



Federal Register

2-5-09

Vol. 74 No. 23

Pages 6117-6222

Thursday

Feb. 5, 2009



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Tuesday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see www.federalregister.gov.

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** www.gpoaccess.gov/nara, available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via e-mail at gpoaccess@gpo.gov. The Support Team is available between 7:00 a.m. and 9:00 p.m. Eastern Time, Monday–Friday, except official holidays.

The annual subscription price for the **Federal Register** paper edition is \$749 plus postage, or \$808, plus postage, for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Printing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see bookstore.gpo.gov.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 74 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche 202-512-1800
Assistance with public subscriptions 202-512-1806

General online information 202-512-1530; 1-888-293-6498

Single copies/back copies:

Paper or fiche 202-512-1800
Assistance with public single copies 1-866-512-1800
(Toll-Free)

FEDERAL AGENCIES

Subscriptions:

Paper or fiche 202-741-6005
Assistance with Federal agency subscriptions 202-741-6005

FEDERAL REGISTER WORKSHOP

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WHEN: Tuesday, February 24, 2009
9:00 a.m.–12:30 p.m.

WHERE: Office of the Federal Register
Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC 20002

RESERVATIONS: (202) 741-6008



Contents

Federal Register

Vol. 74, No. 23

Thursday, February 5, 2009

Agency for Healthcare Research and Quality

NOTICES

Meetings:

Scientific Peer Review Groups, 6159

Agriculture Department

See Commodity Credit Corporation

Army Department

NOTICES

Environmental Impact Statements; Availability, etc.:

Implementation of Fort Carson's Grow the Army (GTA)
Stationing Decisions, 6140

Centers for Disease Control and Prevention

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 6159–6165

Meetings:

Ethics Subcommittee, Advisory Committee to the
Director, Centers for Disease Control and Prevention,
6165

Subcommittee for Dose Reconstruction Reviews,
Advisory Board on Radiation and Worker Health,
National Institute for Occupational Safety and
Health; Cancellation, 6165

Subcommittee on Procedures Reviews, Advisory Board
on Radiation and Worker Health, National Institute
for Occupational Safety and Health; Cancellation,
6165–6166

Commerce Department

See Economic Development Administration

See Foreign–Trade Zones Board

See Industry and Security Bureau

See International Trade Administration

Commodity Credit Corporation

RULES

Farm Program Payment Limitation and Payment Eligibility
for 2009 and Subsequent Crop, Program, or Fiscal
Years, 6117

Defense Department

See Army Department

See Navy Department

Department of Transportation

See Pipeline and Hazardous Materials Safety
Administration

Economic Development Administration

NOTICES

Petitions by Firms for Determination of Eligibility to Apply
for Trade Adjustment Assistance, 6133–6134

Education Department

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 6141–6142

Energy Department

See Energy Efficiency and Renewable Energy Office

See Federal Energy Regulatory Commission

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 6142–6144

Energy Efficiency and Renewable Energy Office

NOTICES

Opportunity For Technical Assistance:

Solar America Showcases (General 2009), 6144–6146

Environmental Protection Agency

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 6152–6154

Draft Toxicological Review of Halogenated Platinum Salts
and Platinum Compounds:

In Support of the Summary Information in the Integrated
Risk Information System (IRIS), 6154–6155

Federal Aviation Administration

NOTICES

Meetings:

RTCA Special Committee 186; Automatic Dependent
Surveillance–Broadcast (ADS–B), 6202–6203

Federal Communications Commission

RULES

Inquiry into the Commission's Policies and Rules Regarding
AM Radio Service Directional Antenna Performance
Verification, 6120–6121

Radio Broadcasting Services:

Basin, WY, 6121–6122

Culebra and Vieques, PR, 6122

PROPOSED RULES

Radio Broadcasting Services:

Charlotte Amalie, VI, 6131–6132

Ten Sleep, WY, 6132

Federal Energy Regulatory Commission

NOTICES

Combined Notice of Filings, 6146–6152

Federal Highway Administration

NOTICES

Environmental Impact Statements; Availability, etc.:
Shelby County, TN, 6203

Federal Motor Carrier Safety Administration

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals:

Financial Responsibility – Motor Carriers, Freight
Forwarders and Brokers, 6203–6204

Commercial Driver's License (CDL) Standards:

Volvo Trucks North America, Renewal of Exemption,
6204–6206

Parts and Accessories Necessary for Safe Operation:

Application for an Exemption from Turnpike Global
Technologies LLC, 6206–6207

Qualification of Drivers; Exemption Applications; Vision,
6207–6213

Qualification of Drivers; Exemption Renewals; Vision,
6213–6214

Correction, 6214–6215

Federal Reserve System

NOTICES

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies, 6155
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 6155

Federal Trade Commission

PROPOSED RULES

Review of Rules and Guides; Intent to Request Public Comments, 6129–6131

NOTICES

Consent Order Agreement:
Getinge AB and Datascope Corp., 6155–6157
Granting of Request for Early Termination of the Waiting Period under the Premerger Notification Rules, 6157–6158

Fish and Wildlife Service

RULES

Endangered and Threatened Wildlife and Plants:
Partial 90–Day Finding on a Petition to List 206 Species in the Midwest and Western United States as Threatened or Endangered with Critical Habitat, 6122–6128

Foreign–Trade Zones Board

NOTICES

Foreign–Trade Zone 122 – Corpus Christi, TX:
Request for Manufacturing Authority; Excalibar Minerals, LLC, 6134

Health and Human Services Department

See Agency for Healthcare Research and Quality
See Centers for Disease Control and Prevention
See Health Resources and Services Administration
See National Institutes of Health

NOTICES

Meetings:
Secretary’s Advisory Committee on National Health Promotion and Disease Prevention Objectives (for 2020), 6158–6159

Health Resources and Services Administration

NOTICES

Meetings:
Advisory Commission on Childhood Vaccines, 6166

Homeland Security Department

See U.S. Citizenship and Immigration Services

Industry and Security Bureau

NOTICES

Action Affecting Export Privileges:
Theresa Huei–Min Chang, 6134–6136

Interior Department

See Fish and Wildlife Service

Internal Revenue Service

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 6217–6219
Quarterly Publication of Individuals, Who Have Chosen To Expatriate (as Required by Section 6039G), 6219–6220
Recruitment Notice for Taxpayer Advocacy Panel Members, 6220–6221

International Trade Administration

NOTICES

Antidumping:
Certain Hot–Rolled Carbon Steel Flat Products from Thailand; Correction, 6136
Polyester Staple Fiber from Taiwan, 6136–6139
Extension of Time Limits for the Preliminary Results of the Administrative Review:
Certain Non–Frozen Apple Juice Concentrate from the People’s Republic of China, 6139–6140

International Trade Commission

NOTICES

Determinations:
Certain R–134a Coolant (Otherwise Known as 1,1,1,2–Tetrafluoroethane), 6172–6173
Investigations:
Ball Bearings from Japan and the United Kingdom, 6173–6174
Certain Peripheral Devices and Components and Products Containing Same, 6174–6175
Certain Semiconductor Chips with Minimized Chip Package Size and Products Containing Same, 6175–6177

Justice Department

PROPOSED RULES

Certification Process for State Capital Counsel Systems, 6131

NOTICES

Consent Judgment:
In re Interstate Bakeries Corporation, et al., 6177

National Institutes of Health

NOTICES

Meetings:
Center for Scientific Review, 6166–6169
National Heart, Lung, and Blood Institute, 6169–6170
National Institute of Allergy and Infectious Diseases, 6170–6171
National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Helper T–Cell Immunity, 6170
National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Hematopoietic Stem Cells Program Projects, 6170
National Institute of Mental Health Special Emphasis Panel; Returning Veterans RFA – Schedule and Preparations, 6171
National Institute of Mental Health Special Emphasis Panel; SBIR Home–Based Lithium Level Testing for Bipolar Patients, 6171

Navy Department

NOTICES

Environmental Impact Statements; Availability, etc.:
Developing Homeport Facilities for Three NIMITZ–Class Aircraft Carriers in Support of the U.S. Pacific Fleet at Naval Air Station North Island, Coronado, CA, 6140–6141

Nuclear Regulatory Commission

NOTICES

Applications:
Luminant Generation Co. LLC; hearing, 6177–6181
Proposed Standard Review Plan Section 9.5.1.2 on Risk–Informed, Performance–Based Fire Protection Program, 6181–6182

Pipeline and Hazardous Materials Safety Administration**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 6215–6216

Postal Regulatory Commission**RULES**

Domestic Mail Product, 6117–6120

Postal Service**NOTICES**

International Product Change:
International Business Reply Service Contracts, 6182

Public Health Service

See Agency for Healthcare Research and Quality
See Centers for Disease Control and Prevention
See Health Resources and Services Administration
See National Institutes of Health

Securities and Exchange Commission**NOTICES**

Applications for Deregistration Under Section 8(f) of the Investment Company Act (1940), 6182–6183
Self-Regulatory Organizations; Proposed Rule Changes:
NASDAQ OMX BX, Inc., 6183–6186
NASDAQ Stock Market LLC, 6186–6188
New York Stock Exchange LLC, 6188–6189

State Department**NOTICES**

Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals:
International Sports Programming Initiative, 6190–6197
Youth Leadership Program with Iraq, 6197–6202

Transportation Department

See Federal Aviation Administration
See Federal Highway Administration
See Federal Motor Carrier Safety Administration
See Pipeline and Hazardous Materials Safety Administration

Treasury Department

See Internal Revenue Service

U.S. Citizenship and Immigration Services**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 6171–6172

Reader Aids

Consult the Reader Aids section at the end of this page for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to <http://listserv.access.gpo.gov> and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
14006117

16 CFR
Proposed Rules:
Ch. I6129

28 CFR
Proposed Rules:
266131

39 CFR
30206117

47 CFR
73 (3 documents) ...6120, 6121,
6122

Proposed Rules:
73 (2 documents)6131, 6132

50 CFR
176122

Rules and Regulations

Federal Register

Vol. 74, No. 23

Thursday, February 5, 2009

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1400

RIN 0560-AH85

Farm Program Payment Limitation and Payment Eligibility for 2009 and Subsequent Crop, Program, or Fiscal Years

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule; reopening and extension of comment period.

SUMMARY: The Commodity Credit Corporation (CCC) published an interim rule on December 29, 2008 (73 FR 79267–79284), revising rules about payment limitation and payment eligibility for Farm Programs as required by the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill). The 2008 Farm Bill provided new eligibility requirements based on annual income, sources of income, and type of entity. The Commodity Credit Corporation (CCC) is reopening and extending the comment period for the interim rule to give the public more time to provide input and recommendations on the interim rule. The original comment period closed on January 28, 2009, and CCC is reopening and extending it for 60 days from the date of this notice. While the interim rule became effective on December 23, 2008, CCC is extending the comments period by 60 days on the amendments to the regulations that will apply to 2009 and subsequent crop, program, or fiscal year benefits for programs subject to the provisions in our regulations.

DATES: We will consider comments that we receive by April 6, 2009.

ADDRESSES: We invite you to submit comments on the interim rule. In your comment, include the volume, date, and page number of this issue of the **Federal**

Register. You may submit comments by any of the following methods:

- *E-mail:*

Dan.McGlynn@wdc.usda.gov.

- *Fax:* (202) 690–2130.

- *Mail:* Dan McGlynn, Acting Director, Production, Emergencies and Compliance Division, FSA, U.S. Department of Agriculture (USDA), Stop 0517, Room 4754, 1400 Independence Ave., SW., Washington, DC 20250–0517.

- *Hand Delivery or Courier:* Deliver comments to the above address.

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

Comments may be inspected at the mail address listed above between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. A copy of this interim rule is available through the Farm Service Agency (FSA) home page at <http://www.fsa.usda.gov/>.

FOR FURTHER INFORMATION CONTACT: Dan McGlynn, Acting Director, Production, Emergencies and Compliance Division, FSA, USDA, Stop 0517, 1400 Independence Ave., SW., Washington, DC 20250–0517. Telephone: (202) 720–3463. Electronic mail:

Dan.McGlynn@wdc.usda.gov. Persons with disabilities who require alternative means for communication (Braille, large print, audio tape, etc.) should contact the USDA Target Center at (202) 720–2600 (voice and TDD).

SUPPLEMENTARY INFORMATION:

Background

On December 29, 2008, CCC published an interim rule titled “Farm Program Payment Limitation and Payment Eligibility for 2009 and Subsequent Crop, Program, or Fiscal Years” in the **Federal Register** (73 FR 79267–79284). CCC revised regulations as required by the 2008 Farm Bill (Pub. L. 110–246) to make changes in payment eligibility, payment attribution, maximum income limits, and maximum dollar benefit amounts for participants in CCC-funded programs. The interim rule amended the regulations to ensure that program payments and benefits are issued only to those persons and entities that meet all eligibility requirements, that a program participant does not receive any program payment above the maximum allowable benefit amount, and that applicable payments are not

made to anyone whose average adjusted gross income exceeds the maximum dollar amounts established by the 2008 Farm Bill. The interim rule applies to 2009 and subsequent crop, program, or fiscal year benefits for programs subject to the provisions in our regulations.

This reopening and extension of comment period is to give the public more time to provide input and to make recommendations on the interim rule. With this extension, the public may continue to submit comments until April 6, 2009 for this rule spanning the 2009 through 2012 crop years. Crop year 2009 is already in effect and no further comments in regards to crop year 2009 will be accepted after the original January 28, 2009 deadline.

Signed in Washington, DC, on January 28, 2009.

Dennis J. Taitano,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. E9–2475 Filed 2–4–09; 8:45 am]

BILLING CODE 3410–05–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3020

[Docket Nos. MC2009–13 and CP2009–17; Order No. 172]

Domestic Mail Product

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is adding Express Mail & Priority Mail Contract 3 to the Competitive Product List. This action is consistent with changes in a recent law governing postal operations and a recent Postal Service request. Republication of the lists of market dominant and competitive products is also consistent with new requirements in the law.

DATES: Effective February 5, 2009, and is applicable beginning January 16, 2009.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, 202–789–6820 and stephen.sharfman@prc.gov.

SUPPLEMENTARY INFORMATION: *Regulatory History*, 74 FR 219 (January 5, 2009).

The Postal Service seeks to add a new product identified as Express Mail & Priority Mail Contract 3 to the

Competitive Product List. For the reasons discussed below, the Commission approves the Request.

I. Background

On December 19, 2008, the Postal Service filed a formal request pursuant to 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.* to add Express Mail & Priority Mail Contract 3 to the Competitive Product List.¹ The Postal Service asserts that the Express Mail & Priority Mail Contract 3 product is a competitive product "not of general applicability" within the meaning of 39 U.S.C. 3632(b)(3). This Request has been assigned Docket No. MC2009-13.

The Postal Service contemporaneously filed a contract related to the proposed new product pursuant to 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. The contract has been assigned Docket No. CP2009-17.

In support of its Request, the Postal Service filed the following materials: (1) A redacted version of the Governors' Decision authorizing the new product which also includes an analysis of Express Mail & Priority Mail Contract 3 and certification of the Governors' vote;² (2) a redacted version of the contract which, among other things, provides that the contract will expire 3 years from the effective date, which is proposed to be 1 day after the Commission issues all regulatory approvals;³ (3) requested changes in the Mail Classification Schedule product list;⁴ (4) a Statement of Supporting Justification as required by 39 CFR 3020.32;⁵ and (5) certification of compliance with 39 U.S.C. 3633(a).⁶

In the Statement of Supporting Justification, Kim Parks, Manager, Sales and Communications, Expedited Shipping, asserts that the service to be provided under the contract will cover its attributable costs, make a positive contribution to coverage of institutional costs, and will increase contribution toward the requisite 5.5 percent of the Postal Service's total institutional costs. Request, Attachment D, at 1. W. Ashley Lyons, Manager, Corporate Financial Planning, Finance Department, certifies that the contract complies with 39 U.S.C. 3633(a). *See id.* Attachment E.

¹ Request of the United States Postal Service to Add Express Mail & Priority Mail Contract 3 to Competitive Product List and Notice of Establishment of Rates and Class Not of General Applicability, December 19, 2008 (Request).

² Attachment A to the Request. The analysis that accompanies the Governors' Decision notes, among other things, that the contract is not risk free, but concludes that the risks are manageable.

³ Attachment B to the Request.

⁴ Attachment C to the Request.

⁵ Attachment D to the Request.

⁶ Attachment E to the Request.

The Postal Service filed much of the supporting materials, including the unredacted Governors' Decision and the unredacted Express Mail & Priority Mail Contract 3, under seal. In its Request, the Postal Service maintains that the contract and related financial information, including the customer's name and the accompanying analyses that provide prices, terms, conditions, and financial projections, should remain confidential. *Id.* at 2-3.

In Order No. 158, the Commission gave notice of the two dockets, appointed a public representative, and provided the public with an opportunity to comment.⁷

II. Comments

Comments were filed by the Public Representative.⁸ No filings were submitted by other interested parties. The Public Representative states that the Postal Service's filing complies with applicable Commission rules of practice and procedure, and concludes that the Express Mail & Priority Mail Contract 3 agreement comports with the requirements of title 39. Public Representative Comments at 4. He further states that the agreement appears beneficial to the general public. *Id.* at 1.

The Public Representative notes that the Postal Service has provided adequate justification for maintaining confidentiality in this case. *Id.* at 3.

III. Commission Analysis

The Commission has reviewed the Request, the contract, the financial analysis provided under seal that accompanies it, and the comments filed by the Public Representative.

Statutory requirements. The Commission's statutory responsibilities in this instance entail assigning Express Mail & Priority Mail Contract 3 to either the Market Dominant Product List or to the Competitive Product List. 39 U.S.C. 3642. As part of this responsibility, the Commission also reviews the proposal for compliance with the Postal Accountability and Enhancement Act (PAEA) requirements. This includes, for proposed competitive products, a review of the provisions applicable to rates for competitive products. 39 U.S.C. 3633.

⁷ PRC Order No. 158, Notice and Order Concerning Express Mail & Priority Mail Contract 3 Negotiated Service Agreement, December 23, 2008 (Order No. 158).

⁸ Public Representative Comments in Response to United States Postal Service Request to Add Express Mail & Priority Mail Contract 3 to Competitive Product List and Notice of Establishment of Rates and Class Not of General Applicability, January 5, 2009 (Public Representative Comments).

Product list assignment. In determining whether to assign Express Mail & Priority Mail Contract 3 as a product to the Market Dominant Product List or the Competitive Product List, the Commission must consider whether

the Postal Service exercises sufficient market power that it can effectively set the price of such product substantially above costs, raise prices significantly, decrease quality, or decrease output, without risk of losing a significant level of business to other firms offering similar products.

39 U.S.C. 3642(b)(1). If so, the product will be categorized as market dominant. The competitive category of products shall consist of all other products.

The Commission is further required to consider the availability and nature of enterprises in the private sector engaged in the delivery of the product, the views of those who use the product, and the likely impact on small business concerns. 39 U.S.C. 3642(b)(3).

The Postal Service asserts that its bargaining position is constrained by the existence of other shippers who can provide similar services, thus precluding it from taking unilateral action to increase prices without the risk of losing volume to private companies. Request, Attachment D, para. (d). The Postal Service also contends that it may not decrease quality or output without risking the loss of business to competitors that offer similar expedited delivery services. *Id.* It further states that the contract partner supports the addition of the contract to the Competitive Product List to effectuate the negotiated contractual terms. *Id.* at para. (g). Finally, the Postal Service states that the market for expedited delivery services is highly competitive and requires a substantial infrastructure to support a national network. It indicates that large carriers serve this market. Accordingly, the Postal Service states that it is unaware of any small business concerns that could offer comparable service for this customer. *Id.* at para. (h).

No commenter opposes the proposed classification of Express Mail & Priority Mail Contract 3 as competitive. Having considered the statutory requirements and the support offered by the Postal Service, the Commission finds that Express Mail & Priority Mail Contract 3 is appropriately classified as a competitive product and should be added to the Competitive Product List.

Cost considerations. The Postal Service presents a financial analysis showing that Express Mail & Priority Mail Contract 3 results in cost savings while ensuring that the contract covers its attributable costs, does not result in

subsidization of competitive products by market dominant products, and increases contribution from competitive products.

The Commission notes that in evaluating costs under a prospective contract compared to the average, the Postal Service should take into account all departures from average cost that may be due to services provided under the contract. The failure to do so, while having no material effect on the underlying financial analysis of the contract in this instance, hampers the timely review of the Postal Service's financial analysis. See PRC Order No. 138, November 20, 2008, at 6–7.

Based on the data submitted, the Commission finds that Express Mail & Priority Mail Contract 3 should cover its attributable costs (39 U.S.C. 3633(a)(2)), should not lead to the subsidization of competitive products by market dominant products (39 U.S.C. 3633(a)(1)), and should have a positive effect on competitive products' contribution to institutional costs (39 U.S.C. 3633(a)(3)). Thus, an initial review of the proposed Express Mail & Priority Mail Contract 3 indicates that it comports with the provisions applicable to rates for competitive products.

The Postal Service shall promptly notify the Commission if the contract terminates earlier than 3 years from the effective date of the contract. The Commission will then remove the contract from the Mail Classification Schedule at the earliest possible opportunity.

In conclusion, the Commission approves Express Mail & Priority Mail Contract 3 as a new product. The revision to the Competitive Product List is shown below the signature of this Order and is effective upon issuance of this order.

IV. Ordering Paragraphs

It is Ordered:

1. Express Mail & Priority Mail Contract 3 (MC2009–13 and CP2009–17) is added to the Competitive Product List as a new product under Negotiated Service Agreements, Domestic.

2. The Postal Service shall notify the Commission if the contract terminates earlier than the 3-year term as discussed in this order.

3. The Secretary shall arrange for the publication of this order in the **Federal Register**.

List of Subjects in 39 CFR Part 3020

Administrative practice and procedure; Postal Service.

Issued January 16, 2009.

By the Commission.

Steven W. Williams,
Secretary.

■ For the reasons stated in the preamble, under the authority at 39 U.S.C. 503, the Postal Regulatory Commission amends 39 CFR part 3020 as follows:

PART 3020—PRODUCT LISTS

■ 1. The authority citation for part 3020 continues to read as follows:

Authority: 39 U.S.C. 503; 3622; 3631; 3642; 3682.

