

USAID, a written request to obtain commodities and freight in a manner other than on a lowest landed cost basis. This request shall include a statement of the reasons for not using lowest landed cost basis. The head of contracting authority designee, or one level above the contracting officer, with the concurrence of USAID, shall, on an expedited basis, either accept or reject this request and shall document this determination in writing and provide a copy to USAID.

(b) *Freight Shipping and Rates.* (1) In determining lowest-landed cost as specified in paragraph (a) of this section, the Department shall use vessel rates offered in response to solicitations issued by USAID or grantee organizations receiving commodities under 7 U.S.C. 1731 *et seq.*

(2) USAID may require, or direct a grantee organization to require, an ocean carrier to submit offers electronically through a Web-based system maintained by the Department. If electronic submissions are required, the Department may, at its discretion, accept corrections to such submissions that are submitted in a written form other than by use of such Web-based system.

(c) The contracting officer shall consider total transit time, as it relates to a final delivery date, in order to satisfy Title II program requirements.

(d)(1) Commodities offered for delivery free alongside ship to Great Lakes port range or intermodal bridge-point Great Lakes port range that represent the overall (foreign and U.S. flag) lowest landed cost will be awarded on a lowest landed cost basis. Tonnage allocated on this basis will not be reevaluated on a lowest landed cost U.S.-flag basis unless the contracting officer determines that 25 percent of the total annual tonnage of bagged, processed or fortified commodities furnished under 7 U.S.C. 1731 *et seq.* has been, or will be, transported from the Great Lakes port range during that fiscal year.

(2) The contracting officer shall consider commodity offers as offers for delivery "intermodal bridge-point Great Lakes port range" only if:

(i) The offer specifies delivery at a marine cargo-handling facility that is capable of loading ocean going vessels at a Great Lakes port, as well as loading ocean going conveyances such as barges and container vans, and

(ii) The commodities will be moved from one transportation conveyance to another at such a facility.

(e) *Multiple Awards or Delivery Points.* (1) If more than one offer for the sale of commodities is received or more

than one delivery point has been designated in such offers, in order to achieve a combination of a freight rate and commodity award that produces the lowest landed cost for the delivery of the commodity to the foreign destination, the contracting officer shall evaluate offers submitted on a delivery point by delivery point basis; however, consideration shall be given to prioritized ocean transport service in determining lowest landed cost.

(2) The contracting officer may determine that extenuating circumstances preclude awards on the basis of lowest landed cost. However, in all such cases, commodities may be transported in compliance with cargo preference requirements as determined by USAID.

(3) The contracting officer shall notify USAID or, if applicable, the grantee organization, that its shipping agent will be notified of the vessel freight rate used in determining the commodity contract award. The grantee organization or USAID will be responsible for finalizing the charter or booking contract with the vessel representing the freight rate so used.

#### 470.203 Cargo preference.

An agency having responsibility under this subpart shall administer its programs, with respect to this subpart, in accordance with regulations prescribed by the Secretary of the Department of Transportation.

**Michael W. Yost,**

*Executive Vice President, Commodity Credit Corporation, and Administrator, Foreign Agricultural Service.*

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## FEDERAL DEPOSIT INSURANCE CORPORATION

### 12 CFR Part 360

#### Processing of Deposit Accounts in the Event of an Insured Depository Institution Failure and Large-Bank Deposit Insurance Determination Modernization; Limited Opportunity To Resubmit Comment

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice of limited opportunity to resubmit comment.

**SUMMARY:** The FDIC invites the commenter who filed a public comment at <http://www.regulations.gov> on April 14, 2008, relating to the FDIC's Notice of Proposed Rulemaking involving "Processing of Deposit Accounts in the

Event of an Insured Depository Institution Failure and Large-Bank Deposit Insurance Determination Modernization" to resubmit to the FDIC his or her comment relating to this action. We are taking this action because due to a technical software error, a public comment submitted via <http://www.regulations.gov> was not transmitted to the FDIC. Therefore, the FDIC will provide this commenter with a limited opportunity to resubmit his or her comment to the FDIC on or before November 24, 2008.

