.

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BILLING CODE 6717-01-P

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## **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

### **24 CFR Part 1000**

[Docket No. FR-5275-C-07]

#### **Native American Housing Assistance and Self-Determination Reauthorization Act of 2008: Negotiated Rulemaking Committee Meeting; Correction**

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice of Negotiated Rulemaking Committee Meeting; correction.

**SUMMARY:** HUD published a document in the **Federal Register** on March 19, 2010, announcing a meeting of the Native American Housing Assistance & Self-Determination Negotiated Rulemaking Committee. The document contained an incorrect telephone number for the location where the meeting is to take place. The location,

address, and dates of the meeting remain as previously published.

**FOR FURTHER INFORMATION CONTACT:**

Rodger J. Boyd, Deputy Assistant Secretary for Native American Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4126, Washington, DC 20410; telephone number 202-401-7914 (this is not a toll-free number). Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

**Correction**

In the **Federal Register** of March 19, 2010, on page 13243, in the second column, correct the **ADDRESSES** caption to read:

**ADDRESSES:** The meeting will take place at the Doubletree Paradise Valley Resort, 5401 North Scottsdale Road, Scottsdale, Arizona 85250; telephone number 480-947-5400 (this is not a toll-free number).

Dated: March 19, 2010.

**Aaron Santa Anna,**

*Assistant General Counsel for Legislation and Regulation.*

[FR Doc. 2010-6609 Filed 3-24-10; 8:45 am]

**BILLING CODE 4210-67-P**

**DEPARTMENT OF VETERANS AFFAIRS**

**38 CFR Part 3**

**RIN 2900-AN54**

**Diseases Associated With Exposure to Certain Herbicide Agents (Hairy Cell Leukemia and Other Chronic B Cell Leukemias, Parkinson's Disease and Ischemic Heart Disease)**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of Veterans Affairs (VA) is proposing to amend its adjudication regulations concerning presumptive service connection for certain diseases based upon the most recent National Academy of Sciences (NAS) Institute of Medicine committee report, *Veterans and Agent Orange: Update 2008* (Update 2008). This proposed amendment is necessary to implement a decision of the Secretary of Veterans Affairs that there is a positive association between exposure to herbicides and the subsequent development of hairy cell leukemia and other chronic B-cell leukemias, Parkinson's disease, and ischemic heart disease. The intended effect of this

proposed amendment is to establish presumptive service connection for these diseases based on herbicide exposure.

**DATES:** Comments must be received by VA on or before April 26, 2010.

**ADDRESSES:** Written comments may be submitted through <http://www.Regulations.gov>; by mail or hand-delivery to Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Ave., NW., Room 1068, Washington, DC 20420; or by fax to (202) 273-9026. (This is not a toll free number.)

Comments should indicate that they are submitted in response to "RIN 2900-AN54—Diseases Associated With Exposure to Certain Herbicide Agents (Hairy Cell Leukemia and other Chronic B Cell Leukemias, Parkinson's Disease and Ischemic Heart Disease)." Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461-4902 for an appointment. (This is not a toll free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System at <http://www.Regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Gerald Johnson, Regulations Staff (211D), Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461-9727 (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** Section 3 of the Agent Orange Act of 1991, Public Law 102-4, 105 Stat. 11, directed the Secretary to seek to enter into an agreement with NAS to review and summarize the scientific evidence concerning the association between exposure to herbicides used in support of military operations in the Republic of Vietnam during the Vietnam era and each disease suspected to be associated with such exposure. Congress mandated that NAS determine, to the extent possible: (1) Whether there is a statistical association between the suspect diseases and herbicide exposure, taking into account the strength of the scientific evidence and the appropriateness of the methods used to detect the association; (2) the increased risk of disease among individuals exposed to herbicides during service in the Republic of Vietnam during the Vietnam era; and (3) whether there is a plausible biological mechanism or other evidence of a causal

relationship between herbicide exposure and the suspect disease. Section 3 of Public Law 102-4 also required that NAS submit reports on its activities every 2 years (as measured from the date of the first report) for a 10-year period. The Veterans Education and Benefits Expansion Act of 2001 (Benefits Expansion Act), Public Law 107-103, § 201(d), extended through October 1, 2014, the period for submission of NAS reports. Section 1116(b) of title 38, United States Code, as enacted by the Agent Orange Act of 1991, Public Law 102-4, provides that whenever the Secretary determines, based on sound medical and scientific evidence, that a positive association (*i.e.*, the credible evidence for the association is equal to or outweighs the credible evidence against the association) exists between exposure of humans to an herbicide agent (*i.e.*, a chemical in an herbicide used in support of the United States and allied military operations in the Republic of Vietnam during the Vietnam era) and a disease, the Secretary will publish regulations establishing presumptive service connection for that disease.

Section 2 of the Agent Orange Act of 1991, Public Law 102-4, provided that the congressional mandate that the Secretary establish presumptions of service connection under 38 U.S.C. 1116(b) would expire 10 years after the first day of the fiscal year in which the NAS transmitted its first report to VA. The first NAS report was transmitted to VA in July 1993, during the fiscal year that began on October 1, 1992. Accordingly, under the Agent Orange Act of 1991, Public Law 102-4, the mandate for VA to issue regulatory presumptions as specified in section 1116(b) expired on September 30, 2002. In December 2001, however, Congress enacted the Benefits Expansion Act, section 201(d) of which extended the mandate under section 1116(b) through September 30, 2015. Pursuant to the Benefits Expansion Act, Public Law 107-103, VA must issue new regulations between October 1, 2002, and September 30, 2015, establishing additional presumptions of service connection for diseases that the Secretary finds to be associated with exposure to an herbicide agent.

The Secretary of Veterans Affairs has determined that the available scientific and medical evidence discussed in the "Veterans and Agent Orange Update 2008," authored by the Committee to Review the Health Effects in Vietnam Veterans of Exposure to Herbicides, Institute of Medicine (IOM) of the NAS, and other information available to the Secretary, are sufficient to establish that