■ 2. Revise Appendix A to subpart A of part 3020—Mail Classification Schedule to read as follows:

Appendix A to Subpart A of Subpart A of Part 3020—Mail Classification Schedule

Part A—Market Dominant Products

1000 Market Dominant Product List

First-Class Mail

Single-Piece Letters/Postcards

Bulk Letters/Postcards

Flats

Parcels

Outbound Single-Piece First-Class Mail

International

Inbound Single-Piece First-Class Mail

International

Standard Mail (Regular and Nonprofit)

High Density and Saturation Letters

High Density and Saturation Flats/Parcels

Carrier Route

Letters

Flats

Not Flat-Machinables (NFM)/Parcels

Periodicals

Within County Periodicals

Outside County Periodicals

Package Services

Single-Piece Parcel Post

Inbound Surface Parcel Post (at UPU rates)

Bound Printed Matter Flats

Bound Printed Matter Parcels

Media Mail/Library Mail

Special Services

Ancillary Services

International Ancillary Services

Address List Services

Caller Service

Change-of-Address Credit Card

Authentication

Confirm

International Reply Coupon Service

International Business Reply Mail Service

Money Orders

Post Office Box Service

Negotiated Service Agreements

HSBC North America Holdings Inc.

Negotiated Service Agreement

Bookspan Negotiated Service Agreement

Bank of America Corporation Negotiated

Service Agreement

The Bradford Group Negotiated Service

Agreement

Inbound International

Canada Post—United States Postal Service

Contractual Bilateral Agreement for

Inbound Market Dominant Services

Market Dominant Product Descriptions

First-Class Mail

[Reserved for Class Description]

Single-Piece Letters/Postcards

[Reserved for Product Description]

Bulk Letters/Postcards

[Reserved for Product Description]

Flats

[Reserved for Product Description]

Parcels

[Reserved for Product Description]

Outbound Single-Piece First-Class Mail

International

[Reserved for Product Description]

Inbound Single-Piece First-Class Mail

International

[Reserved for Product Description]

Standard Mail (Regular and Nonprofit)

[Reserved for Class Description]

High Density and Saturation Letters

[Reserved for Product Description]

High Density and Saturation Flats/Parcels

[Reserved for Product Description]

Carrier Route

[Reserved for Product Description]

Letters

[Reserved for Product Description]

Flats

[Reserved for Product Description]

Not Flat-Machinables (NFM)/Parcels

[Reserved for Product Description]

Periodicals

[Reserved for Class Description]

Within County Periodicals

[Reserved for Product Description]

Outside County Periodicals

[Reserved for Product Description]

Package Services

[Reserved for Class Description]

Single-Piece Parcel Post

[Reserved for Product Description]

Inbound Surface Parcel Post (at UPU rates)

[Reserved for Product Description]

Bound Printed Matter Flats

[Reserved for Product Description]

Bound Printed Matter Parcels

[Reserved for Product Description]

Media Mail/Library Mail

[Reserved for Product Description]

Special Services

[Reserved for Class Description]

Ancillary Services

[Reserved for Product Description]

Address Correction Service

[Reserved for Product Description]

Applications and Mailing Permits

[Reserved for Product Description]

Business Reply Mail

[Reserved for Product Description]

Bulk Parcel Return Service

[Reserved for Product Description]

Certified Mail

[Reserved for Product Description]

Certificate of Mailing

[Reserved for Product Description]

Collect on Delivery

[Reserved for Product Description]

Delivery Confirmation

[Reserved for Product Description]

Insurance

[Reserved for Product Description]

Merchandise Return Service

[Reserved for Product Description]

Parcel Airlift (PAL)

[Reserved for Product Description]

Registered Mail

[Reserved for Product Description]

the **Federal Register** announcing when OMB approval for these rule sections which contains information collection requirements has been received and when the revised rules will take effect. This notice is consistent with the statement in the *Second Report and Order*.

DATES: The effective date for the amendments to §§ 73.61, 73.68, 73.151 and 73.155 published October 30, 2008 (73 FR 64558) is February 5, 2009.

FOR FURTHER INFORMATION CONTACT: For additional information, please contact Peter Doyle, *Peter.Doyle@fcc.gov*, of the Media Bureau, Audio Division, (202) 418-2700.

SUPPLEMENTARY INFORMATION: This document announces that, on January 26, 2009, OMB approved, for a period of three years, the information collection requirements contained in Sections 73.61, 73.68, 73.151 and 73.155 of the rules. The Commission publishes this notice to announce the effective date of these rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, Room 1-C823, 445 12th Street, SW., Washington, DC 20554. Please include OMB Control Number 3060-0991 in your correspondence. The Commission will also accept your comments via the Internet if you send them to *PRA@fcc.gov*.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the Commission is notifying the public that it received OMB approval on January 26, 2009, for the information collection requirements contained in the Commission's rules at 47 CFR 73.61, 73.68, 73.151 and 73.155.

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a valid OMB Control Number.

The OMB Control Number is 3060-0991 and the total annual reporting

burdens for respondents for these information collections are as follows:

OMB Control Numbers: 3060-0991.

OMB Approval Date: January 26, 2009.

Expiration Date: January 31, 2012.

Title: AM Measurement Data.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for profit entities. I removed not for profit institutions since we did not include those respondents with our OMB submission.

Number of Respondents/Responses: 1,900 respondents; 4,568 responses.

Estimated Hours per Response: 0.5-25 hours per response.

Frequency of Response: Recordkeeping requirement; On occasion reporting requirement; Third party disclosure requirement.

Total Annual Burden: 30,795 hours.

Total Annual Cost: \$826,500.

Obligation to Respond: Required to obtain benefits. The statutory authority for this information collection is contained in Section 154(i) of the Communications Act of 1934, as amended. I removed the other rule sections since they were not included in our submission to OMB.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Act Assessment: No impact(s).

Needs and Uses: On September 24, 2008, the Commission adopted the *Second Report and Order* and Second Further Notice of Proposed Rulemaking in the matter of An Inquiry Into the Commission's Policies and Rules Regarding AM Radio Service Directional Antenna Performance Verification, MM Docket No. 93-177, FCC 08-228. The *Second Report and Order* permits AM stations using directional antennas to use computer modeling techniques to verify AM directional antenna performance, thereby reducing the regulatory burden on these stations.

Directional AM stations use antennas which suppress radiated field in some directions and enhance it in others. Under our current rules, an AM licensee operating with a directional antenna must perform a proof of performance to demonstrate that the antenna pattern conforms to the station's authorization. An AM station must perform a full proof to verify the pattern shape when a new directional antenna system is authorized. Partial proofs, which require fewer measurements, are occasionally necessary to show that an array continues to operate properly. Typically, a full proof requires measurement of the AM station's field

strength on six to 12 critical bearings, ranging to distances of 15 kilometers or more from the antenna. Subsequent graphical analysis of proof measurements also requires substantial time and expense. In contrast, the computer modeling techniques authorized in the *Second Report and Order* are based on internal measurements, making the proof process less time-consuming and expensive for AM licensees.

In order to control interference between stations and assure adequate community coverage, AM stations must conduct various engineering measurements to demonstrate that the antenna system operates as authorized.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E9-2409 Filed 2-4-09; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 09-42; MB Docket No. 08-43; RM-11420]

Radio Broadcasting Services; Basin, Wyoming

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: At the request of White Park Broadcasting, Inc., this document allots Channel 300C3 at Basin, Wyoming, as the community's second local aural transmission service. Channel 300C3 can be allotted at Basin, Wyoming without a site restriction at coordinates 44-22-48 NL, and 108-02-18 WL.

DATES: Effective March 2, 2009.

ADDRESSES: Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Victoria McCauley, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MB Docket No. 08-43, adopted January 14, 2009, and released January 16, 2009. This matter was initiated by a Notice of Proposed Rule Making, 73 FR 20005 (April 14, 2008). The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 Twelfth Street, SW., Washington, DC

20554. This document may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ As stated in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Wyoming is amended by adding Basin, Channel 300C3.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division Media Bureau.

[FR Doc. E9-2378 Filed 2-4-09; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 09-52; MB Docket No. 04-318; RM-11040]

Radio Broadcasting Service; Culebra and Vieques, PR

AGENCY: Federal Communications Commission.

ACTION: Final rule; denial of petition for reconsideration.

SUMMARY: The Audio Division, Media Bureau, has issued a *Memorandum Opinion and Order* that denies a Petition for Reconsideration filed by Western New Life, Inc. ("Petitioner"), permittee and operator by Special Temporary Authority ("STA") of Station WJZG(FM), Channel 293A, Culebra, Puerto Rico, directed against the *Report and Order* in MB Docket No. 04-318. The *Memorandum Opinion and Order* denies Petitioner's request to substitute Channel 291A for Channel 254A at Culebra, Puerto Rico, in an attempt to obtain a permanent authorization for Station WJZG(FM). It also denies Petitioner's request to accommodate the foregoing allotment by deleting vacant Channel 291B at Vieques, Puerto Rico. Petitioner's alternative proposal to substitute Channel 254A for Channel

291B at Vieques so that Station WJZG(FM) could obtain a permanent authorization on Channel 291A at Culebra is also denied.

ADDRESSES: Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: R. Barthen Gorman, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order*, MB Docket No. 04-318, adopted January 14, 2009, and released January 16, 2009. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>. The Commission will not send a copy of this *Memorandum Opinion and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A), because the petition for reconsideration was denied.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E9-2395 Filed 2-4-09; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[FWS-R2-ES-2008-0131; MO 9221050083-B2]

Endangered and Threatened Wildlife and Plants; Partial 90-Day Finding on a Petition To List 206 Species in the Midwest and Western United States as Threatened or Endangered With Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on 165 species from a petition to list 206 species in the mountain-prairie region of the United States as threatened or endangered under the Endangered Species Act of 1973, as amended (Act). We find that, for these 165 species, the petition does not present substantial scientific or commercial information indicating that listing may be warranted. Therefore, for these 165 species, we will not initiate a further status review in response to this petition; however, we are making no determination at this time on whether substantial information has been presented on the remaining 39 species included in the petition. A finding (or findings) will be made on the remaining 39 species at a later date. We ask the public to submit to us any new information that becomes available concerning the status of these 165 species, or threats to them or their habitat, at any time. This information will help us monitor and encourage the conservation of these species. An additional 2 species of the 206 were reviewed in a concurrent 90-day finding and, therefore, were not considered in this finding (see Petition).

DATES: The finding announced in this document was made on February 5, 2009. You may submit new information concerning this species for our consideration at any time.

ADDRESSES: This finding is available on the Internet at <http://www.regulations.gov>. Supporting information we used in preparing this finding is available for public inspection, by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Mountain-Prairie Regional Ecological Services Office, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80255. Please submit any new information, materials, comments, or questions concerning these species or this finding to the above address.

FOR FURTHER INFORMATION CONTACT: Ann Carlson, Listing Coordinator, Mountain-Prairie Regional Ecological Services Office (see **ADDRESSES**); telephone 303-236-4264. If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service (FIRS) at 800-877-8339.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Act (16 U.S.C. 1531 *et seq.*) requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that a petitioned action may be warranted. We are to base this finding on information provided in the petition. To the maximum extent practicable, we are to make the finding within 90 days of our receipt of the petition, and publish our notice of this finding promptly in the **Federal Register**.

Our standard for “substantial information,” as defined in the Code of Federal Regulations at 50 CFR 424.14(b), with regard to a 90-day petition finding is “that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted.” If we find that substantial information was presented, we are required to promptly commence a status review of the species.

In making this finding, we based our decision on information the petitioner provided that we determined to be reliable after reviewing sources referenced in the petition and otherwise available in our files. We evaluated that information in accordance with 50 CFR 424.14(b). Our process for making this 90-day finding under section 4(b)(3)(A) of the Act is limited to a determination of whether the information in the petition meets the “substantial information” threshold.

Petition

On July 30, 2007, we received a formal petition dated July 24, 2007, from Forest Guardians (now WildEarth Guardians) requesting that the Service: (1) Consider all full species in our Mountain Prairie Region ranked as G1 or G1G2 by the organization NatureServe, except those that are currently listed, proposed for listing, or candidates for listing; and (2) list each species as either endangered or threatened. The petition incorporates all analysis, references, and documentation provided by NatureServe in its online database at <http://www.natureserve.org/> into the petition. The petition clearly identified itself as a petition and included the identification information, as required in 50 CFR 424.14(a). We sent a letter to the petitioners dated August 24, 2007, acknowledging receipt of the petition and stating that, based on preliminary review, we found no compelling evidence to support an emergency listing for any of the species covered by the petition. On June 18,

2008, we received a petition from WildEarth Guardians dated June 12, 2008, to emergency list 32 species under the Administrative Procedure Act (APA) and the Endangered Species Act. Of those 32 species, 11 were included in the July 24, 2007 petition for listing on a non-emergency basis. In a letter dated July 25, 2008, we stated that the information provided in both the 2007 and 2008 petitions and in our files did not indicate that an emergency situation existed for any of the 11 species. The July 25, 2008 letter concludes our processing of the emergency aspect of the 2008 petition under the APA. The following discussion presents our evaluation of a portion of the species included in the July 24, 2007 and June 23, 2008 petitions, using information in the petition and our current understanding of the species.

The 2007 petition included a list of 206 species. Two species, *Cymopterus beckii* and *Camissonia gouldii*, were included in a petition to list 475 species that we received on June 18, 2007. We reviewed the species files for *Cymopterus beckii* and *Camissonia gouldii* under the June 18, 2007 petition and made a 90-day finding on the two species on January 6, 2009 (74 FR 419); therefore, we reviewed only 204 actual species files for this 90-day finding. This finding addresses 165 of the 206 species for which we were petitioned. We will address the remaining 39 species in the future in one or more additional 90-day findings. Although we are not making a finding on the remaining 39 species at this time, the lack of inclusion of those species in this finding does not imply that we are making or will make a finding that the petitions present substantial scientific or commercial information indicating that listing may be warranted on any or all of the remaining species.

Our priority for responding to a petition is a function of the resources that are available and competing demands for those resources. Thus, in any given fiscal year, multiple factors dictate whether it will be possible to undertake work on particular listing actions. The resources available for listing actions are determined through the annual Congressional appropriations process. The appropriation for the Listing Program is available to support work involving the following listing actions: Proposed and final listing rules; 90-day and 12-month findings on petitions to revise critical habitat and to add species to the Lists of Endangered and Threatened Wildlife and Plants or to change the status of a species from threatened to endangered; annual determinations on prior “warranted but

precluded” petition findings as required under section 4(b)(3)(C)(i) of the Act; proposed and final rules designating critical habitat; and litigation-related, administrative, and program management functions (including preparing and allocating budgets, responding to Congressional and public inquiries, and conducting public outreach regarding listing and critical habitat).

The work involved in preparing various listing documents can be extensive and may include, but is not limited to, gathering and assessing the best scientific and commercial data available and conducting analyses used as the basis for our determinations under section 4(a)(1) of the Act; writing and publishing documents; and obtaining, reviewing, and evaluating public comments and peer review comments on proposed rules, and incorporating relevant information into final rules. The number of listing actions that we can undertake in a given year also is influenced by the complexity of those listing actions.

In Fiscal Year 1998 and for each fiscal year since then, Congress has placed a statutory cap on funds which we may be used for the Listing Program, equal to the amount expressly appropriated for that purpose in that fiscal year. This cap was designed to prevent funds appropriated for other functions under the Act (e.g., Recovery funds for removing species from the Lists), or for other Service programs, from being used for listing actions (see House Report 105–163, 105th Congress, 1st Session, July 1, 1997). Through the listing cap and the amount of funds needed to address court-mandated listing actions, Congress and the courts have in effect determined the amount of money available for other listing activities. Therefore, the funds in the listing cap, other than those needed to address court-mandated listing actions, set the limits on our ability to fully respond to this petition. When funds become available, we will continue our review of the remaining petitioned species that are not addressed in this finding and publish one or more findings for those species.

Species Information

The petitioners presented two tables that collectively listed the 206 species for consideration and requested that the Service incorporate all analysis, references and documentation provided by NatureServe in its online database into the petition. The information presented by NatureServe (<http://www.natureserve.org/>) is found in peer-reviewed professional journal articles

and is considered to be a reputable source of scientific information. We judge this source to be reliable with regard to the information it presents.

We accessed the NatureServe database on August 10, 2007. We saved hardcopies of each species file and used this information, including references cited within these files, during our review. Therefore, all information we used from the species files in NatureServe was current to that date. All petitioned species were ranked by NatureServe as G1 (critically imperiled) or G1G2 (between critically imperiled and imperiled).

We reviewed all references cited in the NatureServe database species files that were available to us. For some species in NatureServe, there is a "Local Programs" link to the Web sites of the State programs that contribute information to NatureServe. We found this "Local Programs" link to have additional information for very few of the 206 species. We reviewed information in references cited in NatureServe and information readily available in our files, on the Internet, or in local libraries that was directly relevant to the petition. Following review of the available information, we separated the 206 species into one of four categories based on the level of information. The 165 species included in this finding are listed in Table 1; they fit into four distinct information level categories.

Category A

The first category, titled Category A in Table 1, has only minimal information about each species, and in some cases no more information than the name of the species. An example of a species in this category that had minimal information is a tiger moth with no common or species name (*Arctia* sp. 1). The NatureServe file for this species only states that it is found in Colorado. The file provides no references. The magnitude and type of information provided for other species that we placed in this category was similar in nature, or was taxonomic without much locational information. Category A contains 90 species, of which 50 are invertebrates and 40 are plants.

Occasionally, generic information was presented in the NatureServe species files for a larger group of species, such as for the class or family the species belongs to, but not specific information on the individual species. The references were taxonomic in nature or simply checklists (lists of species, for example Robbins *et al.* 1991) of keys (which provide anatomical characteristics for identification of species) and did not address threats to the species. An example of a species for which generic information was presented is a cave obligate harvestman (no common name) (*Cryptobunus cavicolus*). The NatureServe file for this species states the name of the species, that it is found in Montana, and has one reference listed that lists harvestmen recently discovered in North American lava tubes (Briggs 1974). The file contains no other information specific to the species. The file provides descriptions of members of the family Triaenonychidae, but provides no information specific to *C. cavicolus*.

Category B

The information we reviewed for the species in Category B (see Table 1) contained basic information on the range of the species, based on some level of survey effort. Habitat was frequently mentioned as well as other aspects of the species' biology, such as food habitats. Population size or abundance, if addressed, was rarely quantified, and the database instead used descriptors such as large, small, or numerous. The available information we reviewed did not address specific threats to the species. Category B contains 25 species, of which 10 are invertebrates and 15 are plants.

An example of a species for which Category B information was presented is a caddisfly (no common name) (*Allomyia hector*). The NatureServe file for this species provides a general description of caddisflies, and two references, which are a Trichoptera World Checklist (Clemson University Department of Entomology 2002) and an article about the origins of Canadian adult Rhyacophilidae and Limnephilidae (Nimmo 1971). Neither

NatureServe nor the references address threats to *A. hector*. The NatureServe file for this species cites Giersch and Hauer (1999), and states the species was recently found in source areas of snowmelt driven streams of Logan and Kootenai passes in Glacier National Park, Montana.

Category C

The information we reviewed for the species in Category C (see Table 1) described one or more threats for a general area, but did not link the threats to the species or the habitat occupied by the species. Information for species in this category was sometimes provided on distribution, habitat, population size, or other aspects of the species' biology. Category C contains 47 species, of which 4 are vertebrates, 10 are invertebrates, and 33 are plants.

An example of a species for which Category C information was presented is the Arapahoe snowfly (*Capnia arapahoe*), which is restricted to two small tributaries of the Cache La Poudre River in Colorado. The NatureServe file states that a small lake has been constructed in the headwaters of one tributary, and recreational use occurs along the length of the other tributary; however, these actions are not linked to the species and effects of potential threats are not described in a way that indicates they affect the species' habitat. One reference was cited in NatureServe (Stark 1996) that is a list of North American stoneflies.

Category D

The information we reviewed for the species in Category D (see Table 1) cited one or more threats and generally linked them to the species or its habitat. However, we have no documentation to support significant impacts from the threats. These species are addressed in the Threats Analysis section. Category D contains three species, one invertebrate and two plants.

This finding addresses the 165 petitioned species that are listed in Table 1. Of the 165 species, 4 are vertebrates, 71 are invertebrates, and 90 are plants.

TABLE 1—LIST OF 165 SPECIES INCLUDED IN THIS FINDING

Category	Scientific name	Common name	Range	Group
A	<i>Ameletus edmundsi</i>	A Mayfly	UT	Invertebrate.
A	<i>Aquilegia grahamii</i>	Graham's Columbine	UT	Plant.
A	<i>Aquilegia loriae</i>		UT	Plant.
A	<i>Arctia</i> sp. 1	Arctiidae <i>Arctia</i>	CO	Invertebrate.
A	<i>Aschisma kansanum</i>	(Moss)	KS	Plant.
A	<i>Blancosoma scaturgo</i>	A Cave Obligate Millipede	CO	Invertebrate.
A	<i>Brachycercus tuberculatus</i>	A Mayfly	CO, UT	Invertebrate.