**DATES:** The commenter whose comment was not transmitted to the FDIC in accordance with the situation described above may resubmit his or her comment on or before November 24, 2008.

**ADDRESSES:** The affected commenter may submit his or her comment by any of the following methods:

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

- *Agency Web Site:* <http://www.FDIC.gov/regulations/laws/federal>. Follow instructions for submitting comments on the FDIC's Web Site.

- *E-mail:* [Comments@FDIC.gov](mailto:Comments@FDIC.gov). Include "Resubmitted Comments" in the subject line of the message.

- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429

- *Hand Delivery/Courier:* Guard Station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m. (EST).

- *Public Inspection:* All comments received will be posted without change to <http://www.fdic.gov/regulations/laws/federal/> including any personal information provided. Paper copies of public comments may be ordered from the Public Information Center by telephone at (877) 275-3342 or (703) 562-2200.

**FOR FURTHER INFORMATION CONTACT:** A. Ann Johnson, Counsel, Legal Division, (202) 898-3573 or [aaajohnson@fdic.gov](mailto:aaajohnson@fdic.gov).

**SUPPLEMENTARY INFORMATION:** In January 2003, the interagency eRulemaking Program launched <http://www.regulations.gov> to provide citizens with an online portal to learn about proposed regulations and to submit their comments on the rulemaking process. For the first time, American citizens could access and comment on all proposed Federal regulations from a single Web site.

A software problem that <http://www.regulations.gov> resulted in the non-transmittal of public comments to some federal agencies from March 22,

2008 through September 8, 2008. The software error affected only a few federal agencies, one of which was the FDIC. The FDIC has been assured that the software problem has been corrected and that safeguards are now in place to ensure this error will not occur for future rulemakings.<sup>1</sup>

Specifically, because of the software problem, the FDIC has been notified that a total of two public comments relevant to FDIC rulemakings were filed using the Federal eRulemaking Portal at <http://www.regulations.gov>, but were not submitted to the FDIC.<sup>2</sup> The FDIC was advised that one of the missing comments was filed on April 14, 2008. This comment related to the FDIC's Notice of Proposed Rulemaking involving "Processing of Deposit Accounts in the Event of an Insured Depository Institution Failure and Large-Bank Deposit Insurance Determination Modernization."<sup>3</sup> The Federal eRulemaking Portal at <http://www.regulations.gov> has been unable to retrieve this comment or identify the commenter.

The FDIC considered all public comments relating to the proposed rule and posted the comments for public review on its Web site at <http://www.fdic.gov/regulations/laws/federal/>. In large measure, the proposed rule has been finalized. To ensure fairness in its rulemaking process, however, the FDIC invites the commenter to resubmit his or her comment if they (1) Commented about either of this proposed rule on the date indicated, (2) used the Federal eRulemaking Portal to file their original

<sup>1</sup> Questions about the Federal eRulemaking Portal may be directed to John Moses, Chief, eRulemaking Program Branch, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, (202) 566-1352, [Moses.John@epamail.epa.gov](mailto:Moses.John@epamail.epa.gov).

<sup>2</sup> The other missing comment was filed on July 9, 2008. This missing comment related to the FDIC's Interim Final Rule and Request for Comment involving "Financial Education Programs That Include the Provision of Bank Products and Services." 73 FR 35337 (June 23, 2008). The FDIC subsequently finalized this interim final rule. 73 FR 55431 (Sept. 25, 2008). The commenter whose comment was not received by the FDIC and which is related to that rulemaking is invited to submit his or her comment to the FDIC through procedures outlined in a second Notice of Limited Opportunity to Resubmit Comment published by the FDIC in the *Federal Register* on October 24, 2008.