TABLE 1—LIST OF 165 SPECIES INCLUDED IN THIS FINDING—Continued

Category	Scientific name	Common name	Range	Group
A	<i>Caecidotea metcalfi</i>	A Cave Obligate Isopod	KS	Invertebrate.
A	<i>Caecidotea tridentate</i>		IL, KS	Invertebrate.
A	<i>Camissonia bairdii</i>	Baird's Camissonia	UT	Plant.
A	<i>Campyllum cardotii</i>	(Moss)	CAN:QC USA:MT	Plant.
A	<i>Chaetarhria utahensis</i>	Utah Chaetarhrian Water Scavenger Beetle.	UT	Invertebrate.
A	<i>Chiloscyphus gemmiparus</i>	(Liverwort)	AK, CA, OR, UT	Plant.
A	<i>Cirsium scapanolepis</i>	Mountainslope Thistle	CO	Plant.
A	<i>Cryptobunus cavicolus</i>	A Cave Obligate Harvestman	MT	Invertebrate.
A	<i>Didymodon anserinocapitatus</i>	(Moss)	CO	Plant.
A	<i>Draba brachystylis</i>	Wasatch Draba	NV, UT	Plant.
A	<i>Draba inexpectata</i>	Uinta Mountains draba	UT	Plant.
A	<i>Draba ramulosa</i>	Tushar Mountain Whitlow-grass	UT	Plant.
A	<i>Ephemerella apopsis</i>	A Mayfly	CO	Invertebrate.
A	<i>Ericameria lignumviridis</i>	Greenwood's Heath-goldenrod	UT	Plant.
A	<i>Erigeron abajoensis</i>	Abajo Daisy	UT	Plant.
A	<i>Erigeron awapensis</i>	Awapa Daisy	UT	Plant.
A	<i>Erigeron huberi</i>		UT	Plant.
A	<i>Erigeron zothecinus</i>	Alcove Daisy	UT	Plant.
A	<i>Eriogonum hylophilum</i>	Gate Canyon Wild Buckwheat	UT	Plant.
A	<i>Eriogonum mitophyllum</i>	Lost Creek wild buckwheat	UT	Plant.
A	<i>Eriogonum phoeniceum</i>		NV, UT	Plant.
A	<i>Hesperonemastoma packardii</i>	A Cave Obligate Harvestmann	UT	Invertebrate.
A	<i>Hygrotus diversipes</i>	Narrow-foot Hygrotus Diving Beetle	WY	Invertebrate.
A	<i>Lepidium huberi</i>	Huber's Pepperwort	UT	Plant.
A	<i>Lepidium integrifolium</i>	Thickleaf Pepperwort	CO, UT, WY	Plant.
A	<i>Leptophlebia konza</i>	Konza Prairie Mayfly	KS	Invertebrate.
A	<i>Melanoplus missoulae</i>	Spur-throat Grasshopper	MT	Invertebrate.
A	<i>Melanoplus sp. 1</i>		MT	Invertebrate.
A	<i>Melanoplus sp. 40</i>		CO	Invertebrate.
A	<i>Melanoplus sp. 41</i>		CO	Invertebrate.
A	<i>Melanoplus sp. 42</i>		UT	Invertebrate.
A	<i>Melanoplus sp. 47</i>		UT	Invertebrate.
A	<i>Melanoplus sp. 49</i>		CO	Invertebrate.
A	<i>Mentzelia goodrichii</i>	Goodrich's Blazingstar	UT	Plant.
A	<i>Micarea temaria</i>	(Lichen)	MT	Plant.
A	<i>Neotrichia downsi</i>	A Caddisfly	CO	Invertebrate.
A	<i>Oenothera murdockii</i>		UT	Plant.
A	<i>Ogaridiscus subrupicola</i>	Southern Tightcoil	ID, OR, UT	Invertebrate.
A	<i>Oncopodura cruciata</i>	A Springtail	MT	Invertebrate.
A	<i>Oreohelix hendersoni</i>	Pallid Mountainsnail	CO	Invertebrate.
A	<i>Oreohelix howardi</i>	Mill Creek Mountainsnail	UT	Invertebrate.
A	<i>Oreohelix parawanensis</i>	Brian Head Mountainsnail	UT	Invertebrate.
A	<i>Ozobryum ogalalense</i>	(Moss)	KS, NE	Plant.
A	<i>Packera castoreus</i>	Beaver Mountain Groundsel	UT	Plant.
A	<i>Packera malmstenii</i>	Podunk Groundsel	UT	Plant.
A	<i>Paraleptophlebia calcarica</i>	A Prongill Mayfly	AR, KS	Invertebrate.
A	<i>Phacelia argylensis</i>	Argyle Canyon Phacelia	UT	Plant.
A	<i>Phacelia indecora</i>	Drab Phacelia	NN, UT	Plant.
A	<i>Pheidole elecebra</i>	An Ant	CO	Invertebrate.
A	<i>Physaria grahamii</i>	Graham's Twinpod	UT	Plant.
A	<i>Physaria repanda</i>	Repand Twinpod	UT	Plant.
A	<i>Physaria stylosa</i>	Duchesne River Twinpod	UT	Plant.
A	<i>Planorbella oregonensis</i>	Lamb Rams-horn	OR, UT	Invertebrate.
A	<i>Polydesmus cavicola</i>	A Millipede	UT	Invertebrate.
A	<i>Potentilla macounii</i>	Macoun's Cinquefoil	CAN:AB USA:MT	Plant.
A	<i>Proctacanthus sp. 1</i>	Robber Fly From Colorado	CO	Invertebrate.
A	<i>Pyrgulopsis chamberlini</i>	Smooth Glenwood Pyrg	UT	Invertebrate.
A	<i>Pyrgulopsis inopinata</i>	Carinate Glenwood Pyrg	UT	Invertebrate.
A	<i>Pyrgulopsis nonaria</i>	Ninemile Pyrg	UT	Invertebrate.
A	<i>Pyrgulopsis plicata</i>	Black Canyon Pyrg	UT	Invertebrate.
A	<i>Ranunculus coloradensis</i>	Colorado Buttercup	CO	Plant.
A	<i>Riccia ozarkiana</i>	(Liverwort)	AR, KS, MO	Plant.
A	<i>Senecio musiniensis</i>	Musinea Ragwort	UT	Plant.
A	<i>Senecio sribillei</i>		MT	Plant.
A	<i>Speodesmus aequilensis</i>	A Cave Obligate Millipede	CO	Invertebrate.
A	<i>Sphaeralcea janeae</i>	Jane's Globemallow	UT	Plant.
A	<i>Sphalloplana kansensis</i>	Kansas Planarian (flatworm)	KS	Invertebrate.
A	<i>Stagnicola elrodiana</i>	Longmouth Pondsnailed	MT	Invertebrate.
A	<i>Stygobromus coloradensis</i>	A Cave Obligate Amphipod	CO	Invertebrate.
A	<i>Stygobromus fontinalis</i>	Spring Amphipod	CO	Invertebrate.
A	<i>Stygobromus holsingeri</i>	An Amphipod	CO	Invertebrate.

TABLE 1—LIST OF 165 SPECIES INCLUDED IN THIS FINDING—Continued

Category	Scientific name	Common name	Range	Group
A	<i>Stygobromus montanensis</i>	A Cave Obligate Amphipod	MT	Invertebrate.
A	<i>Stygobromus obscurus</i>	A Cave Obligate Amphipod	MT	Invertebrate.
A	<i>Stygobromus puteanus</i>	A Cave Obligate Amphipod	MT	Invertebrate.
A	<i>Stygobromus simplex</i>	Simple Amphipod	CO	Invertebrate.
A	<i>Stygobromus tritus</i>	A Cave Obligate Amphipod	MT	Invertebrate.
A	<i>Stygobromus utahensis</i>	Utah Amphipod	UT	Invertebrate.
A	<i>Stygobromus wardi</i>	Ward's Amphipod	CO	Invertebrate.
A	<i>Suwallia salish</i>	A Stonefly	MT	Invertebrate.
A	<i>Sweltsa cristata</i>	A Stonefly	UT	Invertebrate.
A	<i>Verrucaria kootenaica</i>	(Lichen)	MT	Plant.
A	<i>Vertigo hannai</i>	Hanna's Vertigo	CAN:ON USA:IL, KS	Invertebrate.
A	<i>Webbhelix chadwicki</i>	Kaw Whitelip	KS, NE	Plant.
B	<i>Allomyia hector</i>	A Caddisfly	CAN:AB USA:MT	Invertebrate.
B	<i>Amblyderus wernerii</i>	Great Sand Dunes Anthicid Beetle	CO	Invertebrate.
B	<i>Cryptomastix sanburni</i>	Kingston Oregonian	ID, MT	Invertebrate.
B	<i>Cryptantha compacta</i>	Compact Cat's-eye	UT	Plant.
B	<i>Cryptantha johnstonii</i>	Johnston Catseye	UT	Plant.
B	<i>Draba kassii</i>	Kass's Rockcress	UT	Plant.
B	<i>Erigeron wilkenii</i>	Wilken's Fleabane	CO	Plant.
B	<i>Hackelia gracilentia</i>	Colorado Stickseed	CO	Plant.
B	<i>Helisoma newberryi</i>	Great Basin Rams-horn	CA, WY, ID (Extirpated), NV, OR, UT (Extirpated).	Invertebrate.
B	<i>Heterocampa rufinans</i>	A Notodontid Moth	CO	Invertebrate.
B	<i>Hymenoclea sandersonii</i>	Sanderson's Cheesebush	UT	Plant.
B	<i>Hymenoxys lapidicola</i>	Rock Hymenoxys	UT	Plant.
B	<i>Mentzelia shultziiorum</i>	Shultz Stickleaf	UT	Plant.
B	<i>Oreohelix alpine</i>	Alpine Mountainsnail	MT	Invertebrate.
B	<i>Oreohelix pygmaea</i>	Pygmy Mountainsnail	WY	Invertebrate.
B	<i>Penstemon franklinii</i>	Ben Franklin's Beardtongue	UT	Plant.
B	<i>Penstemon navajoa</i>	Navajo Beardtongue	NN, UT	Plant.
B	<i>Physella spelunca</i>	Cave Physa	WY	Invertebrate.
B	<i>Physella zionis</i>	Wet-rock Physa	UT	Invertebrate.
B	<i>Potentilla cottamii</i>	Cottam's Potentilla	NV, UT	Plant.
B	<i>Primula domensis</i>	House Range Primrose	UT	Plant.
B	<i>Pyrgulopsis fusca</i>	Otter Creek Pyrg	UT	Invertebrate.
B	<i>Sclerocactus blainei</i>	Blaine's Pincushion	NV, UT	Plant.
B	<i>Sclerocactus contortus</i>	Canyonland Fishhook Cactus	UT	Plant.
B	<i>Talinum thompsonii</i>	Thompson's Talinum	UT	Plant.
C	<i>Allium passeyi</i>	Passey's Onion	UT	Plant.
C	<i>Arabis falcatoria</i>	Grouse Creek Rockcress	NV, UT	Plant.
C	<i>Astragalus avonensis</i>		UT	Plant.
C	<i>Astragalus loanus</i>	Glenwood Milk-vetch	UT	Plant.
C	<i>Capnia Arapahoe</i>	A Stonefly	CO	Invertebrate.
C	<i>Cottus extensus</i>	Bear Lake Sculpin	ID, UT	Vertebrate.
C	<i>Cryptantha gypsophila</i>	Gypsum Valley Catseye	CO	Plant.
C	<i>Cryptantha ochroleuca</i>	Yellow-white Catseye	UT	Plant.
C	<i>Cuscuta plattensis</i>	Wyoming Dodder	WY	Plant.
C	<i>Cymopterus minimus</i>	Cedar Breaks Biscuitroot	UT	Plant.
C	<i>Descurainia torulosa</i>	Wyoming Tansymustard	WY	Plant.
C	<i>Eriogonum cronquistii</i>	Cronquist's Wild Buckwheat	UT	Plant.
C	<i>Eriogonum smithii</i>	Smith's Wild Buckwheat	UT	Plant.
C	<i>Gilia sedifolia</i>	Stonecrop Gily-flower	CO	Plant.
C	<i>Hackelia ibapensis</i>	Deep Creek Stickseed	UT	Plant.
C	<i>Lesquerella humilis</i>	Few-seeded Bladderpod or Bitterroot Bladderpod.	MT	Plant.
C	<i>Lesquerella lesicii</i>	Pryor Mountains Bladderpod or Lesica's Bladderpod.	MT	Plant.
C	<i>Lygodesmia entrada</i>	Entrada Skeletonplant	UT	Plant.
C	<i>Microcylloepus browni</i>	Brown's Microcylloepus Riffle Beetle	CAN:MB USA:MT	Invertebrate.
C	<i>Mimulus gemmiparus</i>	Weber's Monkeyflower	CO	Plant.
C	<i>Oreohelix elrodi</i>	Carinate Mountainsnail	CAN:MB USA:MT	Invertebrate.
C	<i>Oreohelix eurekaensis</i>	Eureka Mountainsnail	UT	Invertebrate.
C	<i>Oreoxis humilis</i>	Pikes Peak Spring-parsley	CO	Plant.
C	<i>Oreoxis trotteri</i>	Trotter's Oreoxis	UT	Plant.
C	<i>Oreohelix sp. 5</i>	Brunson Mountainsnail	MT	Invertebrate.
C	<i>Oreohelix sp. 6</i>	Kintla Lake Mountainsnail	MT	Invertebrate.
C	<i>Oreohelix sp. 7</i>	Kitchen Creek Mountainsnail	MT	Invertebrate.
C	<i>Oreohelix sp. 11</i>	Subcarinate Mountainsnail	MT	Invertebrate.
C	<i>Perityle specuicola</i>	Alcove Rockdaisy	NN, UT	Plant.
C	<i>Physaria dornii</i>	Dorn's Twinpod	WY	Plant.
C	<i>Physaria pulvinata</i>	Cushion Bladderpod	CO	Plant.

TABLE 1—LIST OF 165 SPECIES INCLUDED IN THIS FINDING—Continued

Category	Scientific name	Common name	Range	Group
C	<i>Potentilla angelliae</i>	Angell Cinquefoil	UT	Plant.
C	<i>Prosopium abyssicola</i>	Bear Lake Whitefish	ID, UT	Vertebrate.
C	<i>Prosopium gemmifer</i>	Bonneville Cisco	ID, NV (Exotic), UT	Vertebrate.
C	<i>Prosopium spilonotus</i>	Bonneville Whitefish	ID, UT	Vertebrate.
C	<i>Pyrgulopsis bedfordensis</i>	A Freshwater Snail	MT	Invertebrate.
C	<i>Stagnicola elrodi</i>	Flathead Pondsnaail	MT	Invertebrate.
C	<i>Thelesperma caespitosum</i>	Green River Greenthread	UT, WY	Plant.
C	<i>Thelesperma pubescens</i>	Uinta Greenthread	UT, WY	Plant.
C	<i>Townsendia microcephala</i>	Cedar Mountain Easter-daisy	WY	Plant.
C	<i>Trifolium barnebyi</i>	Barneby's Clover	WY	Plant.
C	<i>Viola clauseniana</i>	Clausen's Violet	UT	Plant.
C	<i>Viola frank-smithii</i>	Frank Smith's Violet	UT	Plant.
C	<i>Viola lithion</i>	Rock Violet	NV, UT	Plant.
C	<i>Xanthoparmelia idahoensis</i>	(Lichen)	CAN:AB USA:CO, ID	Plant.
C	<i>Xanthoparmelia neowyomingica</i>	(Lichen)	CO, WY	Plant.
C	<i>Xylorhiza cronquistii</i>	Cronquist's Woody-aster	UT	Plant.
D	<i>Eriogonum ammophilum</i>	Ibex Wild Buckwheat	UT	Plant.
D	<i>Optioservus phaeus</i>	Scott Optioservus Riffle Beetle	KS	Invertebrate.
D	<i>Penstemon pinorum</i>	Pinyon Penstemon	UT	Plant.

Threats Analysis

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations at 50 CFR part 424 set forth the procedures for adding species to the Federal Lists of Endangered and Threatened Wildlife and Plants. A species, subspecies, or distinct population segment of vertebrate taxa may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1) of the Act: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence.

In making this 90-day finding, we evaluated whether information on threats to the 165 species, as presented in the petition and other readily available information at the time of the petition review, is substantial, thereby indicating that the petitioned action may be warranted. Our evaluation of this information is presented below.

A. Present or Threatened Destruction, Modification, or Curtailment of the Species' Habitat or Range

The petition, including all available references and the NatureServe species files, does not present substantial information that the present or threatened destruction, modification, or curtailment of the species' habitat or range is a threat to 162 of the 165 species. For the one invertebrate and two plants in Category D (Table 1), information related to habitat impacts at one or more occupied sites is presented.

The Scott Optioservus riffle beetle (*Optioservus phaeus*) occurs in possibly one site in State Park in Kansas. Total population size is estimated at 2,000 to 4,000. The species is thought to be stable, according to NatureServe. The threat cited in NatureServe is reduced spring flows due to dewatering of the Ogallala Aquifer for irrigation purposes. NatureServe indicates that this is a potential threat of unknown degree. No other references substantiated or quantified this alleged threat, and we find that substantial information was not presented to indicate that the species is threatened by dewatering.

Eriogonum ammophilum (Ibex wild buckwheat) is known from 15 element occurrences in Utah, according to NatureServe. Bureau of Land Management (BLM) reports (Armstrong, no date) indicate that off-road vehicle (ORV) use and grazing are not significant threats to the species. No substantial information was presented in NatureServe, cited references, or our files indicating that the species is threatened by ORV use or grazing. Therefore, we find the petition and supporting information does not present substantial scientific or commercial information to indicate *E. ammophilum* is threatened by the present or threatened destruction, modification, or curtailment of its habitat or range.

Penstemon pinorum (Pinyon penstemon) is known from 3 element occurrences in Utah containing approximately 50,000 individuals, according to NatureServe. Kass (1995) indicated that mining and firewood removal has impacted the habitat at one site. The U.S. Forest Service and BLM (1995) signed a conservation agreement for the species. No substantial

information was presented in NatureServe, cited references, or our files indicating that the species is threatened by mining or firewood removal.

We find the petition and supporting information does not present substantial scientific or commercial information to indicate the Scott Optioservus riffle beetle, *Eriogonum ammophilum*, or *Penstemon pinorum* are threatened by the present or threatened destruction, modification, or curtailment of its habitat or range.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

The petition, including all available references and the NatureServe species files, does not include any information concerning threats to any of the 165 species from this factor. Therefore, we find that the petition does not present substantial information that overutilization for commercial, recreational, scientific, or educational purposes is a threat to any of the 165 species.

C. Disease or Predation

The petition, including all available references and the NatureServe species files, does not include any information concerning threats to any of the 165 species from this factor. Therefore, we find that the petition does not present substantial information that disease or predation is a threat to any of the 165 species.

D. Inadequacy of Existing Regulatory Mechanisms

The petition discusses the lack of protection under the Act for the petitioned species, stating that unless a

species is listed as threatened or endangered under the Act, it receives no protections from the statute. The petition provides no information addressing any other State or Federal regulations, and no information about the inadequacy of existing regulatory mechanisms.

The petitioner's claim that we could afford more protection to these petitioned species if they were listed under the Act does not provide substantial information that the existing regulatory mechanisms are inadequate. As the petitioner acknowledges, under 16 U.S.C. 1533(b)(1)(A), we must reach our determination solely on the basis of the best scientific and commercial data available. The petition did not present any specific information related to other Federal, State, or local government regulatory mechanisms that may exist to provide regulatory protections for the 165 species or their respective habitats. Therefore, we conclude that the petition does not present substantial information that any of the 165 species may warrant listing due to inadequacy of existing regulatory mechanisms.

E. Other Natural or Manmade Factors Affecting the Species' Continued Existence

While we recognize that many of the species contained within the

NatureServe database have limited distribution or small population size, limited distribution and population size were not identified as threats faced by any of the 165 species in the petition, including all available references and the NatureServe species files and these two factors alone without elaboration may not be substantial information that may warrant listing under the Act. No other information that could be categorized under Factor E was presented in the petition. Therefore, we conclude that the petition does not present substantial information that other natural or manmade factors are a threat to any of the 165 species.

Finding

We have reviewed and evaluated the 5 listing factors with regard to 165 of the 206 petitioned species, based on the information in the petition and the literature cited in the petition. We evaluated the information to determine whether the sources cited support the claims made in the petition. We also reviewed reliable information that was readily available to us. Based on this review and evaluation, we find that the petition does not present substantial scientific or commercial information that listing these 165 species as threatened or endangered under the Act may be warranted. Although we will not

commence a status review in response to these species included in the petition, we will continue to accept information and materials regarding any of the 165 species at our Mountain-Prairie Region Ecological Services Office (see **ADDRESSES**). Further, as previously indicated, we will address the remaining 39 species in future findings.

References Cited

A complete list of references cited is available on the Internet at <http://www.regulations.gov> and upon request from the Mountain-Prairie Region Ecological Services Office (see **ADDRESSES**).

Author

The primary authors of this document are the staff members of the Mountain-Prairie Region Ecological Services Office (see **ADDRESSES**).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (U.S.C. 1531 *et seq.*).

Dated: January 9, 2009.

Kenneth Stansell,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. E9-2358 Filed 2-4-09; 8:45 am]

BILLING CODE 4310-55-P

Proposed Rules

Federal Register

Vol. 74, No. 23

Thursday, February 5, 2009

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Notice of Intent To Request Public Comments

AGENCY: Federal Trade Commission.

ACTION: Notice of intent to request public comments.

SUMMARY: As part of its systematic review of all Federal Trade Commission rules and guides, the Commission gives notice that, during 2009, it intends to request public comments on the rules and guide listed below ("Rules"). The Commission will request comments on, among other things, the economic impact of, and the continuing need for, the Rules; possible conflict between the Rules and state, local, or other federal

laws or regulations; and the effect on the Rules of any technological, economic, or other industry changes. No Commission determination on the need for, or the substance of, the Rules should be inferred from the notice of intent to publish requests for comments. In addition, the Commission announces a revised 10-year regulatory review schedule.

FOR FURTHER INFORMATION CONTACT: Further details may be obtained from the contact person listed for the particular Rule.

SUPPLEMENTARY INFORMATION: The Commission intends to initiate a review of, and solicit public comments on, the following Rules during 2009:

(1) *Guides for Private Vocational and Distance Education Schools*, 16 CFR 254. **Agency Contact:** Julie A. Lady, (216) 263-3409, Federal Trade Commission, East Central Region, 1111 Superior Ave., Suite 200, Cleveland, OH 44114.

(2) *Automotive Fuel Ratings, Certification, and Posting Rule*, 16 CFR 306. **Agency Contact:** Matthew Wilshire,

(202) 326-2976, Federal Trade Commission, Bureau of Consumer Protection, Division of Enforcement, 600 Pennsylvania Ave., NW, Washington, DC 20580.

(3) *Use of Prenotification Negative Option Plans*, 16 CFR 425. **Agency Contact:** Robin Rosen Spector, (202) 326-3740, Federal Trade Commission, Bureau of Consumer Protection, Division of Enforcement, 600 Pennsylvania Ave., NW, Washington, DC 20580.

As part of its regulatory review, the Commission also has tentatively scheduled reviews of additional rules and guides for 2010 through 2019. A copy of this tentative schedule is appended. The Commission, in its discretion, may modify or reorder the schedule in the future to incorporate new rules, or to respond to external factors (such as changes in the law) or other considerations.

Authority: 15 U.S.C. 41-58.

By direction of the Commission.

Donald S. Clark,
Secretary.

APPENDIX REGULATORY REVIEW MODIFIED TEN-YEAR SCHEDULE

16 CFR PART	TOPIC	YEAR TO REVIEW
500	Regulations Under Section 4 of the Fair Packaging and Labeling Act (FPLA)	2010
501	Exemptions from Part 500 of the FPLA	2010
502	Regulations Under Section 5(C) of the FPLA	2010
503	Statements of General Policy or Interpretations Under the FPLA	2010
424	Retail Food Store Advertising and Marketing Practices Rule	2010
444	Credit Practices Rule	2010
239	Guides for the Advertising of Warranties and Guarantees	2010
433	Preservation of Consumers' Claims and Defenses Rule	2010
700	Interpretations of Magnuson-Moss Warranty Act	2010
701	Disclosure of Written Consumer Product Warranty Terms and Conditions	2010
702	Pre-Sale Availability of Written Warranty Terms	2010
703	Informal Dispute Settlement Procedures	2010
14	Administrative Interpretations, General Policy Statements, and Enforcement Policy Statements	2011
23	Guides for the Jewelry, Precious Metals, and Pewter Industries	2011

APPENDIX—Continued
REGULATORY REVIEW
MODIFIED TEN-YEAR SCHEDULE

16 CFR PART	TOPIC	YEAR TO REVIEW
300	Rules and Regulations under the Wool Products Labeling Act	2011
301	Rules and Regulations under the Fur Products Labeling Act	2011
303	Rules and Regulations under the Textile Fiber Products Identification Act	2011
423	Care Labeling Rule	2011
20	Guides for the Rebuilt, Reconditioned and Other Used Automobile Parts Industry	2012
233	Guides Against Deceptive Pricing	2012
238	Guides Against Bait Advertising	2012
240	Guides for Advertising Allowances and Other Merchandising Payments and Services	2012
251	Guide Concerning Use of the Word “Free” and Similar Representations	2012
310	Telemarketing Sales Rule	2013
801	Hart-Scott-Rodino Antitrust Improvements Act Coverage Rules	2013
802	Hart-Scott-Rodino Antitrust Improvements Act Exemption Rules	2013
803	Hart-Scott-Rodino Antitrust Improvements Act Transmittal Rules	2013
304	Rules and Regulations under the Hobby Protection Act	2014
309	Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles	2014
314	Standards for Safeguarding Customer Information	2014
315	Contact Lens Rule	2015
316	Rules Implementing the CAN-SPAM Act of 2003	2015
456	Ophthalmic Practice Rules	2015
603	Fair Credit Reporting Act (FCRA) Rules - Definitions	2015
610	FCRA Rules - Free Annual File Disclosures	2015
611	FCRA Rules - Prohibition Against Circumventing Treatment as a Nationwide Consumer Reporting Agency	2015
613	FCRA Rules - Duration of Active Duty Alerts	2015
614	FCRA Rules - Appropriate Proof of Identity	2015
698	FCRA Rules - Summaries, Notices, and Forms	2015
460	Labeling and Advertising of Home Insulation	2016
682	FCRA Rules - Disposal of Consumer Report Information and Records	2016
410	Deceptive Advertising as to Sizes of Viewable Pictures Shown by Television Receiving Sets	2017
312	Children’s Online Privacy Protection Rule	2017
18	Guides for the Nursery Industry	2018
305	Appliance Labeling Rule	2018
311	Test Procedures and Labeling Standards for Recycled Oil	2018
436	Disclosure Requirements and Prohibitions Concerning Franchising	2018
24	Guides for Select Leather and Imitation Leather Products	2019
453	Funeral Industry Practices Rule	2019

[FR Doc. E9-2464 Filed 2-4-09; 8:45 am]

BILLING CODE 6750-01-S

DEPARTMENT OF JUSTICE**28 CFR Part 26**

[Docket No. OJP (DOJ)-1464; AG Order No. 3048-2009]

RIN 1121-AA74

Certification Process for State Capital Counsel Systems**AGENCY:** Department of Justice.**ACTION:** Notice of request for public comment.

SUMMARY: Pursuant to the USA PATRIOT Improvement and Reauthorization Act of 2005, the Department of Justice promulgated a final rule to implement certification procedures for states seeking to qualify for the expedited federal habeas corpus review procedures in capital cases under chapter 154 of title 28 of the United States Code. *Certification Process for State Capital Counsel Systems*, 73 FR 75327 (Dec. 11, 2008). The procedural benefits of chapter 154 are available to states that establish mechanisms for providing counsel to indigent capital defendants in state postconviction proceedings that satisfy certain statutory requirements. The Department hereby requests public comment on issues related to the final rule.

DATES: Comments are due April 6, 2009.

ADDRESSES: Please address all comments regarding this notice, by U.S. mail, to: Ben Gorban, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, NW., Washington, DC 20531. To ensure proper handling, please reference OJP Docket No. 1464 on your correspondence. You may view an electronic version of this notice at <http://www.regulations.gov>, and you may also comment by using the <http://www.regulations.gov> comment form for this notice. When submitting comments electronically you must include OJP Docket No. 1464 in the subject box.

FOR FURTHER INFORMATION CONTACT: Ben Gorban, Bureau of Justice Assistance, Office of Justice Programs at (202) 616-6500 (not a toll-free number.)

SUPPLEMENTARY INFORMATION: Chapter 154 provides procedural benefits in federal habeas corpus review of capital cases to states that go beyond the constitutional requirement of appointing counsel for indigents at trial and on appeal by providing counsel also

to capital defendants in state postconviction proceedings. Chapter 154 has been in place since the enactment of the Antiterrorism and Effective Death Penalty Act of 1996 (Pub. L. 104-132).

Section 507 of Public Law 109-177, the USA PATRIOT Improvement and Reauthorization Act of 2005 ("the Act"), amended chapter 154 of title 28 of the United States Code. Prior to the Act, the determination that a state was eligible for the procedural benefits of chapter 154 had been left to the federal court of appeals for the circuit in which a state was located. The Act, *inter alia*, amended sections 2261(b) and 2265 of title 28 to assign responsibility for chapter 154 certifications to the Attorney General of the United States, subject to de novo review by the Court of Appeals for the District of Columbia Circuit.

Section 2265(b) directs the Attorney General to promulgate regulations to implement the certification procedure. The Department of Justice published a proposed rule in the **Federal Register** on June 6, 2007, for this purpose, to add a new subpart in 28 CFR part 26 entitled "Certification Process for State Capital Counsel Systems." *Certification Process for State Capital Counsel Systems*, 72 FR 31217 (June 6, 2007). The comment period ended on August 6, 2007. The Department published a notice on August 9, 2007, reopening the comment period, and the reopened comment period ended on September 24, 2007. 72 FR 44816 (Aug. 9, 2007). The Department of Justice published the final rule on December 11, 2008, with a scheduled effective date of January 12, 2009. *Certification Process for State Capital Counsel Systems*, 73 FR 75327 (Dec. 11, 2008).

The final rule is the subject of a preliminary injunction issued by a district court in the Northern District of California. *See Habeas Corpus Res. Ctr. v. U.S. Dep't of Justice*, No. C 08-2649 CW (N.D. Cal., Jan. 20, 2009). The Department of Justice has decided to solicit further comment on all aspects of the final rule for 60 days following publication of this notice. The Department will consider comments received during this period and publish a summary and response as appropriate.

Dated: February 2, 2009.

Mark Filip,*Acting Attorney General.*

[FR Doc. E9-2493 Filed 2-4-09; 8:45 am]

BILLING CODE 4410-18-P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[DA 09-40; MB Docket No. 08-243; RM-11490]

Radio Broadcasting Services; Charlotte Amalie, VI**AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: This document requests comments on a petition for rulemaking filed by Western New Life, Inc., licensee of Station WJZG-FM, Channel 254A, Culebra, Puerto Rico, proposing the deletion of vacant Channel 271B at Charlotte Amalie, Virgin Islands to accommodate a hybrid contingent application requesting the substitution of Channel 271A for Channel 254A at Culebra, and modification of the Station WJZG-FM license. The reference coordinates for vacant Channel 271B at Charlotte Amalie are 18-20-36 NL and 64-55-48 WL.

DATES: Comments must be filed on or before March 9, 2009, and reply comments on or before March 24, 2009.

ADDRESSES: Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner as follows: Scott C. Cinnamon, Esq., Counsel for Western New Life, Inc., Law Offices of Scott C. Cinnamon, PLLC, 1250 Connecticut Ave., NW., Suite 200, #144, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 08-243, adopted January 14, 2009, and released January 16, 2009. Channel 271B at Charlotte Amalie was inadvertently removed from the FM Table of Allotments. *See Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, Report and Order, 21 FCC Rcd 14212 (2006). As a result, this document does not contain any amendatory language. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 Twelfth Street, SW., Washington, DC 20554. This document may also be purchased from the

Commission's duplicating contractors, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160 or via e-mail <http://www.BCPIWEB.com>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, *see* 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division Media Bureau.

[FR Doc. E9-2385 Filed 2-4-09; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 09-43; MB Docket No. 08-242; RM-11506]

Radio Broadcasting Services; Ten Sleep, WY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document sets forth a proposal to amend the FM Table of Allotments, Section 73.202(b) of the Commission's rules, 47 CFR 73.202(b). The Commission requests comment on a petition filed by Legend Communications of Wyoming, LLC. Petitioner proposes the allotment of Channel 267A at Ten Sleep, Wyoming, as a first local service. The purpose of the requested allotment is to maintain Ten Sleep's first potential local service, because petitioner has requested a change of community of license for unbuilt Station KYTS(FM), Channel 271C2, from Ten Sleep to Manderson, Wyoming. Channel 267A can be allotted at Ten Sleep in compliance with the Commission's minimum distance separation requirements with a site restriction of 0.3 km (0.2 miles) northeast of Ten Sleep. The proposed coordinates for Channel 267A at Ten Sleep are 44-02-08 North Latitude and 107-26-50 West Longitude. *See* **SUPPLEMENTARY INFORMATION** *infra*.

DATES: Comments must be filed on or before March 9, 2009, and reply comments on or before March 24, 2009.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the designated petitioner's counsel as follows: Lee W. Shubert, Esq., Sciarrino & Shubert PLLC, 5425 Tree Line Drive, Centreville, Virginia 20120-1676.

FOR FURTHER INFORMATION CONTACT: Deborah A. Dupont, Media Bureau (202) 418-7072.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 08-242, adopted January 14, 2009, and released January 16, 2009. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc.,

445 12th Street, SW., Room CY-B402, Washington, DC 20554, (800) 378-3160, or via the company's Web site, <http://www.bcpiweb.com>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4).

The Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, *see* 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by adding Ten Sleep, Channel 267A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E9-2399 Filed 2-4-09; 8:45 am]

BILLING CODE 6712-01-P

Notices

Federal Register

Vol. 74, No. 23

Thursday, February 5, 2009

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION: Notice and opportunity for public comment.

Pursuant to Section 251 of the Trade Act of 1974 (19 U.S.C. 2341 *et seq.*), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. EDA has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Department of Commerce.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT [12/9/2008 through 1/31/2009]

Firm	Address	Date accepted for filing	Products
The John P. Smith Co. Inc.	31 Circo Road, Brandford, CT 06471	12/19/2008	Welded material handling baskets, racks, trays and Norwich Litter Receptacles.
TechniQuip Corp	5653 Stoneridge Drive, Pleasanton, CA 94588 ...	12/11/2008	Fiber optic illumination devices and fluorescent ring lights.
Columbia Panel Manufacturing Company, Inc.	100 Giles Street, High Point, NC 28604	1/29/2009	Cut-to-size hardwood panels.
Aero-Mach Labs, Inc	7707 E. Funston Street, Wichita, KS 67207	1/6/2009	Aircraft instrument panels.
Dickard Widder Industries, Inc.	5602 Maspeth Avenue, Maspeth, NY 11378	12/23/2008	Printed fabric and paper sample swatches and cards used as selling tools and trade advertising materials.
JDI Tool and Manufacturing.	28W059 Commercial, Lake, IL 60010	12/23/2008	Tooling for the stamping electronics, automotive, consumer retail, and electric product industries. Tooling and dies for the industry.
Frank Roth Company, Inc.	1795 Stratford Avenue, Stratford, CT 06615	1/21/2009	Hydraulic/pneumatic suspension systems and telescoping systems, electro-mechanical assemblies, industrial components, precision machined components and castings.
Spectro Coating Corp	101 Scott Drive, Leominster, MA 01453	1/23/2009	Flocked rolled goods.
Hardwood Manufacturing Company.	1119 Douglas Avenue, North, RI 02904	1/29/2009	Mainly metal products consisting of bookmarks, picture frames, ornaments, spoons, paperweights, key rings, luggage tags, money clips, golf accessories, business card cases, letter openers and shot glasses
Bridgeport Truck Manufacturing.	P.O. Box 217, Bridgeport, TX 76426	1/21/2009	Refuse collection vehicles.
The G&G Manufacturing Company, Inc.	4015 Red Bank Road, Cincinnati, OH 45227-3456.	12/9/2008	Precision machined metal and plastic parts.
Vin-Tex Sealers, Inc	1447 W. Ardmore Avenue, Itasca, IL 60143	12/10/2008	Medical therapeutic support surfaces, helmet liners, buoyancy devices, and agricultural harvest products.
Masterpiece Models, I.L.C.	7907 NE St Johns Rd, Vancouver, WA 98665	1/28/2009	Models such as exhibits, displays, and props for a wide range of customers.
International Specialty Tube, LLC.	6600 Mt. Elliott, Detroit, MI 48211	1/28/2009	Welded stainless steel tubing.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT—
Continued

[12/9/2008 through 1/31/2009]

Firm	Address	Date accepted for filing	Products
McBain Instruments, LP	2665 Park Center Drive, Simi Valley, CA 93065	12/30/2008	Microscopy measuring systems to customer specifications. Production consists of engineering design, software programming, component assembly, testing and delivery.
AirFlo Cooling Technologies, LLC.	728 S. Wheeling Ave., Tulsa, OK 74104	12/10/2008	Fans and blowers.
Engineered Plastic Products Corporation.	2542 Pratt Boulevard, Elk Grove, IL 60007	12/12/2008	Custom plastic parts and manifolds and plastic turning, plastic milling, and plastic screw machining.
Systematix Controls, Inc	670 Industry Drive, Box, Tukwila, WA 98188	1/8/2009	Kappa analyzers and their parts, used in the recovery area of pulp and paper mills.
Solar Innovations, Inc	234 E. Rosebud Road, Myerstown, PA 17067	1/9/2009	Doors, windows, skylights, aluminum sunrooms, folding walls, and greenhouses.
Kingfisher Kookers	201 N 13th Street, Kingfisher, OK 73750	1/7/2009	Food smokers, barbeques, and gas grills.
Eglomise Designs, Inc ...	4 Antietam Street, Devens, MA 01434	12/30/2008	Mirrors, pictures, paperweights, desk boxes, photo frames, desk clocks and stationary.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Office of Performance Evaluation, Room 7009, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice. Please follow the procedures set forth in Section 315.9 of EDA's final rule (71 FR 56704) for procedures for requesting a public hearing. The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

Dated: January 30, 2009.

William P. Kittredge,

Program Officer for TAA.

[FR Doc. E9-2445 Filed 2-4-09; 8:45 am]

BILLING CODE 3510-24-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 2-2009]

Foreign-Trade Zone 122—Corpus Christi, TX; Request for Manufacturing Authority; Excalibar Minerals, LLC

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the Port of Corpus Christi authority, grantee of FTZ 122, requesting authority on behalf of Excalibar Minerals, LLC (Excalibar) to perform barite milling under FTZ procedures within FTZ 122. The application was submitted pursuant to

the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on January 29, 2009.

Excalibar has also applied for temporary/interim manufacturing authority at the Corpus Christi facility. The application was formally filed on November 20, 2008 (Docket T-5-2008, 73 FR 73242, 12/2/08).

The Excalibar facility (14 employees) is located at 3202 E. Navigation Boulevard in Corpus Christi, Texas (within Site 1). Under FTZ procedures, Excalibar would produce up to 175,000 tons of ground barite (HTSUS 2511.10.10) annually, primarily for the U.S. market. The foreign component that would be used in production (representing approximately 95 percent of total material inputs) is raw barite (HTSUS 2511.10.50), dutiable at \$1.25 per metric ton.

FTZ procedures could exempt Excalibar from customs duty payments on the foreign component used in export production (less than 1 percent of shipments). On domestic sales, Excalibar would be able to choose the duty rate that applies to the finished product (duty-free) for the foreign input noted above that has a higher duty rate.

The company may also realize certain logistical/procedural savings as well as savings on materials that become scrap/waste during manufacturing.

In accordance with the Board's regulations, Christopher Kemp of the FTZ staff is designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the

Board's Executive Secretary at the address listed below. The closing period for their receipt is April 6, 2009. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to April 21, 2009.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230-0002, and in the "Reading Room" section of the Board's Web site, which is accessible via <http://www.trade.gov/ftz>. For further information, contact Christopher Kemp at christopher_kemp@ita.doc.gov or (202) 482-0862.

Dated: January 29, 2009.

Andrew McGilvray,

Executive Secretary.

[FR Doc. E9-2480 Filed 2-4-09; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Action Affecting Export Privileges: Theresa Huei-Min Chang

In the Matter of: Theresa Huei-Min Chang, 11816 Pine Brook Court, Cupertino, California 95014 Respondent.

Order Relating to Theresa Huei-Min Chang

The Bureau of Industry and Security, U.S. Department of Commerce ("BIS") has notified Theresa Huei-Min Chang (hereinafter referred to as "Chang"), of

its intention to initiate an administrative proceeding against her pursuant to Section 766.3 of the Export Administration Regulations (“Regulations”)¹ and Section 13(c) of the Export Administration Act of 1979, as amended (“Act”)², through issuance of a proposed charging letter to Chang that alleged that she committed three violations of the Regulations. Specifically, these charges are:

Charge 1: 15 CFR 764.2(d)—Conspiracy To Export Items From the United States to Taiwan Without the Required License

Beginning in or about 2003 and continuing through on or about July 29, 2006, Chang conspired and acted in concert with others, known and unknown, to violate the Regulations and to bring about an act that constitutes a violation of the Regulations. The purpose of the conspiracy was to export items from the United States to Taiwan without the required U.S. Government authorization. Pursuant to Sections 742.2 or 742.3 of the Regulations, authorization was required from the Department of Commerce before certain chemicals, metals, and electronic components, items subject to the Regulations and classified under Export Control Classification Numbers (“ECCNs”) 1C227, 1C299, 1C230, 1C231, 1C234, 1C240, 1C350, and 3A201, could be exported from the United States to Taiwan. In furtherance of the conspiracy, the conspirators, including Chang, participated in a scheme in which a Taiwan company requested that an affiliated U.S. company, managed by Chang, procure specific items from U.S. suppliers and export them to Taiwan. The Taiwan company instructed the affiliated U.S. company not to tell U.S. suppliers that the affiliated U.S. company would export the items. Pursuant to this instruction, the affiliated U.S. company procured the items and exported them to Taiwan without the required license.

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 CFR Parts 730–774 (2008). The charged violation occurred in 2003 through 2006. The Regulations governing the violation at issue are found in the 2003 through 2006 versions of the Code of Federal Regulations (15 CFR Parts 730–774 (2003–2006)). The 2008 Regulations govern the procedural aspects of this case.

² 50 U.S.C. app. section 240 1–2420 (2000). Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of July 23, 2008 (73 FR 43,603 (July 25, 2008)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (2000)).

In so doing, Chang committed one violation of Section 764.2(d) of the Regulations.

Charge 2: 15 CFR 764.2(e)—Acting With Knowledge of a Violation

On one occasion, on or about October 29, 2005, Chang ordered, bought, stored, sold, and forwarded nickel powder, an item that is subject to the Regulations and classified under ECCN 1 C240, with knowledge that a violation of the Regulations was occurring. Specifically, Chang ordered, bought, stored, sold, and forwarded ten kilograms of nickel powder with a value of approximately \$551.00. Chang had knowledge that said item required a license for export to Taiwan and that it was being exported without the required license because Chang had been told by an employee of her company that an export of nickel powder to Taiwan required a license. In doing so, Chang committed one violation of Section 764.2(e) of the Regulations.

Charge 3: 15 CFR 764.2(g)—Misrepresentation or Concealment of Facts

On or about May 26, 2006, Chang made a false or misleading statement to officials of the U.S. Government in the course of an investigation subject to the Regulations. Specifically, in the course of an interview conducted by Special Agents of BIS’s Office of Export Enforcement regarding unlicensed exports to Taiwan, Chang stated that, other than receiving payments for rent, she did not receive compensation from the Taiwanese company Gredmann/Well Being Enterprise Co., Ltd. (“Well Being”) for running Elecmat, a U.S. company, and that she ran Elecmat as a “favor.” This statement was false or misleading, as Chang knew that Well Being transferred approximately \$6,500 per month into a United Commercial Bank account held in the name of Chang’s brother, over which account Chang exercised complete control, which funds represented compensation for Chang’s management of Elecmat. In so doing, Chang committed one violation of Section 764.2(g) of the Regulations.

Whereas, BIS and Chang have entered into a Settlement Agreement pursuant to Section 766.18(a) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and

Whereas, I have approved of the terms of such Settlement Agreement; *it is therefore ordered:*

First, that for a period of two years from the date of entry of this Order, Theresa Huei-Min Chang, (“Chang”),

her representatives, assigns, or agents (“Denied Person”) may not participate, directly or indirectly, in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as “item”) exported or to be exported from the United States that is subject to the Regulations and listed on the Commerce Control List, set forth in Supplement No. to 15 CFR part 774, or in any other activity subject to the Regulations that involves an item listed on the Commerce Control List, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document that involves an item that is subject to the Regulations and listed on the Commerce Control List;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations and listed on the Commerce Control List; or

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations and listed on the Commerce Control List, or in any other activity subject to the Regulations that involves an item listed on the Commerce Control List.

Second, that no person may, directly or indirectly, do any of the actions described below with respect to an item that is subject to the Regulations and listed on the Commerce Control List that has been, will be, or is intended to be exported or reexported from the United States:

A. Export or reexport to or on behalf of a Denied Person any item subject to the Regulations and listed on the Commerce Control List;

B. Take any action that facilitates the acquisition or attempted acquisition by a Denied Person of the ownership, possession, or control of any item subject to the Regulations and listed on the Commerce Control List that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from a Denied Person of any

item subject to the Regulations and listed on the Commerce Control List that has been exported from the United States;

D. Obtain from a Denied Person in the United States any item subject to the Regulations and listed on the Commerce Control List with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations and listed on the Commerce Control List that has been or will be exported from the United States and that is owned, possessed or controlled by a Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by a Denied Person if such service involves the use of any item subject to the Regulations and listed on the Commerce Control List that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Chang by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of the Order.

Fourth, that the proposed charging letter, the Settlement Agreement, and this Order shall be made available to the public.

Fifth, that this Order shall be served on the Denied Person and on BIS, and shall be published in the **Federal Register**.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 28th day of January 2009.

Kevin Delli-Colli,

Acting Assistant Secretary for Export Enforcement.

[FR Doc. E9-2319 Filed 2-4-09; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-549-817]

Certain Hot-Rolled Carbon Steel Flat Products from Thailand: Correction to Preliminary Results of Changed Circumstances Review and Intent To Reinstate Sahaviriya Steel Industries Public Company Limited in the Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: December 30, 2008.