<sup>3</sup> See Notice of Proposed Rulemaking involving "Processing of Deposit Accounts in the Event of an Insured Depository Institution Failure and Large-Bank Deposit Insurance Determination Modernization." 73 FR 2364 (Jan. 14, 2008). The FDIC subsequently bifurcated the proposed rule, and published an Interim Rule with Request for Comments relating to the "Processing of Deposit Accounts in the Event of an Insured Depository Institution Failure" (73 FR 41170 (July 17, 2008)) and a Final Rule relating to "Large-Bank Deposit Insurance Determination Modernization" (73 FR 41180 (July 17, 2008)).

comments, and (3) do not believe that their comment was received by the FDIC. If a commenter is unsure whether his or her comment was received by the FDIC, the commenter may verify receipt of the comment by checking the FDIC's Web site for the comment at <http://www.fdic.gov/regulations/laws/federal/> or by contacting the FDIC's Public Information Center using the contact information indicated above.

Dated the 20th of October 2008.  
Federal Deposit Insurance Corporation.  
**Robert E. Feldman,**  
*Executive Secretary.*  
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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

#### Proposed Modification of the Charlotte, NC, Class B Airspace Area; Public Meetings

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of meetings.

**SUMMARY:** This notice announces two fact-finding informal airspace meetings to solicit information from airspace users and others, concerning a proposal to revise the Class B airspace area at Charlotte, NC. The purpose of these meetings is to provide interested parties an opportunity to present views, recommendations, and comments on the proposal. All comments received during these meetings will be considered prior to any issuance of a notice of proposed rulemaking.

**TIMES AND DATES:** The informal airspace meetings will be held on Wednesday, January 7, 2009, from 3 p.m.–8 p.m.; and Thursday, January 8, 2009, from 3 p.m.–8 p.m. Comments must be received on or before February 9, 2009.

**ADDRESSES:** 1. The meeting on Wednesday, January 7, 2009, will be held at the Concord Regional Airport, Conference Room, 9000 Aviation Blvd., Concord, NC 28027. 2. The meeting on Thursday, January 8, 2009, will be held at the Rock Hill Airport, Conference Room, 550 Airport Rd., Rock Hill, SC 29732.

*Comments:* Send comments on the proposal to: Mark D. Ward, Manager, Operations Support Group, Air Traffic Organization, Eastern Service Area, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320

**FOR FURTHER INFORMATION CONTACT:** Mike Schmidt, Support Manager, Charlotte Airport Traffic Control Tower, 5507 Josh Birmingham Pkwy., Charlotte, NC 28208; telephone: (704) 359-1010.

#### SUPPLEMENTARY INFORMATION:

##### Meeting Procedures

a. The meetings will be informal in nature and will be conducted by one or more representatives of the FAA Eastern Service Center. A representative from the FAA will present an informal briefing on the planned modification to the Class B airspace area at Charlotte, NC. Each participant will be given an opportunity to deliver comments or make a presentation. Only comments concerning the plan to modify the Class B airspace area at Charlotte, NC, will be accepted.

b. The meetings will be open to all persons on a space-available basis. There will be no admission fee or other charge to attend and participate.

c. Any person wishing to make a presentation to the FAA panel will be asked to sign in and estimate the amount of time needed for such presentation. This will permit the panel to allocate an appropriate amount of time for each presenter. These meetings will not be adjourned until everyone on the list has had an opportunity to address the panel.

d. Position papers or other handout material relating to the substance of these meetings will be accepted. Participants wishing to submit handout material should present an original and two copies (3 copies total) to the presiding officer. There should be additional copies of each handout available for other attendees.

e. These meetings will not be formally recorded. However, a summary of comments made at the meeting will be filed in the docket.

##### Agenda for the Meetings

- Sign-in
- Presentation of Meeting Procedures
- FAA Explanation of the Proposed Class B Modifications
- Public Presentations and Discussions
- Closing Comments

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

Issued in Washington, DC, on October 16, 2008.

**Edith V. Parish,**  
*Manager, Airspace and Rules Group.*

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