FOR FURTHER INFORMATION CONTACT: John Drury or Angelica Mendoza, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0195 or (202) 482-3019, respectively.

SUPPLEMENTARY INFORMATION:

Correction

On December 30, 2008, the Department of Commerce (“the Department”) published a notice of preliminary results of the changed circumstances review of the antidumping duty order on certain hot-rolled carbon steel flat products from Thailand. *See Certain Hot-Rolled Carbon Steel Flat Products from Thailand: Preliminary Results of Changed Circumstances Review and Intent To Reinstate Sahaviriya Steel Industries Public Company Limited in the Antidumping Duty Order*, 73 FR 79809 (December 30, 2008) (“*Preliminary Results*”). Subsequent to the publication of the *Preliminary Results* in the **Federal Register**, we identified an inadvertent error.

The *Preliminary Results* notice is internally inconsistent. The *Preliminary Results* correctly state that the Department preliminarily determined a weighted-average dumping margin of 9.05 percent covering Sahaviriya Steel Industries Public Company Limited (“SSI”) during the period July 1, 2006, through June 30, 2007, but then incorrectly state that a cash-deposit requirement of 6.42 percent will be in effect for all shipments of the subject merchandise manufactured and exported by SSI entered, or withdrawn from warehouse, for consumption on or after the publication date of the *Preliminary Results*. *See Preliminary Results*, 73 FR at 79814. To resolve this discrepancy and prevent confusion, the *Preliminary Results* notice is hereby

corrected to read that a cash-deposit requirement of 9.05 percent will be in effect for all shipments of the subject merchandise manufactured and exported by SSI entered, or withdrawn from warehouse, for consumption on or after the publication date of the *Preliminary Results*. Accordingly, the Department will instruct U.S. Customs and Border Protection to suspend liquidation of all entries of subject merchandise manufactured and exported by SSI entered, or withdrawn from warehouse, for consumption on or after the date of publication of the *Preliminary Results* at a rate of 9.05 percent.

This notice is published in accordance with section 777(i) of the Tariff Act of 1930, as amended.

Dated: January 30, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9-2477 Filed 2-4-09; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

[A-583-833]

Certain Polyester Staple Fiber From Taiwan: Preliminary Results of Antidumping Duty Administrative Review.

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce is conducting an administrative review of the antidumping duty order on certain polyester staple fiber from Taiwan. The period of review (POR) is May 1, 2007 through April 30, 2008. This review covers imports of certain polyester staple fiber from one producer/exporter. We have preliminarily found that sales of the subject merchandise have been made below normal value. If these preliminary results are adopted in our final results, we will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Interested parties are invited to comment on these preliminary results. Parties who submit comments in this review are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument. We will issue the final results not later than 120 days after the date of publication of this notice.

DATES: *Effective Date:* February 5, 2009.

FOR FURTHER INFORMATION CONTACT:

Thomas Schauer or Richard Rimlinger, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-0410 and (202) 482-4477, respectively.

Background

On July 1, 2008, the Department published a notice initiating an administrative review of the antidumping duty order on certain polyester staple fiber (PSF) from Taiwan covering the respondents Far Eastern Textiles Ltd. (FET) and Nan Ya Plastics Corporation (Nan Ya). See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 73 FR 37409 (July 1, 2008). We have rescinded the review with respect to Nan Ya. See *Polyester Staple Fiber from Taiwan: Notice of Partial Rescission of Antidumping Duty Administrative Review*, 73 FR 51274 (September 2, 2008).

Scope of the Order

The product covered by the order is PSF. PSF is defined as synthetic staple fibers, not carded, combed or otherwise processed for spinning, of polyesters measuring 3.3 decitex (3 denier, inclusive) or more in diameter. This merchandise is cut to lengths varying from one inch (25 mm) to five inches (127 mm). The merchandise subject to the order may be coated, usually with a silicon or other finish, or not coated. PSF is generally used as stuffing in sleeping bags, mattresses, ski jackets, comforters, cushions, pillows, and furniture. Merchandise of less than 3.3 decitex (less than 3 denier) currently classifiable in the *Harmonized Tariff Schedule of the United States* (HTSUS) at subheading 5503.20.00.20 is specifically excluded from the order. Also specifically excluded from the order are polyester staple fibers of 10 to 18 denier that are cut to lengths of 6 to 8 inches (fibers used in the manufacture of carpeting). In addition, low-melt PSF is excluded from this order. Low-melt PSF is defined as a bi-component fiber with an outer sheath that melts at a significantly lower temperature than its inner core.

The merchandise subject to this order is currently classifiable in the HTSUS at subheadings 5503.20.00.45 and 5503.20.00.65. Although the HTSUS subheadings are provided for convenience and customs purposes, the

written description of the merchandise subject to the order is dispositive.

Fair-Value Comparisons

To determine whether FET's sales of PSF to the United States were made at less than normal value (NV), we compared export price (EP) to NV, as described in the "Export Price" and "Normal Value" sections of this notice.

Pursuant to section 777A(d)(2) of the Tariff Act of 1930, as amended (the Act), we compared the EP of individual U.S. transactions to the monthly weighted-average NV of the foreign like product where there were sales made in the ordinary course of trade, as discussed in the "Cost of Production" section below.

Product Comparisons

We compared U.S. sales to monthly weighted-average prices of contemporaneous sales made in the home market. We found contemporaneous sales of identical merchandise in the home market for all U.S. sales in accordance with section 771(16) of the Act.

Date of Sale

We normally use the invoice date as the date of sale except in situations in which we find that a different date better reflects the date on which the producer or exporter establishes the material terms of sale. See 19 CFR 351.401(i).

In its questionnaire responses, FET reported date of shipment as the date of sale for its home-market and U.S. sales. FET stated that it permits home-market and U.S. customers to make order changes up to the date of shipment. According to FET's descriptions, the sales processes in the home market and the United States are identical. See FET's August 6, 2008, response at pages A-14 through A-17. Thus, record evidence demonstrates that the material terms of sale are not set before the date of invoice, which would normally result in use of the date of invoice as the date of sale. See 19 CFR 351.401(i).

Because the merchandise is always shipped on or before the date of invoice, we have used the date of shipment as the date of sale. See, e.g., *Certain Polyester Staple Fiber From Taiwan: Preliminary Results of Antidumping Duty Administrative Review*, 72 FR 31283 (June 6, 2007) (unchanged in final, 72 FR 69193, December 7, 2007), and *Certain Cold-Rolled and Corrosion-Resistant Carbon Steel Flat Products From Korea: Final Results of Antidumping Duty Administrative Reviews*, 63 FR 13170, 13172-73 (March 18, 1998).

Export Price

For sales to the United States, we calculated EP in accordance with section 772(a) of the Act because the merchandise was sold prior to importation by the exporter or producer outside the United States to the first unaffiliated purchaser in the United States and because constructed export-price methodology was not otherwise warranted. We calculated EP based on the cost, insurance, and freight (CIF) price to unaffiliated purchasers in the United States. Where appropriate, we made deductions, consistent with section 772(c)(2)(A) of the Act, for the following movement expenses: Inland freight from the plant to the port of exportation, brokerage and handling, harbor service fees, trade promotion fees, containerization expenses, international freight, and marine insurance. No other adjustments were claimed or allowed.

Normal Value

Selection of Comparison Market

To determine whether there was a sufficient volume of sales of PSF in the home market to serve as a viable basis for calculating NV, we compared the volume of the respondent's home-market sales of the foreign like product to its volume of U.S. sales of the subject merchandise in accordance with section 773(a) of the Act. Pursuant to section 773(a)(1)(B) of the Act, because the respondent's aggregate volume of home-market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales of the subject merchandise, we determined that the home market was viable for comparison purposes.

Cost of Production

We disregarded below-cost sales by FET in the last administrative review of the order completed prior to the initiation of this review. See *Certain Polyester Staple Fiber From Taiwan: Final Results of Antidumping Duty Administrative Review*, 72 FR 69193, 69194 (December 7, 2007). Therefore, pursuant to section 773(b)(2)(A)(ii) of the Act, there were reasonable grounds to believe or suspect that the respondent made sales of the foreign like product in its comparison market at prices below the cost of production (COP) within the meaning of section 773(b) of the Act.*

* We also disregarded below-cost sales by FET in the most recently completed administrative review of the order. See *Certain Polyester Staple Fiber From Taiwan: Final Results of Antidumping Duty Administrative Review*, 73 FR 62477, 62478 (October 21, 2008).

We calculated the COP on a product-specific basis, based on the sum of the respondent's costs of materials and fabrication for the foreign like product plus amounts for general and administrative (G&A) expenses, interest expenses, and the costs of all expenses incidental to preparing the foreign like product for shipment in accordance with section 773(b)(3) of the Act.

We relied on COP information FET submitted in its response to our cost questionnaire except we adjusted FET's reported cost of manufacturing to account for purchases of purified terephthalic acid and monoethylene glycol from affiliated parties at non-arm's-length prices in accordance with the major-input rule pursuant to section 773(f)(3) of the Act.

On a product-specific basis, we compared the adjusted weighted-average COP figures for the POR to the home-market sales of the foreign like product, as required under section 773(b) of the Act, to determine whether these sales were made at prices below the COP. The prices were exclusive of any applicable movement charges, packing expenses, warranties, and indirect selling expenses. In determining whether to disregard home-market sales made at prices below their COP, we examined, in accordance with sections 773(b)(2)(B), (C), and (D) of the Act, whether such sales were made within an extended period of time in substantial quantities and at prices which permitted the recovery of all costs within a reasonable period of time.

We found that, for certain products, more than 20 percent of the respondent's home-market sales were at prices below the COP and, in addition, the below-cost sales were made within an extended period of time in substantial quantities. In addition, these sales were made at prices that did not permit the recovery of costs within a reasonable period of time. Therefore, we disregarded these sales and used the remaining sales of the same product as the basis for determining NV in accordance with section 773(b)(1) of the Act.

Calculation of Normal Value

We calculated NV based on the price FET reported for home-market sales to unaffiliated customers which we determined were within the ordinary course of trade. We made adjustments for differences in domestic and export packing expenses in accordance with sections 773(a)(6)(A) and 773(a)(6)(B)(i) of the Act. We also made adjustments, consistent with section 773(a)(6)(B)(ii) of the Act, for inland-freight expenses from the plant to the customer and

expenses associated with loading the merchandise onto the truck to be shipped. In addition, we made adjustments for differences in circumstances of sale (COS) in accordance with section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410. We made COS adjustments, where appropriate, by deducting direct selling expenses incurred on home-market sales (*i.e.*, imputed credit expenses and warranties) and adding U.S. direct selling expenses (*i.e.*, imputed credit expenses and bank charges).

In addition, FET reported two transactions in its home-market sales database which it acknowledged it had reason to know would be exported to the People's Republic of China. See FET's November 13, 2008, response to our supplemental questionnaire at SE-8. Because FET knew or had reason to know at the time of sale that these transactions were destined for export, we removed them from our calculations of NV in accordance with section 773(a)(1)(B)(i) of the Act.

Level of Trade

Section 773(a)(1)(B)(i) of the Act states that, to the extent practicable, the Department will calculate NV based on sales at the same level of trade as the EP. Sales are made at different levels of trade if they are made at different marketing stages (or their equivalent). See 19 CFR 351.412(c)(2). Substantial differences in selling activities are a necessary, but not sufficient, condition for determining that there is a difference in the stages of marketing. See 19 CFR 351.412(c)(2); see also *Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate From South Africa*, 62 FR 61731, 61732 (November 19, 1997).

In order to determine whether a respondent made comparison-market sales at stages in the marketing process which differ from those of the U.S. sales, we review the distribution system in each market (*i.e.*, the chain of distribution), including selling functions, class of customer (customer category), and the level of selling expenses incurred for each type of sale. The marketing process in the U.S. and comparison markets begins with the producer and extends to the sale to the final user or customer. The chain of distribution between the two may have many or few links, and the respondent's sales occur somewhere along this chain. In performing this evaluation, we consider the narrative responses of the respondent to determine where in the chain of distribution the sale appears to occur. Selling functions associated with

a particular chain of distribution help us to evaluate the level(s) of trade in a particular market. Pursuant to section 773(a)(1)(B)(i) of the Act, in identifying levels of trade for EP and comparison-market sales (*i.e.*, NV based on either home-market or third-country prices), we consider the starting prices before any adjustments. See *Micron Technology, Inc. v. United States, et al.*, 243 F.3d 1301, 1314-15 (Fed. Cir. 2001) (affirming this methodology).

When the Department is unable to match U.S. sales to sales of the foreign like product in the comparison market at the same level of trade as the EP, the Department may compare the U.S. sale to sales at a different level of trade in the comparison market. In comparing EP sales at a different level of trade in the comparison market, where available data show that the difference in level of trade affects price comparability, we make a level-of-trade adjustment under section 773(a)(7)(A) of the Act.

FET reported that it sold to a single customer in the United States. Because there was only one U.S. customer, the necessary condition for finding that different levels of trade exist was not met. Accordingly, we determined that all of FET's U.S. sales constituted a single level of trade.

FET reported a single channel of distribution (*i.e.*, direct sales to end-users) and a single level of trade in the home market. Because the sales process and selling functions FET performed for selling to home-market customers did not vary by individual customers, we determined that all of FET's home-market sales constituted a single level of trade.

Finally, because there is only one home-market level of trade, it is not possible to calculate a level-of-trade adjustment. In addition, because all U.S. sales were EP sales, no offset contemplated for constructed EP sales is appropriate.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that a dumping margin of 1.97 percent exists for FET for the period May 1, 2007, through April 30, 2008.

Public Comment

We will disclose the documents resulting from our analysis to parties in this review within five days of the date of publication of this notice. See 19 CFR 351.224(b). Any interested party may request a hearing within 30 days of the publication of this notice in the **Federal Register**. See 19 CFR 351.310(c). If a hearing is requested, the Department

will notify interested parties of the hearing schedule.

Interested parties are invited to comment on the preliminary results of this review. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 35 days after the date of publication of this notice. Parties who submit case briefs or rebuttal briefs in this review are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument with an electronic version included.

We intend to issue the final results of this review, including the results of our analysis of issues raised in any submitted written comments, within 120 days after publication of this notice.

Assessment Rates

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. Although FET indicated that it was not the importer of record for any of its sales to the United States during the POR, it reported the name of the importer of record for all of its U.S. sales. Because FET reported the entered value for all of its U.S. sales, in accordance with 19 CFR 351.212(b)(1), we have calculated an importer-specific assessment rate for the merchandise in question by aggregating the dumping margins we calculated for all U.S. sales to the importer and dividing this amount by the total entered value of those sales. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

The Department clarified its "automatic assessment" regulation on May 6, 2003. See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (*Assessment Clarification*). This clarification will apply to entries of subject merchandise during the POR produced by FET for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see *Assessment Clarification*.

Cash-Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of PSF from Taiwan entered, or withdrawn from

warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash-deposit rate for FET will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash-deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the manufacturer is, the cash-deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this review, the cash-deposit rate will be 7.31 percent, the all-others rate established in *Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Polyester Staple Fiber From the Republic of Korea and Antidumping Duty Orders: Certain Polyester Staple Fiber From the Republic of Korea and Taiwan*, 65 FR 33807 (May 25, 2000).

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: January 28, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

[FR Doc. E9-2398 Filed 2-4-09; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-855]

Certain Non-Frozen Apple Juice Concentrate From the People's Republic of China: Extension of Time Limits for the Preliminary Results of the Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* February 5, 2009.

FOR FURTHER INFORMATION CONTACT: Alexis Polovina, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3927.

Background

On July 30, 2008, the Department published a notice of initiation of an administrative review of certain non-frozen apple juice concentrate from the People's Republic of China covering the period June 1, 2007 through May 31, 2008. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews, Request for Revocation in Part, and Deferral of Administrative Review*, 73 FR 44220 (July 30, 2008). The preliminary results are currently due no later than March 2, 2009.

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), requires the Department to make a preliminary determination within 245 days after the last day of the anniversary month of an order for which a review is requested and a final determination within 120 days after the date on which the preliminary results are published. However, if it is not practicable to complete the review within these time periods, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary determination to a maximum of 365 days after the last day of the anniversary month.

Extension of Time Limit of Preliminary Results

We determine that it is not practicable to complete the preliminary results of this review within the original time limit because the Department requires additional time to analyze the supplemental questionnaire responses, possibly issue additional supplemental questionnaires, and evaluate the most appropriate surrogate values on the

administrative record to use in this segment of the proceeding. Therefore, the Department is extending the time limit for completion of the preliminary results by 120 days. The preliminary results will now be due no later than June 30, 2009. The final results continue to be due 120 days after the publication of the preliminary results.

We are issuing and publishing this notice in accordance with sections 751(a)(3)(A) and 777(i) of the Act.

Dated: January 30, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9-2478 Filed 2-4-09; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Availability of the Final Environmental Impact Statement (FEIS) for the Implementation of Fort Carson's Grow the Army (GTA) Stationing Decisions

AGENCY: Department of the Army, DoD.

ACTION: Notice of Availability (NOA).

SUMMARY: The Department of the Army announces the availability of an FEIS for the implementation of the decision to station a new Infantry Brigade Combat Team (IBCT) and other combat support units at Fort Carson, Colorado, and the potential stationing of a Combat Aviation Brigade (CAB) at Fort Carson in the future.

DATES: The waiting period will end 30 days after the publication of an NOA in the **Federal Register** by the U.S. Environmental Protection Agency.

ADDRESSES: For specific questions regarding the FEIS, please contact: Fort Carson National Environmental Policy Act Coordinator, 1638 Elwell Street, Building 6236, Fort Carson, CO 80913-4000 or via e-mail at CARSDECAMNEPA@conus.army.mil.

FOR FURTHER INFORMATION CONTACT: Ms. Dee McNutt, Fort Carson Public Affairs Office, at (719) 526-1269, during normal business hours.

SUPPLEMENTARY INFORMATION: The Proposed Action and analysis in the FEIS includes constructing new facilities at Fort Carson to support an IBCT and other combat support units (approximately 3,900 additional Soldiers and their dependents) and the potential stationing of a CAB (approximately 2,800 Soldiers and their dependents), upgrading ranges at Fort

Carson, and increased use of live-fire training ranges and maneuver areas at Fort Carson and the Pinon Canyon Maneuver Site (PCMS). Implementation of the Proposed Action is anticipated in 2009 and would begin following the signing of the Record of Decision (ROD). The Proposed Action does not include the expansion of PCMS or any construction at PCMS.

The GTA EIS is not directly related to the Fort Carson or Pinon Canyon Maneuver Site (PCMS) Transformation EISs published in 2007. Those EISs analyzed actions that were separate from and independent of the GTA program. Further, those EISs were completed before the GTA action had been proposed and evaluated. The GTA actions combined with the Transformation actions will, however, produce cumulative effects that are analyzed in this GTA EIS.

The stationing of additional BCTs and other force structure realignment actions across the Army was analyzed in the 2007 Final Programmatic Environmental Impact Statement for Army Growth and Force Structure Realignment. The ROD determined that Fort Carson would receive an additional IBCT and other combat support units contingent on site-specific NEPA analysis. This FEIS is that site-specific analysis of the environmental and socioeconomic impacts of alternatives for implementing the Army's previous stationing decision. The FEIS also analyzes the potential stationing of a CAB.

The FEIS analyzes the impacts of several alternatives for construction of the IBCT facilities and the No Action alternative. Under the No Action alternative, the stationing of a new IBCT and CAB at Fort Carson would not be implemented. The No Action alternative provides the baseline conditions for comparison to the Proposed Alternative. After reviewing the alternatives presented in the EIS, the Army has selected the Operational Training Readiness Center alternative for the siting of IBCT facilities as its preferred alternative.

Copies of the FEIS are available at local libraries surrounding Fort Carson and PCMS and may also be accessed at <http://www.aec.army.mil>. Comments from the public will be considered before any final decision is made.

Dated: January 26, 2009.

Addison D. Davis, IV,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health).

[FR Doc. E9-2379 Filed 2-4-09; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Record of Decision for the Final Supplemental Environmental Impact Statement for Developing Homeport Facilities for Three NIMITZ-Class Aircraft Carriers in Support of the U.S. Pacific Fleet at Naval Air Station North Island, Coronado, CA

AGENCY: Department of the Navy, DoD.

ACTION: Notice of Record of Decision.

SUMMARY: The Department of the Navy (Navy), after carefully weighing the operational and environmental consequences of the proposed action, announces its decision to upgrade carrier berthing (Berth LIMA) at Naval Air Station (NAS) North Island to comply with current nuclear-powered aircraft carrier (CVN) facility requirements. The minor infrastructure improvements include construction of: A fender system, mooring bollards, security building, and antiterrorism (AT)/force protection (FP) improvements, as well as the installation of information systems, electrical and mechanical utility upgrades, paving, drainage, and site improvements. In addition, the Navy announces its intent to implement additional vehicular traffic mitigation measures to address new facts and circumstances relevant to traffic. Although the 2008 Traffic Study included in the 2008 Final Supplemental Environmental Impact Statement (SEIS) shows that direct traffic impacts have not changed significantly since they were studied in the 1999 Final Environmental Impact Statement (FEIS), additional traffic mitigation measures minimize the cumulative effects of vehicular traffic when three homeported aircraft carriers are simultaneously in port.

SUPPLEMENTARY INFORMATION: The Record of Decision (ROD) has been distributed to all those individuals who requested a copy of the Final SEIS and agencies and organizations that received a copy of the Final SEIS. The complete text of the ROD is available for public viewing on the project Web site at <http://www.nimitzcarriersseis.com/> along with copies of the Final SEIS and supporting documents. Single copies of the ROD will be made available upon request by contacting Mr. Robert Montana, Naval Facilities Engineering Command Southwest, 2730 McKean Street, Building 291, San Diego, CA 92136, telephone: 619-556-8509.

Dated: February 2, 2009.

A.M. Vallandigham,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E9-2479 Filed 2-4-09; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before March 9, 2009.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395-6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: February 2, 2009.

Angela Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office for Civil Rights

Type of Review: Revision.

Title: Assurance of Compliance—Civil Rights Certificate, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Boy Scouts of America Equal Access Act of 2001.

Frequency: One time.

Affected Public: Businesses or other for-profit; not-for-profit institutions, State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 50.

Burden Hours: 17.

Abstract: The Office for Civil Rights (OCR) has enforcement responsibilities under several civil rights laws, including Title VI, Title IX, Section 504, the Age Discrimination Act, and the Boy Scouts of America Equal Access Act. To meet these responsibilities, OCR collects assurances of compliance from applicants for Federal financial assistance from, and applicants for funds made available through, the Department of Education, as required by regulations. These entities include, for example, State educational agencies, local education agencies, and postsecondary education. If a recipient violates one or more of these civil rights laws, OCR and the Department of Justice can use the signed assurances of compliance in an enforcement proceeding.

Requests for copies of the information collection submission for OMB review may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 3918. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202-4537. Requests may also be electronically mailed to the Internet address ICDocketMgr@ed.gov or faxed to 202-401-0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to ICDocketMgr@ed.gov. Individuals who use a telecommunications device for the

deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. E9-2469 Filed 2-4-09; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before April 6, 2009.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including

through the use of information technology.

Dated: January 30, 2009.

Stephanie Valentine,

Acting Leader, Information Collections Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Vocational and Adult Education

Type of Review: Reinstatement.

Title: Adult Education Annual

Performance and Financial Reports.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 57.

Burden Hours: 18,240.

Abstract: This package is seeking OMB clearance for: (1) The expiration of the current collection, which collects States performance and other information related to the reporting requirements of the Adult Education and Family Literacy Act, and (2) to be in compliance with the OMB and Department requirement on race/ethnicity reporting.

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 3943. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202-4537. Requests may also be electronically mailed to ICDocketMgr@ed.gov or faxed to 202-401-0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to ICDocketMgr@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. E9-2470 Filed 2-4-09; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Acting Leader, Information Collection Clearance Division, Regulatory Information Management Services, Office of

Management, invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before March 9, 2009.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, *Attention:* Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395-6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Leader, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or recordkeeping burden. OMB invites public comment.

Dated: January 30, 2009.

Stephanie Valentine,

Acting Leader, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Planning, Evaluation and Policy Development

Type of Review: Reinstatement.

Title: Safe and Drug-Free Schools and Communities Act (SDFSCA) State Grants Program Study.

Frequency: One time.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 11,825.

Burden Hours: 5,919.

Abstract: The collection will allow the U.S. Department of Education to: (a) Assess the overall quality of activities that are being implemented by Safe and Drug-Free Schools and Communities Act Program grantees and (b) provide follow-up data for performance measures to meet Government Performance and Results Act (GPRA) and the Program Assessment Rating Tool (PART) review requirements for the Program. The respondents are public elementary and secondary school personnel, school district personnel, and prevention program developers.

Requests for copies of the information collection submission for OMB review may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 3906. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202-4537. Requests may also be electronically mailed to the Internet address ICDocketMgr@ed.gov or faxed to 202-401-0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to ICDocketMgr@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. E9-2471 Filed 2-4-09; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Proposed Agency Information Collection

AGENCY: U.S. Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE) invites public comment on a proposed collection of information that DOE is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the

proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before March 30, 2009. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** as soon as possible. Likewise, an interested member of the public can view the collection of information in *Survey* below or can gain access to it by requesting the survey by e-mail from *Douglas.George@in.doe.gov*. Response will be provided within 60 days of the time of request.

ADDRESSES: Written comments may be sent to: Douglas E. George, IN-10 (Ops), 1000 Independence Avenue SW., Washington, DC 20585, *Douglas.George@in.doe.gov*, Fax: 202-586-0342.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection and instructions should be directed to: Douglas E. George, IN-10 (Ops), 1000 Independence Avenue SW., Washington, DC 20585; or electronically via: *Douglas.George@in.doe.gov*, or To: Douglas E. George, IN-10 (Ops), Fax: 202-586-0342.

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) *OMB No.* "New"; (2) *Information Collection Request Title:* Office of Intelligence Customer Survey; (3) *Type of Collection:* New; Voluntary (4) *Purpose:* To track, on a monthly basis, the internal and external organizational use of and satisfaction and/or dissatisfaction with DOE Office of Intelligence and Counterintelligence products. It provides senior managers with information revealing the relative success and utility of DOE intelligence products; (5) *Estimated annual number of respondents:* 100; (6) *Estimated annual number of Burden Hours:* 25 hours for annual estimate cost of \$1500 or less. Estimated cost is based on the salaries of personnel providing the respondent data; (6) *Legal Authority:* EO 12333; EO 13355; the National Strategy for Information Sharing (NSIS); ADCl/AP 2000-01 (Strategic Investment Plan for Intelligence Community Analysis); and U.S. Department of Energy Order 200.2.

Survey: The information collection request is composed of the attached survey.

Issued in Washington, DC, on January 30, 2009.

Marie Falkowski,

*Director of Operations, IN-10 (Ops),
Department of Energy.*

Customer Survey

Customer Surveys provide valuable services to all concerned. Most important, though, a good survey serves you—the customer—with an insightful tool to help produce a better product to meet your requirements. Please take a few moments to help DOE's Office of Intelligence understand its customer and what it can do to serve you better.

1. As a DOE customer, my organization can be identified as follows:

- DOE internal.
- DOE external.
- Member of the Intelligence Community.
- Non-member of the Intelligence Community.
- Other (explain) _____.

2. A customer point-of-contact name/ phone/email with whom DOE may follow up:

3. My organization's distinctive intelligence competencies lie in the area(s) of (annotate all that apply):

- All-source intelligence.
- SIGINT.
- IMINT.
- HUMINT.
- Other (please specify): _____.

4. How do you, as the customer, define "success?"

- By fulfilling my organization's mission requirements.
- Through the achievement of formal organizational goals and objectives.
- By completing all levels of tasking in a timely manner.
- By not making any critical mistakes.
- Other: _____.

5. What do you perceive as the issue posing the greatest existing challenge/problem to your organization's overall success:

- Insufficient resources (i.e., money, manpower, equipment, etc.).
- Ineffective policy.
- Poor management/leadership.
- Insufficient and/or inaccurate intelligence.
- Other (please specify): _____.

6. What impending change do you see becoming the priority in your work environment?

- Fewer resources (i.e., money, manpower, equipment).
- New policies.
- New or expanded mission.
- More and/or improved intelligence.
- Other (please specify): _____.

7. My organization uses intelligence products:

- Daily.
- Weekly.
- Monthly.
- Rarely.
- Never.

8. DOE Office of Intelligence products are used:

- Daily.
- Weekly.
- Monthly.
- Rarely.
- Never.

9. Which of the following DOE intelligence products does your organization use most frequently?

- Bi-Weekly Counterterrorism Bulletin.
- CI Notes.
- Biennial Site Threat Assessments from all DOE facilities.
- Special Reports.
- Other (please specify): _____.

10. If you use DOE Office of Intelligence products, what would you estimate as their percentage of the total intelligence products you use?

- > 76%.
- 51-75%.
- 10-50%.
- Less than 10%.
- DOE Office of Intelligence products are not used by my organization.

11. Why does your organization use DOE Office of Intelligence products (annotate all that apply)?

- Similar missions.
- Outstanding product quality.
- Product ease of accessibility and/or dedication to my information needs.
- They supplement other all-source products we use.
- Other (please specify): _____.

12. How does your organization use DOE Office of Intelligence products (annotate all that apply):

- Operational requirements.
- Technical understanding of foreign government nuclear and/or energy associated systems.
- Intelligence analysis.

- d. To assist in policy formulation.
- e. Other (please specify):

13. DOE Office of Intelligence products contribute to the solution of my organization's following problems/ challenges (annotate all that apply):

- a. Technical understanding of foreign government nuclear associated systems and new energy technologies.
- b. Tracking terrorist pursuit of weapons of mass destruction (WMD).
- c. Foreign government pursuit, fielding and/or proliferation of WMD or new energy technologies.
- d. Understanding the role WMD and/ or other energy systems may play in the formulation of new national and/or international policy.
- e. Other (please specify):

14. How can DOE's Office of Intelligence make its products easier for customer use (please annotate all that apply).

- a. Expand its intelligence product line (i.e., product types/categories).
- b. Tailor its product line to specific customer requirements.
- c. Integrate customer feedback into each product.
- d. Ensure all DOE intelligence products are readily accessible via customer classified and/or unclassified IT network portals.
- e. Other (please specify):

15. How can DOE's Office of Intelligence expand its services to meet your needs (please annotate all that apply)?

- a. Define DOE's key intelligence product line.
- b. Determine customer intelligence requirements met by DOE's product line.
- c. Support the development and enhancement of IC enterprise-wide intelligence data standards.
- d. Ensure the resources necessary (i.e., programs and budgets) to achieve DOE's intelligence goals and objectives.
- e. Other (please specify):

16. As a customer of DOE intelligence product, what is your primary consideration in determining which agency's intelligence product is best suited to your needs?

- a. The products are consistently based on all-source intelligence.
- b. The product's objectivity, balance and depth of analysis.

- c. Product is written for tailored re-use (i.e., sanitization, wider dissemination, etc.)
- d. The product is technically accurate.
- e. Other (please specify):

17. As a customer of and/or collaborator on DOE intelligence products, how much of your organization's total intelligence product budget is associated with DOE?

- a. >50%.
- b. 25-50%.
- c. 5-25%.
- d. 5%.
- e. Other (please specify):

18. What change(s) should DOE make to its intelligence products to increase the percentage of your organization's intelligence product budget associated with DOE (please annotate all that apply)?

- a. More use of all-source analysis.
- b. More product balance and depth of analysis.
- c. More products written for tailored re-use (i.e., sanitization, wider dissemination).
- d. Better technical accuracy.
- e. Other (please specify):

19. As a customer or prospective customer for DOE intelligence product, do you believe our intelligence budget is sufficient to produce credible product to meet your needs?

- a. Yes.
- b. No.
- c. Don't Know.

20. How do DOE's intelligence products compare to similar products of other IC members?

- a. Better.
- b. Pretty much the same.
- c. Slightly less comparable.
- d. Not comparable.
- e. Other (please specify):

21. As a customer of DOE intelligence products, what do you see as DOE's distinctive competencies (please annotate all that apply):

- a. Technical knowledge on nuclear or energy issues.
- b. Product balance and depth of analysis.
- c. Ability to tailor product to specific customer needs.
- d. Product currency and responsiveness.
- e. Other (please specify):

22. What would make customers lose interest DOE intelligence products?

- a. Product technical or other

- inaccuracies.
- b. Shallow analysis.
- c. Failure to focus on its customers' current topics of interest.
- d. Dedicating insufficient resources to DOE intelligence products.
- e. Other (please specify):

23. How can DOE's Office of Intelligence increase the credibility of its intelligence products?

- a. More use of all-source analysis.
- b. More product objectivity, balance and depth of analysis.
- c. More products written for tailored re-use (i.e., sanitization, wider dissemination).
- d. Better technical accuracy.
- e. Other (please specify):

24. Which of the following statements best describes your overall view of DOE intelligence products?

- a. The products meet my mission goals and information requirements.
- b. The products are clear, logical, and support my analysis and/or assessments.
- c. The products helped me make good, informed decisions.
- d. The products identified new information relevant to my job.
- e. Other (please specify):

25. Additional comments to help DOE improve its intelligence products?

[FR Doc. E9-2461 Filed 2-4-09; 8:45 am]
BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Notice of Opportunity for Technical Assistance (NOTA); Solar America Showcases (General) 2009

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Notice of Opportunity for Technical Assistance (DE-PS36-09GO99021).

SUMMARY: The Department of Energy (DOE) today gives Notice of Opportunity

for Technical Assistance (NOTA). The purpose of this NOTA is to support the goal of DOE's *Solar America Initiative (SAI)* to reduce the cost of solar photovoltaic technologies so that they become cost-competitive with grid electricity by 2015. The SAI represents a significant enhancement of DOE's business strategy of partnering with key stakeholders to accelerate commercialization of photovoltaic (PV) system research and development (R&D) to meet aggressive cost and installed capacity goals. DOE's Solar Energy Technologies Program uses research and development (R&D), testing and evaluation, and market transformation (MT) approaches to meet its SAI goal. MT efforts aim to reduce market barriers and promote market expansion of solar energy technologies through non-R&D activities. There are several aspects to SAI MT that should be kept in mind by Applicants to this NOTA:

- *DOE is looking to identify and remove market barriers.* DOE is seeking to identify and minimize or remove barriers to solar technology commercialization as quickly and efficiently as possible.
- *DOE is looking for significant market changing activities.* DOE is seeking to make large and significant changes in the marketplace through its market transformation activities.
- *DOE is focused on near- and mid-term results.* Accordingly, emphasis will be on projects and activities with the greatest potential to assist the DOE in reaching its SAI goal by 2015 (for more information, see SAI Web site at http://www1.eere.energy.gov/solar/solar_america/index.html).
- *DOE is looking for performers and partners who are committed to the SAI mission.* In order to achieve the SAI mission of 2015, DOE is inclined to partner and work with highly motivated entities.

The DOE will provide Technical Assistance to large-scale, high-visibility solar installation projects that have the ability to impact the market for solar technologies through large project size, use of a novel solar technology, and/or use of a novel application for a solar technology. In addition, it is desired that the project be replicable or have replicable components. Large-scale installations may include photovoltaic, concentrating solar power, solar water heating, and solar space heating applications.

Technical assistance will not be provided for research, development, or early-stage testing and evaluation of any technology or product. Solar America Showcases focus on providing support to projects in which a commercially-

ready technology is to be installed in a large-scale application with full financial project commitment already in place. Support for research, product development or early stage testing and evaluation of solar products or technologies may be available under other Solar America Initiative opportunities.

DOE will not purchase hardware or otherwise provide direct funding to organizations selected from this Notice.

For further detail, see the **SUPPLEMENTARY INFORMATION** section of this document, and the full Notice of Opportunity for Technical Assistance (NOTA) at the DOE Industry Interactive Procurement System (IIPS) Web site: <http://e-center.doe.gov/>.

DATES: Requests for Technical Assistance must be submitted by 11:59 PM Eastern Time via the DOE Industry Interactive Procurement System (IIPS) Web site: <http://e-center.doe.gov/> on the dates indicated in the table below to be considered under this Notice. Requests received after the submission due date/time will automatically be considered and reviewed in the next cycle other than the last cycle. DOE reserves the right to add other submission dates or repost the Notice, pending review of the requests for Technical Assistance received during the open period. DOE may continue to enter into Memoranda of Agreements (MOA) with selected organizations/entities, until the total value of DOE's Technical Assistance has been allocated or all selected projects have received the required Technical Assistance needed.

Notice closing date	Submission due date/time
03/31/2009	03/31/2009 11:59 PM ET.
06/30/2009	06/30/2009 11:59 PM ET.
09/30/2009	09/30/2009 11:59 PM ET.
12/30/2009	12/30/2009 11:59 PM ET.

ADDRESSES: All requests for Technical Assistance must be submitted to the DOE Industry Interactive Procurement System (IIPS) Web site: <http://e-center.doe.gov/>. Applications submitted via any other method will not be considered for Technical Assistance under this notice.

FOR FURTHER INFORMATION CONTACT: Questions regarding the content of the notice must be submitted through the "Submit Question" feature of the DOE Industry Interactive Procurement System (IIPS) at <http://e-center.doe.gov/>. Locate the Notice on IIPS and then click on the "Submit Question" button. Enter required information. You will receive an electronic notification that your

question has been answered. DOE will try to respond to a question within 3 business days, unless a similar question and answer have already been posted on the Web site. All questions must be submitted no later than one week prior to the closing date.

SUPPLEMENTARY INFORMATION: The purpose of Solar America Showcases (SAS) is to accelerate demand for solar technologies among key end-use market sectors. Under this activity, DOE will provide Technical Assistance to large-scale, high-visibility solar installation projects that have the ability to impact the market for solar technologies through large project size, use of a novel solar technology, and/or use of a novel application for a solar technology. In addition, it is desired that the project be replicable or have replicable components. It is not expected that all projects will meet all of these parameters, but projects would ideally reflect some or most of these qualities. Showcases may utilize photovoltaic (PV), concentrating solar power (CSP), and solar water/air heating (SWAH) applications.

DOE will not purchase hardware or provide any direct funding to selected organizations through this Notice. Awards are comprised of Technical Assistance only.

To provide more guidance regarding the types of installations DOE is looking to support, additional information is provided below on the parameters for (and examples of) projects for which DOE anticipates receiving requests for Technical Assistance under this Notice.

Regarding the scale of the project, DOE is looking for projects with total capacity of 250 kW or greater. Projects may include multiple sites, and do not have to be co-located. The impact and visibility of a geographically divided project, however, must remain high. In addition to the initial installation, the kW total may also include planned follow-on activities (direct replication efforts). Examples include installations in residential subdivisions, shopping centers, office buildings or parks, big box retail locations, factories, and utility solar production.

Regarding the visibility of the project, DOE anticipates projects that are highly visible, such as centrally located in towns, are sited in high-traffic vehicle or pedestrian areas, house hundreds of residents or workers, are located in an area frequented by tourists, are located in a popular public destination (e.g. shopping centers, courthouses, etc.), or have some other high visibility component. The project would also have an outreach component that

provides information about the installation, such as a kiosk that displays information about the solar energy system.

Regarding the novel solar technology, DOE proposes to support projects that introduce new solar technologies that hold the promise of reducing initial costs, simplifying installation, and boosting consumer confidence, but which have little testing to date that demonstrates such improvements. Examples include new cell or module technology, new materials, or innovative installation and mounting techniques. By offering Technical Assistance, DOE envisions helping these new solar technologies develop a performance record in the marketplace, identify technical problems early in mass product releases, and devise solutions and alternatives that move specific solar technologies to cost-competitiveness by 2015.

Regarding the novel solar application, DOE expects to support projects that utilize solar technology in new ways. One example would be to include new methods of building integration beyond traditional roof-mounted modules. DOE also supports innovative designs and methods that open up previously untapped markets or end uses to solar technology adoption. Acceptable applications could also include those that are currently in use in other geographic areas, but not in the vicinity (State, region) of the proposed site.

Regarding replicability, DOE expects to support projects that can either be replicated by the entity requesting the Technical Assistance or by others. The entire project should be replicable, or have replicable components, unless installations are of an extremely large size that justifies DOE support without replicability. Replication of projects is a critical component to advance solar commercialization and will be strongly considered under this opportunity.

Subject to annual Congressional appropriations, the estimated value of the Technical Assistance to be available under this Notice is approximately \$2,000,000 during calendar year 2009.

Although there is no fixed limit on the amount of this annual funding that can be dedicated to Technical Assistance under any one project, individual projects will rarely receive assistance valued at more than \$500,000, unless the proposed project is truly exceptional in how it advances the SAI goal. Technical Assistance may be provided to selected projects until the total Technical Assistance budget has been allocated or all selected projects have received the appropriate amount of Technical Assistance. DOE may choose

to offer a similar opportunity for Technical Assistance in future years.

DOE anticipates entering into 8 to 16 agreements to provide Technical Assistance to selected organizations under this Notice during calendar year 2009. The actual number of agreements will depend on the amount of Technical Assistance required by selected projects and the amount of DOE funding available to support the Technical Assistance.

The period of performance of any individual agreements will be negotiated to accommodate the specific project being supported. Typical projects will range from 18 to 24 months in length.

DOE will provide tailored hands-on Technical Assistance to the selected organization(s) through the use of specifically assembled Technical Assistance Teams. Members of these Teams will be subject matter and technical experts in areas such as architecture, finance, planning, project management, etc. Significant participants of these Teams will be the National Renewable Energy Laboratory (NREL), Sandia National Laboratories (SNL), Oak Ridge National Laboratory (ORNL), the Southwest and Southeast Regional Experiment Stations (RESs), which are housed at New Mexico State University and Florida Solar Energy Center, respectively, as well as CH2M HILL, a global engineering firm selected competitively under a prior DOE procurement. Other entities may be added to the Teams by DOE as necessary. DOE may choose to contract for non-lab Technical Assistance Team members, mainly to provide the non-solar-specific Technical Assistance, through a separate procurement instrument.

Technical Assistance provided under this Notice is designed to help entities make informed decisions. Technical Assistance Teams will provide information and options to enable policy, planning, and purchasing decisions. DOE and the Technical Assistance Teams will not direct behavior or decisions, or require entities to take any particular course of action. The role of DOE stops short of the actual decision-making on projects.

Any legal entity, to include private sector for-profit and non-profit organizations, State and local governments, and trade and other associations may request DOE Technical Assistance under this Notice, as long as the installation proposed by the organization, and for which the Technical Assistance will be provided, is located in the United States.

Federal agencies are not permitted to request Technical Assistance under this Notice.

Federally Funded Research and Development Center (FFRDC) Contractors may not submit a request for Technical Assistance, may not participate as a team partner with any entity requesting Technical Assistance, and may not assist any entity with a request for Technical Assistance under this Notice.

Nonprofit organizations described in section 501(c)(4) of the Internal Revenue Code of 1986 that engaged in lobbying activities after December 31, 1995 are not permitted to submit a request for Technical Assistance under this Notice.

Cities that have been named "Solar America Cities" under a separate DOE award are eligible under this Notice as long as the requested technical assistance is complementary and not duplicative of the technical assistance provided under the Solar America Cities Award Memorandum of Agreement (MOA).

Technical Assistance described under this Notice will be provided via a Memorandum of Agreement (MOA) between DOE, the organization selected to receive the Technical Assistance, and the Technical Assistance Team Leader responsible for providing the Technical Assistance.

A MOA is a collaborative agreement between the Federal Government and other parties to work together on a mutually beneficial activity. The MOA will detail the scope of the Technical Assistance activities, the forms of collaboration, the responsibilities of the partners to the Agreement, and the treatment of any potential intellectual property. Federal funding will not be provided to a partner under a MOA. View the full NOTA at the DOE Industry Interactive Procurement System (IIPS) Web site: <http://e-center.doe.gov/>.

Issued in Golden, CO on January 28, 2009.

Mary Foreman,

Assistant Manager, Office of Acquisition and Financial Assistance, DOE—Golden Field Office.

[FR Doc. E9-2460 Filed 2-4-09; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

January 29, 2009.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC09-51-000.
Applicants: FirstEnergy Generation Corp.
Description: FirstEnergy Generation Corp submits an application requesting authorization to transfer and assign an interest in a jurisdictional contract to Buckeye Power Generating, LLC for Waivers of Filing Requirements etc.
Filed Date: 01/27/2009.
Accession Number: 20090129-0128.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 17, 2009.
 Take notice that the Commission received the following exempt wholesale generator filings:
Docket Numbers: EG09-26-000.
Applicants: Canandaigua Power Partners LLC.
Description: Self Certification Notice of Canandaigua Power Partners LLC as an Exempt Wholesale Generator.
Filed Date: 01/28/2009.
Accession Number: 20090128-5072.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 18, 2009.
Docket Numbers: EG09-27-000.
Applicants: Canandaigua Power Partners II, LLC.
Description: Self Certification Notice of Canandaigua Power Partners II, LLC, as an Exempt Wholesale Generator.
Filed Date: 01/28/2009.
Accession Number: 20090128-5073.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 18, 2009.
 Take notice that the Commission received the following electric rate filings:
Docket Numbers: ER99-1695-015; ER98-1767-016; ER99-2984-012; ER02-1942-010; ER04-878-004; ER05-305-005; ER07-501-017.
Applicants: Birchwood Power Partners, L.P., Elwood Energy, LLC, Green Country Energy, LLC, Tenaska Frontier Partners, Ltd., Tenaska Virginia Partners, LP, Pinelawn Power LLC, Equus Power I, L.P.
Description: J-Power North America Holdings, Ltd submits a non-material change in status with respect to each company's eligibility for market-based rate wholesale power sales authority.
Filed Date: 01/21/2009.
Accession Number: 20090127-0301.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 11, 2009.
Docket Numbers: ER00-3240-011; ER01-1633-008; ER03-1383-011; ER96-780-021.
Applicants: Southern Company Services, Inc., Southern Company—Florida LLC, Oleander Power Project, L.P., DeSoto County Generating Company, LLC.
Description: Southern Companies submits Report of Non-Material Change

in Status and Order 697 Compliance filing.
Filed Date: 01/21/2009.
Accession Number: 20090127-0304.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 11, 2009.
Docket Numbers: ER03-720-012.
Applicants: New Covert Generating Company, LLC
Description: New Covert Generating Co, LLC submits a revised market-based rate tariff pursuant to Order 697, to be effective 1/6/09.
Filed Date: 01/23/2009.
Accession Number: 20090127-0307.
Comment Date: 5 p.m. Eastern Time on Friday, February 13, 2009.
Docket Numbers: ER06-743-002.
Applicants: Air Liquide Large Industries U.S. LP
Description: Air Liquide Large Industries US, LP submits an application for determination that they qualify for Category 1 Status and therefore exempt to submit an updated market power analysis every three years.
Filed Date: 01/21/2009.
Accession Number: 20090126-0216.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 11, 2009.
Docket Numbers: ER06-771-002; ER06-772-002; ER06-773-002.
Applicants: ExxonMobil Baton Rouge Complex, ExxonMobil Beaumont Complex, ExxonMobil Labarge Shute Creek Treating.
Description: Exxon Mobil Entities submits supplement to Order No. 697 Compliance Filing.
Filed Date: 01/28/2009.
Accession Number: 20090128-5118.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 18, 2009.
Docket Numbers: ER08-303-004; ER00-2469-004.
Applicants: Williams Gas Marketing, Inc.; Williams Flexible Generation, LLC.
Description: Notice of Non-Material Change in Status by Williams Gas Marketing, Inc. and Williams Flexible Generation, LLC.
Filed Date: 01/28/2009.
Accession Number: 20090128-5123.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 18, 2009.
Docket Numbers: ER08-810-001.
Applicants: PacifiCorp.
Description: PacifiCorp submits revisions to First Revised Service Agreement No. 67 dated 8/1/97 etc.
Filed Date: 01/23/2009.
Accession Number: 20090127-0308.
Comment Date: 5 p.m. Eastern Time on Friday, February 13, 2009.
Docket Numbers: ER08-1335-003.
Applicants: Southern Company Services, Inc.

Description: Southern Companies submits their Third Substitute Fourth Revised Service Agreement 391 in compliance with FERC's 1/9/09 Order.
Filed Date: 01/27/2009.
Accession Number: 20090129-0146.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 17, 2009.
Docket Numbers: ER09-24-001; ER07-1372-016; ER08-1254-001; ER08-1257-002.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc. submits proposed revisions to the Open Access Transmission, Energy and Operating Reserve Markets Tariff to comply with FERC's 12/18/08 Order.
Filed Date: 01/22/2009.
Accession Number: 20090127-0200.
Comment Date: 5 p.m. Eastern Time on Thursday, February 12, 2009.
Docket Numbers: ER09-149-002.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. submits revisions to its Open Access Transmission Tariff pursuant to the Commission's 12/18/08 Order.
Filed Date: 01/21/2009.
Accession Number: 20090127-0305.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 11, 2009.
Docket Numbers: ER09-179-001.
Applicants: Carolina Power & Light Company.
Description: Progress Energy Carolinas, Inc. *et al.* submits compliance filing concerning a cost-based Power Purchase Agreement with The City of Camden, South Carolina, to be effective 1/1/09.
Filed Date: 01/21/2009.
Accession Number: 20090127-0302.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 11, 2009.
Docket Numbers: ER09-214-001.
Applicants: Mt. Carmel Cogen, Inc.
Description: Mt. Carmel Cogen, Inc. submits revised tariff sheets designating Mt. Carmel's tariff as effective 1/3/09.
Filed Date: 01/28/2009.
Accession Number: 20090129-0144.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 18, 2009.
Docket Numbers: ER09-291-001.
Applicants: ISO New England Inc.
Description: ISO New England Inc. submits proposed revisions to the Coordination Agreement with the New York Independent System Operator in compliance with the Commission's 12/18/08 letter order.
Filed Date: 01/21/2009.
Accession Number: 20090127-0303.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 11, 2009.

Docket Numbers: ER09-554-000.
Applicants: EcoGrove Wind, LLC.
Description: EcoGrove Wind, LLC submits a request for acceptance of its application for FERC Electric Tariff, Original Volume 1 etc.

Filed Date: 01/23/2009.

Accession Number: 20090127-0306.
Comment Date: 5 p.m. Eastern Time on Friday, February 13, 2009.

Docket Numbers: ER09-566-000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Motion of the Midwest Independent Transmission System Operator, Inc. regarding eligibility of certain contracts as capacity resources, request for expedited consideration and for a shortened comment period.

Filed Date: 01/21/2009.

Accession Number: 20090126-0301.
Comment Date: 5 p.m. Eastern Time on Thursday, February 5, 2009.

Docket Numbers: ER09-571-000.
Applicants: Southern California Edison Company.
Description: Southern California Edison Co. submits Small Generator Interconnection Agreement and Service Agreement for Wholesale Distribution Service with Ventura Regional Sanitation District.

Filed Date: 01/26/2009.

Accession Number: 20090127-0164.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 17, 2009.

Docket Numbers: ER09-574-000.
Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc. submits revised pages to its Open Access Transmission Tariff intended to modify the transmission and base plan rates for certain pricing zones under SPP's Tariff.

Filed Date: 01/26/2009.

Accession Number: 20090128-0228.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 17, 2009.

Docket Numbers: ER09-575-000.
Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc. submits revised pages to its Open Access Transmission Tariff intended to modify the transmission and base plan rates for certain pricing zones under SPP's Tariff.

Filed Date: 01/26/2009.

Accession Number: 20090128-0229.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 17, 2009.

Docket Numbers: ER09-576-000.
Applicants: PacifiCorp.

Description: PacifiCorp submits a Network Integration Transmission Service Agreement dated 12/11/08 with Bonneville Power Administration etc.

Filed Date: 01/28/2009.

Accession Number: 20090129-0143.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 18, 2009.

Docket Numbers: ER09-577-000.
Applicants: Delmarva Power & Light Company.

Description: Delmarva Power & Light Co submits an executed Construction Agreement with Delaware Municipal Electric Corp, Inc.

Filed Date: 01/28/2009.

Accession Number: 20090129-0147.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 18, 2009.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA08-78-002.

Applicants: MidAmerican Energy Company.

Description: Compliance Filing of MidAmerican Energy Company to conform OATT to Order No. 890-A as clarified by the Dec. 30, 2008 Order.

Filed Date: 01/29/2009.

Accession Number: 20090129-5044.
Comment Date: 5 p.m. Eastern Time on Thursday, February 19, 2009.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern Time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the

Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E9-2418 Filed 2-4-09; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

January 28, 2009.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC09-49-000.

Applicants: ESI California Holdings, Inc.; DTE Woodland LLC.

Description: Joint Application of ESI California Holdings, Inc. and DTE Woodland LLC for Authorization to Acquire Interests in an Electric Utility Company, Request for Confidential Treatment and Request for Expedited Notice and Action.

Filed Date: 01/23/2009.

Accession Number: 20090123-5061.
Comment Date: 5 p.m. Eastern Time on Friday, February 13, 2009.

Docket Numbers: EC09-50-000.

Applicants: Southern California Edison Company, Mountainview Power Company, LLC.

Description: Southern California Edison Company *et al.* requests approval for Mountainview Power Co., LLC to dispose of its Commission jurisdictional assets to SCE and to acquire and own Mountainview's assets directly etc.

Filed Date: 01/23/2009.

Accession Number: 20090127-0120.
Comment Date: 5 p.m. Eastern Time on Friday, February 13, 2009.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG09-25-000.

Applicants: EcoGrove Wind, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 01/23/2009.

Accession Number: 20090123-5042.

Comment Date: 5 p.m. Eastern Time on Friday, February 13, 2009.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER94-1188-045; ER98-1279-016; ER98-4540-014; ER99-1623-014.

Applicants: LG&E Energy Marketing Inc., Louisville Gas & Electric Company, Kentucky Utilities Company, Western Kentucky Energy Corporation.

Description: LG&E Energy Marketing Inc., *et al.* submits a Response to the December 23, 2008 Data Request.

Filed Date: 01/26/2009.

Accession Number: 20090126-5023.

Comment Date: 5 p.m. Eastern Time on Tuesday, February 17, 2009.

Docket Numbers: ER99-2342-012.

Applicants: Tampa Electric Company.

Description: Tampa Electric Co.

submits response to FERC's 12/23/08 request for additional information in connection with their 9/2/08 submission of updated market power analyses.

Filed Date: 01/16/2009.

Accession Number: 20090123-0195.

Comment Date: 5 p.m. Eastern Time on Friday, February 6, 2009.

Docket Numbers: ER99-2923-005.

Applicants: Phelps Dodge Energy Services, LLC.

Description: Phelps Dogde Energy Services, LLC submits Substitute Fourth Revised Sheet 1 etc. pursuant to Order 697.

Filed Date: 01/16/2009.

Accession Number: 20090126-0310.

Comment Date: 5 p.m. Eastern Time on Friday, February 6, 2009.

Docket Numbers: ER01-3001-022; ER03-647-013.

Applicants: New York Independent System Operator, Inc.

Description: Compliance Filing of New York Independent System Operator, Inc.

Filed Date: 01/15/2009.

Accession Number: 20090115-5038.

Comment Date: 5 p.m. Eastern Time on Thursday, February 5, 2009.

Docket Numbers: ER06-615-037.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corp. submits the second annual report evaluating demand response.

Filed Date: 01/15/2009.

Accession Number: 20090121-0113.

Comment Date: 5 p.m. Eastern Time on Thursday, February 5, 2009.

Docket Numbers: ER06-615-040; ER07-475-006; ER07-869-005.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corp. submits their compliance filing in compliance with FERC's 12/18/08 Order under ER07-869 *et al.*

Filed Date: 01/26/2009.

Accession Number: 20090126-0218.

Comment Date: 5 p.m. Eastern Time on Tuesday, February 17, 2009.

Docket Numbers: ER06-615-041.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corp. submits interim Measures for Unsheduling in the Day-Ahead Market Compliance Filing in compliance with FERC's 12/19/08 Order.

Filed Date: 01/21/2009.

Accession Number: 20090126-0214.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 11, 2009.

Docket Numbers: ER07-1014-002.

Applicants: NSTAR Electric Company.

Description: NSTAR Electric Company submits Update to Annual Information filing in compliance with the directives of the 6/2007 Order.

Filed Date: 01/14/2009.

Accession Number: 20090121-0123.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 4, 2009.

Docket Numbers: ER07-1372-014.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc. submits revisions to the Midwest ISO's Open Access Transmission, Energy and Operating Reserve Markets Tariff.

Filed Date: 01/22/2009.

Accession Number: 20090123-0383.

Comment Date: 5 p.m. Eastern Time on Thursday, February 12, 2009.

Docket Numbers: ER08-209-004.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc. submits a revised unexecuted Large Generator Interconnection Agreement with Prairie State Generating Co., LLC *et al.*

Filed Date: 01/21/2009.

Accession Number: 20090122-0081.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 11, 2009.

Docket Numbers: ER08-283-002.

Applicants: New York Independent System Operator, Inc.

Description: Compliance Filing of the New York Independent System Operator, Inc.

Filed Date: 01/21/2009.

Accession Number: 20090121-5244.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 11, 2009.

Docket Numbers: ER08-585-001.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corp's revisions to its Market Redesign and Technology Upgrade of the CAISO's open access transmission tariff relating to Grid Management Charge in compliance w/ FERC's 12/19/08 Order.

Filed Date: 01/21/2009.

Accession Number: 20090126-0213.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 11, 2009.

Docket Numbers: ER08-844-001.

Applicants: Entergy Services, Inc.
Description: Entergy Mississippi, Inc. submits an amendment to their instant filing submitted on 4/18/08.

Filed Date: 01/22/2009.

Accession Number: 20090126-0217.

Comment Date: 5 p.m. Eastern Time on Thursday, February 12, 2009.

Docket Numbers: ER08-1055-003.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc. submits revisions to the CRSG Operating Protocols to comply with the Commission's directives in the 12/18 Order.

Filed Date: 01/22/2009.

Accession Number: 20090123-0385.

Comment Date: 5 p.m. Eastern Time on Thursday, February 12, 2009.

Docket Numbers: ER08-1225-001; ER08-1111-001; ER08-1226-001.

Applicants: Cloud County Wind Farm, LLC; Pioneer Prairie Wind Farm I, LLC; Arlington Wind Power Project LLC.

Description: Notice of Non-Material Change in Status for Arlington Wind Power Project LLC, *et al.*

Filed Date: 01/27/2009.

Accession Number: 20090127-5092.

Comment Date: 5 p.m. Eastern Time on Tuesday, February 17, 2009.

Docket Numbers: ER08-1256-002.

Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc. submits proposed revisions to their Open Access Transmission, Energy and Operating Reserve Markets Tariff.

Filed Date: 01/22/2009.

Accession Number: 20090126-0219.

Comment Date: 5 p.m. Eastern Time on Thursday, February 12, 2009.

Docket Numbers: ER08-1297-002; ER02-2559-009; ER01-1071-013; ER08-1293-002; ER08-1294-002; ER06-9-008; ER05-1281-008; ER03-34-012; ER02-1903-010; ER06-1261-007; ER03-1104-009; ER03-1105-009; ER08-197-006; ER07-904-004; ER98-3566-018; ER98-4222-014; ER08-250-003; ER07-1157-004; ER07-174-007; ER08-1296-002; ER07-875-003; ER08-1300-002.

Applicants: Ashtabula Wind, LLC; Backbone Mountain Windpower, LLC; Badger Windpower, LLC; Crystal Lake Wind, LLC; Crystal Lake Wind II, LLC; FPL Energy Burleigh County Wind, LLC; FPL Energy Duane Arnold, LLC; FPL Energy Hancock County Wind, LLC; FPL Energy Marcus Hook, L.P.; FPL Energy North Dakota Wind, LLC; FPL Energy North Dakota Wind II, LLC; FPL Energy Oliver Wind II, LLC; FPL Energy Point Beach, LLC; FPL Energy Power Marketing, Inc.; Lake Benton Power Partners II, LLC; Langdon Wind, LLC; Logan Wind Energy LLC; Osceola Windpower, LLC; Osceola Windpower II, LLC; Peetz Table Wind Energy, LLC; Story Wind, LLC.

Description: Ashtabula Wind, LLC *et al.* submits revisions to its MBR schedules to include the tariff provision the Commission has formulated to allow market based rate sellers to sell ancillary services in the Ancillary Services Market.

Filed Date: 01/15/2009.

Accession Number: 20090121-0186.

Comment Date: 5 p.m. Eastern Time on Thursday, February 5, 2009.

Docket Numbers: ER08-1442-001.

Applicants: Flat Ridge Wind Energy, LLC.

Description: Flat Ridge Wind Energy, LLC submits revised tariff pages for its market-based rate wholesale power tariff.

Filed Date: 01/16/2009.

Accession Number: 20090122-0207.

Comment Date: 5 p.m. Eastern Time on Friday, February 6, 2009.

Docket Numbers: ER08-1457-003.

Applicants: PPL Electric Utilities Corporation.

Description: PPL Electric Utilities Corporation submits an errata to the 11/26/08 compliance filing.

Filed Date: 01/16/2009.

Accession Number: 20090122-0206.

Comment Date: 5 p.m. Eastern Time on Friday, February 6, 2009.

Docket Numbers: ER09-15-001.

Applicants: Midwest Independent Transmission System Operator Inc.

Description: Midwest Independent Transmission System Operator, Inc. submits revisions to the Midwest ISO's Open Access Transmission, Energy and Operating Reserve Markets Tariff.

Filed Date: 01/22/2009.

Accession Number: 20090123-0384.

Comment Date: 5 p.m. Eastern Time on Thursday, February 12, 2009.

Docket Numbers: ER09-88-001.

Applicants: Southern Company Services, Inc.

Description: Alabama Power Co *et al.* (Southern Companies) submits their compliance filing to the Commission's 12/18/08 Order.

Filed Date: 01/21/2009.

Accession Number: 20090126-0212.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 11, 2009.

Docket Numbers: ER09-89-002.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc. submits revisions to its Open Access Transmission Tariff incorporating a blank transmission formula rate template for Oklahoma Gas and Electric Company.

Filed Date: 01/16/2009.

Accession Number: 20090121-0120.

Comment Date: 5 p.m. Eastern Time on Friday, February 6, 2009.

Docket Numbers: ER09-162-001.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc. submits revised pages to its Open Access Transmission Tariff incorporating a blank transmission formula rate template for Southwestern Public Service Company, *etc.*

Filed Date: 01/16/2009.

Accession Number: 20090121-0126.

Comment Date: 5 p.m. Eastern Time on Friday, February 6, 2009.

Docket Numbers: ER09-289-001.

Applicants: New York Independent System Operator, Inc.

Description: New York Independent System Operator, Inc. submits a compliance filing to revise the Joint Coordination Agreement between the ISO New England, Inc. and the NYISO filed 11/15/08.

Filed Date: 01/16/2009.

Accession Number: 20090121-0125.

Comment Date: 5 p.m. Eastern Time on Friday, February 6, 2009.

Docket Numbers: ER09-496-001.

Applicants: PJM Interconnection LLC.

Description: PJM Interconnection LLC submits Substitute Service Agreement 2078 that supersedes Service Agreement 2078.

Filed Date: 01/16/2009.

Accession Number: 20090121-0127.

Comment Date: 5 p.m. Eastern Time on Friday, February 6, 2009.

Docket Numbers: ER09-502-000.

Applicants: EDF Development, Inc.

Description: EDF Development, Inc. submits application for acceptance of

market based rate tariff, *et al.* Filed Date: 01/26/2009.

Accession Number: 20090127-0136.

Comment Date: 5 p.m. Eastern Time on Tuesday, February 17, 2009.

Docket Numbers: ER09-549-000.

Applicants: Wisconsin Public Service Corporation.

Description: Wisconsin Public Service Corporation *et al.* submit Local Balancing Area Operations Coordination Agreement.

Filed Date: 01/16/2009.

Accession Number: 20090121-0119.

Comment Date: 5 p.m. Eastern Time on Friday, February 6, 2009.

Docket Numbers: ER09-550-000.

Applicants: PacifiCorp.

Description: PacifiCorp submits modification 1 to Revised Exhibit to the Amended and Restated AC Intertie Agreement, Substitute First Revised Rate Schedule FERC 368.

Filed Date: 01/16/2009.

Accession Number: 20090121-0121.

Comment Date: 5 p.m. Eastern Time on Friday, February 6, 2009.

Docket Numbers: ER09-551-000.

Applicants: Connecticut Light & Power Company.

Description: The Connecticut Light and Power Company *et al.* submits Engineering Agreement for Switchyard Design Basis Manual by and between CL&P and GenConn Middletown LLC.

Filed Date: 01/16/2009.

Accession Number: 20090121-0122.

Comment Date: 5 p.m. Eastern Time on Friday, February 6, 2009.

Docket Numbers: ER09-552-000.

Applicants: Goldfinch Capital Management, LP.

Description: Goldfinch Capital Management, LP submits petition for acceptance of initial tariff, waivers and blanket authority.

Filed Date: 01/26/2009.

Accession Number: 20090127-0138.

Comment Date: 5 p.m. Eastern Time on Tuesday, February 17, 2009.

Docket Numbers: ER09-553-000.

Applicants: Vista Energy Marketing, LP.

Description: Vista Energy Marketing, LP submits petition for acceptance of initial tariff, waivers and blanket authority.

Filed Date: 01/26/2009.

Accession Number: 20090127-0137.

Comment Date: 5 p.m. Eastern Time on Tuesday, February 17, 2009.

Docket Numbers: ER09-555-000.

Applicants: Entergy Services, Inc.

Description: Entergy Operating Companies submits proposed revisions to Attachment V of their Open Access Transmission Tariff, FERC Electric Tariff, Third Revised Volume 3.

Filed Date: 01/16/2009.
Accession Number: 20090122-0208.
Comment Date: 5 p.m. Eastern Time on Friday, February 6, 2009.

Docket Numbers: ER09-556-000; ER08-367-003; ER06-615-039.

Applicants: California Independent System Operator Corporation.
Description: California Independent System Operator Corporation submits revisions to the Market Redesign and Technology Upgrade Tariff in compliance with the Commission's 12/4/08 Order.

Filed Date: 01/15/2009.

Accession Number: 20090122-0211.
Comment Date: 5 p.m. Eastern Time on Thursday, February 5, 2009.

Docket Numbers: ER09-557-000.

Applicants: Duke Energy Marketing America, LLC.

Description: Duke Energy Marketing America, LLC submits Notice of Cancellation for their market based rate tariff, FERC Electric Tariff, Original Volume 1, to be effective 3/22/09.

Filed Date: 01/22/2009.

Accession Number: 20090126-0130.
Comment Date: 5 p.m. Eastern Time on Thursday, February 12, 2009.

Docket Numbers: ER09-558-000.

Applicants: PJM Interconnection LLC.
Description: PJM, Interconnection, LLC submits an executed Interconnection Service Agreement with Conectiv Delmarva Generation, LLC.

Filed Date: 01/22/2009.

Accession Number: 20090126-0131.
Comment Date: 5 p.m. Eastern Time on Thursday, February 12, 2009.

Docket Numbers: ER09-559-000.

Applicants: Southern California Edison Company.
Description: Southern California Edison Company submits revisions to its Transmission Owner Tariff, FERC Electric Tariff, Second Revised 6 to update the Transmission Access Charge Balancing Account Adjustment Rate, effective 4/1/09.

Filed Date: 01/21/2009.

Accession Number: 20090126-0156.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 11, 2009.

Docket Numbers: ER09-560-000.

Applicants: Covanta Maine, LLC.
Description: Covanta Maine, LLC submits Notice of Succession notifying FERC of corporate name change to adopt as their own, FERC Electric Tariff of Indect Maine Energy, LLC, First Revised Volume 1 etc.

Filed Date: 01/21/2009.

Accession Number: 20090126-0132.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 11, 2009.

Docket Numbers: ER09-561-000.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc. submits public version of its Request to Terminate the Market Participant Agreement between etc.

Filed Date: 01/21/2009.

Accession Number: 20090126-0139.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 11, 2009.

Docket Numbers: ER09-562-000.

Applicants: Duke Energy Carolinas, LLC.

Description: Duke Energy Carolinas, LLC submits revisions to its open access transmission tariff, FERC Electric Tariff, Sixth Revised Volume 4 in accordance with the Commission's Order 890 and 676-C.

Filed Date: 01/16/2009.

Accession Number: 20090126-0133.
Comment Date: 5 p.m. Eastern Time on Friday, February 6, 2009.

Docket Numbers: ER09-563-000.

Applicants: PJM Interconnection, LLC.

Description: PJM Interconnection, LLC submits an executed Interim Interconnection Service Agreement with Virginia Electric and Power Co.

Filed Date: 01/22/2009.

Accession Number: 20090126-0138.
Comment Date: 5 p.m. Eastern Time on Thursday, February 12, 2009.

Docket Numbers: ER09-564-000.

Applicants: PJM Interconnection, LLC.

Description: PJM Interconnection, LLC submits an executed Interconnection Service Agreement with Dayton Power & Light Co.

Filed Date: 01/22/2009.

Accession Number: 20090126-0137.
Comment Date: 5 p.m. Eastern Time on Thursday, February 12, 2009.

Docket Numbers: ER09-565-000.

Applicants: PJM Interconnection, LLC.

Description: PJM Interconnection, LLC submits an executed Interim Interconnection Service Agreement with Virginia Electric and Power Co.

Filed Date: 01/22/2009.

Accession Number: 20090126-0136.
Comment Date: 5 p.m. Eastern Time on Thursday, February 12, 2009.

Docket Numbers: ER09-567-000.

Applicants: Southern California Edison Company, Mountainview Power Company, LLC.

Description: Southern California Edison Company et al. requests approval for Mountainview Power Co, LLC to dispose of its Commission jurisdictional assets to SCE and to acquire and own Mountainview's assets directly etc.

Filed Date: 01/23/2009.

Accession Number: 20090127-0120.
Comment Date: 5 p.m. Eastern Time on Friday, February 13, 2009.

Docket Numbers: ER09-568-000.

Applicants: Southern Company Services, Inc.

Description: Southern Company Services, Inc. submits Service Agreement for Firm Point-To-Point Transmission Service with Topaz Energy Associates, LLC.

Filed Date: 01/26/2009.

Accession Number: 20090127-0162.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 17, 2009.

Docket Numbers: ER09-569-000.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc. submits an executed service agreement for Firm Point-To-Point Transmission Service with Kansas Municipal Energy Service.

Filed Date: 01/26/2009.

Accession Number: 20090127-0163.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 17, 2009.

Docket Numbers: ER09-570-000.

Applicants: Public Service Company of New Mexico.

Description: Public Service Co of New Mexico submits a Revised Network Integration Transmission Service Agreement etc with Western Area Power Administration.

Filed Date: 01/26/2009.

Accession Number: 20090127-0161.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 17, 2009.

Docket Numbers: ER09-571-000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Co submits Small Generator Interconnection Agreement and Service Agreement for Wholesale Distribution Service with Ventura Regional Sanitation District.

Filed Date: 01/26/2009.

Accession Number: 20090127-0164.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 17, 2009.

Docket Numbers: ER09-572-000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits petition for waiver of open access same time information system requirements.

Filed Date: 01/23/2009.

Accession Number: 20090127-0314.
Comment Date: 5 p.m. Eastern Time on Friday, February 13, 2009.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA08-50-002.

Applicants: Duke Energy Carolinas, LLC.

Description: Duke Energy Carolinas, LLC submits revisions to its open access transmission tariff, FERC Electric Tariff, Sixth Revised Volume 4 in accordance with the Commission's Order 890 and 676-C.

Filed Date: 01/16/2009.

Accession Number: 20090126-0133.

Comment Date: 5 p.m. Eastern Time on Friday, February 6, 2009.

Docket Numbers: OA09-17-000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits revisions to the CAISO's Market Redesign and Technology Upgrade Tariff, Appendix L, Methodology to Assess Available Transfer Capability etc.

Filed Date: 01/15/2009.

Accession Number: 20090121-0105.

Comment Date: 5 p.m. Eastern Time on Thursday, February 5, 2009.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Kimberly D. Bose,

Secretary.

[FR Doc. E9-2425 Filed 2-4-09; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-RCRA-2008-0913, FRL-8771-5]

Agency Information Collection Activities; Proposed Collection; Comment Request; General Hazardous Waste Facility Standards; EPA ICR Number 1571.09, OMB Control Number 2050-0120

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR is scheduled to expire on June 30, 2009. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before April 6, 2009.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-RCRA-2008-0913, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- *E-mail:* rcra-docket@epa.gov.
- *Fax:* 202-566-9744.
- *Mail:* RCRA Docket (2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.
- *Hand Delivery:* 1301 Constitution Ave., NW., Room 3334, Washington, DC

20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-HQ-RCRA-2008-0913. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The

<http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov> your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

FOR FURTHER INFORMATION CONTACT: Norma Abdul-Malik, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703-308-8753; fax number: 703-308-8617; e-mail address: abdul-malik.norma@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

How Can I Access the Docket and/or Submit Comments?

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-RCRA-2008-0913, which is available for online viewing at <http://www.regulations.gov>, or in person viewing at the RCRA Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave.,

NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for RCRA Docket is (202) 566-0270.

Use <http://www.regulations.gov> to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified in this document.

What Information Is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

- (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- (ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (iii) Enhance the quality, utility, and clarity of the information to be collected; and
- (iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What Should I Consider When I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Offer alternative ways to improve the collection activity.

6. Make sure to submit your comments by the deadline identified under **DATES**.

7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What Information Collection Activity or ICR Does This Apply to?

Affected entities: Entities potentially affected by this action are business and other for-profit, as well as State, Local, and Tribal governments.

Title: General Hazardous Waste Facility Standards.

ICR numbers: EPA ICR No. 1571.09, OMB Control No. 2050-0120.

ICR status: This ICR is currently scheduled to expire on June 30, 2009. 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 OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Section 3004 of the Resource Conservation and Recovery Act (RCRA), as amended, requires that the U.S. Environmental Protection Agency (EPA) develop standards for hazardous waste treatment, storage, and disposal facilities (TSDFs) as may be necessary to protect human health and the environment. Subsections 3004(a)(1), (3), (4), (5), and (6) specify that these standards include, but not be limited to, the following requirements:

- Maintaining records of all hazardous wastes identified or listed under subtitle C that are treated, stored, or disposed of, and the manner in which such wastes were treated, stored, or disposed of;
- Operating methods, techniques, and practices for treatment, storage, or disposal of hazardous waste; Location, design, and construction of such hazardous waste treatment, disposal, or storage facilities;
- Contingency plans for effective action to minimize unanticipated

damage from any treatment, storage, or disposal of any such hazardous waste; and

- Maintaining or operating such facilities and requiring such additional qualifications as to ownership, continuity of operation, training for personnel, and financial responsibility as may be necessary or desirable.

The regulations implementing these requirements are codified in 40 CFR parts 264 and 265. The collection of this information enables EPA to properly determine whether owners/operators or hazardous waste treatment, storage, and disposal facilities meet the requirements of Section 3004(a) of RCRA.

Burden Statement: The annual public reporting burden for this collection of information is estimated to average 77 hours per response, and the annual public recordkeeping burden for this collection of information is estimated to average 254 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 1531.

Frequency of response: On occasion.

Estimated total average number of responses for each respondent: 1.

Estimated total annual burden hours: 652,312 hours.

Estimated total annual costs: \$644,086, including \$12,658 annualized capital and \$631,428 annualized O&M costs.

What Is the Next Step in the Process for This ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice

pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: January 21, 2009.

Matt Hale,

Director, Office of Solid Waste.

[FR Doc. E9-2467 Filed 2-4-09; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8767-6; Docket ID No. EPA-HQ-ORD-2009-0040]

Draft Toxicological Review of Halogenated Platinum Salts and Platinum Compounds: In Support of the Summary Information in the Integrated Risk Information System (IRIS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public comment period.

SUMMARY: EPA is announcing a public comment period for the external review draft document titled, "Toxicological Review of Halogenated Platinum Salts and Platinum Compounds: In Support of Summary Information on the Integrated Risk Information System (IRIS)". This document was prepared by the National Center for Environmental Assessment (NCEA) within EPA's Office of Research and Development

EPA intends to consider comments and recommendations from the public and the expert panel meeting, which will be scheduled at a later date and announced in the **Federal Register**, when EPA finalizes the draft document. The public comment period will provide opportunities for all interested parties to comment on the document. EPA intends to forward public comments, submitted in accordance with this notice, to the external peer-review panel prior to the peer-review meeting for their consideration. When finalizing the draft document, EPA will consider any public comments that EPA receives in accordance with this notice.

EPA is releasing this draft document solely for the purpose of pre-dissemination public review under applicable information quality guidelines. This document has not been formally disseminated by EPA. It does not represent and should not be construed to represent any Agency

policy or determination. The draft document and EPA's peer-review charge are available via the Internet on NCEA's home page under the Recent Additions and the Data and Publications menus at <http://www.epa.gov/ncea>.

DATES: The public comment period begins February 5, 2009 and ends April 6, 2009. Technical comments should be in writing and must be received by EPA by April 6, 2009. EPA intends to submit comments from the public received by this date for consideration by the external peer review panel.

ADDRESSES: The draft "Toxicological Review of Halogenated Platinum Salts and Platinum Compounds: In Support of Summary Information on the Integrated Risk Information System (IRIS)" is available via the Internet on the NCEA's home page under the Recent Additions and the Data and Publications menus at <http://www.epa.gov/ncea>. A limited number of paper copies are available from NCEA's Technical Information Staff, telephone: 703-347-8561; *facsimile*: 703-347-8691. If you are requesting a paper copy, please provide your name, mailing address, and the document title, "Toxicological Review of Halogenated Platinum Salts and Platinum Compounds: In Support of Summary Information on the Integrated Risk Information System (IRIS)."

Comments may be submitted electronically via <http://www.regulations.gov>, by mail, by facsimile, or by hand delivery/courier. Please follow the detailed instructions as provided in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: For information on the public comment period, contact the Office of Environmental Information Docket; *telephone*: 202-566-1752; *facsimile*: 202-566-1753; or *e-mail*: ORD.Docket@epa.gov.

If you have questions about the document, contact Andrew A. Rooney, IRIS Staff, National Center for Environmental Assessment, 109 T.W. Alexander Dr., Research Triangle Park, NC 27709; *telephone*: 919-541-1492; *facsimile*: 919-541-0245; or *e-mail*: rooney.andrew@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Summary of Information About the Integrated Risk Information System (IRIS)

IRIS is a database that contains potential adverse human health effects information that may result from chronic (or lifetime) exposure to specific chemical substances found in the environment. The database (available on

the Internet at <http://www.epa.gov/iris>) contains qualitative and quantitative health effects information for more than 540 chemical substances that may be used to support the first two steps (hazard identification and dose-response evaluation) of a risk assessment process. When supported by available data, the database provides oral reference doses (RfDs) and inhalation reference concentrations (RfCs) for chronic health effects, and oral slope factors and inhalation unit risks for carcinogenic effects. Combined with specific exposure information, government and private entities can use IRIS data to help characterize public health risks of chemical substances in a site-specific situation and thereby support risk management decisions designed to protect public health.

II. How To Submit Technical Comments to the Docket at <http://www.regulations.gov>

Submit your comments, identified by Docket ID No. EPA-HQ-ORD-2009-0040 by one of the following methods:

- <http://www.regulations.gov>: Follow the online instructions for submitting comments.

- *E-mail*: ORD.Docket@epa.gov.

- *Fax*: 202-566-1753.

- *Mail*: Office of Environmental Information (OEI) Docket (Mail Code: 2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. The phone number is 202-566-1752.

- *Hand Delivery*: The OEI Docket is located in the EPA Headquarters Docket Center, EPA West Building, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center's Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is 202-566-1744. Such deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

If you provide comments by mail or hand delivery, please submit one unbound original with pages numbered consecutively, and three copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.

Instructions: Direct your comments to Docket ID No. EPA-HQ-ORD-2009-0040. Please ensure that your comments are submitted within the specified comment period. Comments received after the closing date will be marked "late," and may only be considered if

time permits. It is EPA's policy to include all comments it receives in the public docket without change and to make the comments available online at <http://www.regulations.gov>, including any personal information provided, unless a comment includes information claimed to be confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

Docket: All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the OEI Docket in the EPA Headquarters Docket Center.

Dated: January 16, 2009.

Rebecca Clark,

Acting Director, National Center for Environmental Assessment.

[FR Doc. E9-2466 Filed 2-4-09; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 20, 2009.

A. Federal Reserve Bank of Atlanta (Steve Foley, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309:

1. *Redemptus Group LLC*, Atlanta, Georgia, to acquire voting shares of McIntosh Bancshares, Inc., and thereby indirectly acquire voting shares of McIntosh State Bank, both of Jackson, Georgia.

Board of Governors of the Federal Reserve System, February 2, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E9-2459 Filed 2-4-09; 8:45 am]

BILLING CODE 6210-01-S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of

the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 2, 2009.

A. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *Bandera First State Bancshares, Inc.*, to become a bank holding company by acquiring 100 percent of the voting shares of Bandera First State Bank, a *de novo* bank, both of Bandera, Texas.

Board of Governors of the Federal Reserve System, February 2, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E9-2458 Filed 2-4-09; 8:45 am]

BILLING CODE 6210-01-S

FEDERAL TRADE COMMISSION

[File No. 091 0000]

Getinge AB and Datascope Corp.; Analysis of Agreement Containing Consent Order to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before March 2, 2009.

ADDRESSES: Interested parties are invited to submit written comments. Comments should refer to "Getinge Datascope, File No. 091 0000," to facilitate the organization of comments. A comment filed in paper form should

include this reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission/ Office of the Secretary, Room 135-H, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. Comments containing confidential material must be filed in paper form, must be clearly labeled "Confidential," and must comply with Commission Rule 4.9(c). 16 CFR 4.9(c) (2005).¹ The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. Comments that do not contain any nonpublic information may instead be filed in electronic form by following the instructions on the web-based form at (<http://secure.commentworks.com/ftc-GetingeDatascope>). To ensure that the Commission considers an electronic comment, you must file it on that web-based form.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments, whether filed in paper or electronic form, will be considered by the Commission, and will be available to the public on the FTC website, to the extent practicable, at www.ftc.gov. As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC website. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at (<http://www.ftc.gov/ftc/privacy.shtm>).

FOR FURTHER INFORMATION CONTACT:

David L. Inglefield, Bureau of Competition, 600 Pennsylvania Avenue, NW, Washington, D.C. 20580, (202) 326-2637.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and § 2.34 of the Commission Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent

order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for January 29, 2009), on the World Wide Web, at (<http://www.ftc.gov/os/2009/01/index.htm>). A paper copy can be obtained from the FTC Public Reference Room, Room 130-H, 600 Pennsylvania Avenue, NW, Washington, D.C. 20580, either in person or by calling (202) 326-2222.

Public comments are invited, and may be filed with the Commission in either paper or electronic form. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before the date specified in the **DATES** section.

Analysis of Agreement Containing Consent Order to Aid Public Comment

I. Introduction

The Federal Trade Commission ("Commission") has accepted, subject to final approval, an Agreement Containing Consent Order ("Consent Agreement") from Getinge AB ("Getinge") and Datascope Corp. ("Datascope"). The purpose of the proposed Consent Agreement is to remedy the anticompetitive effects that would otherwise result from Getinge's acquisition of Datascope. Under the terms of the proposed Consent Agreement, Datascope is required to divest to a third party its endoscopic vessel harvesting ("EVH") product line.

The proposed Consent Agreement has been placed on the public record for thirty days to solicit comments from interested persons. Comments received during this period will become part of the public record. After thirty days, the Commission will again review the proposed Consent Agreement and the comments received, and will decide whether it should withdraw from the proposed Consent Agreement or make it final.

Pursuant to an Agreement and Plan of Merger dated September 15, 2008, Getinge proposes to acquire all of the outstanding shares of Datascope common stock in a transaction valued at approximately \$865 million. The Commission's complaint alleges that the proposed acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18, and Section 5 of the Federal Trade

Commission Act, as amended, 15 U.S.C. § 45, by lessening competition in the U.S. market for EVH devices. The proposed Consent Agreement would remedy the alleged violations by replacing the competition that would be lost in this market as a result of the acquisition.

II. The Parties

Getinge is a leading global provider of equipment and systems in the healthcare and life sciences fields. Getinge is divided into three business segments: Medical Systems, Extended Care, and Infection Control. The Medical Systems segment manufactures and sells, among other things, surgical tables and lights. In January 2008, Getinge acquired the Cardiac and Vascular divisions of Boston Scientific Corporation, including Guidant's EVH business, which Boston Scientific had purchased in 2006. The Boston Scientific divisions have been integrated into the Medical Systems segment of Getinge, and the products are now sold under the Maquet brand. In 2007, Getinge generated global sales of \$2.2 billion.

Datascope is the world's leading supplier of intra-aortic balloon pump counter pulsation devices, and is a diversified medical device company that develops, manufactures and sells proprietary products for clinical health care markets in interventional cardiology, cardiovascular and vascular surgery, and critical care. Datascope acquired the EVH devices at issue in this case from Ethicon, a Johnson & Johnson company, in January 2006. Datascope's global sales for fiscal year 2008 were \$230.9 million, and its U.S. sales were \$98.8 million. Datascope's EVH device is part of its Cardiac Assist business unit, which accounted for \$189.3 million of Datascope's worldwide sales.

III. Endoscopic Vessel Harvesting Devices

The EVH device market is the relevant product market in which to analyze the competitive effects of the proposed acquisition. EVH devices are used in coronary artery bypass graft ("CABG") surgery, most often to remove the saphenous vein from the patient's leg, or sometimes the radial artery from the arm, for use as a conduit to bypass one or more blocked coronary arteries. Because it is a minimally-invasive procedure, EVH provides several benefits over the other two vessel harvesting methods (open and bridging) both of which are more invasive, cause more pain and scarring, and carry a greater risk of infection. As a result,

¹ The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. See Commission Rule 4.9(c), 16 CFR 4.9(c).

neither of the other methods is considered a viable economic alternative for EVH devices. EVH devices, therefore, constitute a separate product market.

The United States is the relevant geographic market in which to analyze the effects of the proposed acquisition on the EVH device market. EVH devices are subject to regulation and cannot be marketed or sold in the United States without prior approval from the U.S. Food and Drug Administration ("FDA"). Receiving FDA approval to market an EVH device in the United States can be a lengthy process. EVH devices sold outside of the United States but not approved by the FDA for sale in the United States therefore do not provide viable competitive alternatives for U.S. consumers.

The U.S. market for EVH devices is highly concentrated, and together, the combined firm would account for approximately 90 percent of this market. Firms seeking to enter the market for EVH devices face regulatory hurdles and significant intellectual property barriers, both of which make entry into the market for EVH devices in the next two to three years highly unlikely. In addition, while the use of EVH devices in CABG surgery is increasing, the number of CABG procedures and related vessel harvesting procedures performed in the United States has been declining as minimally-invasive stenting procedures have increased. As a result, it is unlikely that firms would find it profitable to enter the EVH device market in response to a modest increase in the price of the devices.

The proposed acquisition would result in a duopoly in the market for EVH devices and is likely to lead to increased prices and decreased innovation for those devices.

IV. The Consent Agreement

The proposed Consent Agreement effectively remedies the proposed acquisition's anticompetitive effects in the U.S. market for EVH devices by requiring Datascope to divest its EVH product line to a Commission-approved buyer at no minimum price. Datascope has reached an agreement to divest the EVH business to Sorin Group USA, Inc.

Sorin, a diversified medical device company, has a line of cardiovascular products, including artificial cardiac valves and coronary stents. Pursuant to the Consent Agreement, Datascope is required to accomplish the divestiture of its EVH product line no later than ten days after the acquisition is consummated.

The divestiture will allow Sorin to enter and compete in the EVH market. The assets to be divested include all third party contracts to supply the components of the EVH product line. In addition, the Consent Agreement requires Getinge to grant the Commission-approved buyer a covenant not to sue for infringement of any EVH-related patents that Getinge or Datascope held at the time of the acquisition. The Consent Agreement also permits Datascope to provide certain transitional services to the Commission-approved buyer of the EVH product line assets. These services may be necessary to ensure a smooth transition of the product line to the acquirer and continued and uninterrupted service to customers during the transition. The purchaser will have a secure supply of the EVH product line because third parties supply the components of the EVH product line. Further, Sorin currently is capable of assembling the components and marketing the finished products.

V. Appointment of an Interim Monitor and a Divestiture Trustee

The proposed Consent Agreement includes a provision that allows the Commission to appoint an interim monitor to oversee Datascope's compliance with all of its obligations and performance of its responsibilities pursuant to the Commission's Decision and Order. If appointed, the interim monitor would be required to file periodic reports with the Commission to ensure that the Commission remains informed about the status of the divestitures, the efforts being made to accomplish the divestiture, and the provision of services and assistance during the transition period.

Finally, the proposed Consent Agreement contains provisions that

allow the Commission to appoint a divestiture trustee if any or all of the above remedies are not accomplished within the time frames required by the Consent Agreement. The divestiture trustee may be appointed to accomplish any and all of the remedies required by the proposed Consent Agreement that have not yet been fulfilled upon expiration of the time period allotted for each.

The purpose of this analysis is to facilitate public comment on the proposed Consent Agreement, and it is not intended to constitute an official interpretation of the proposed Decision and Order or to modify its terms in any way. By direction of the Commission.

Donald S. Clark,
Secretary.

[FR Doc. E9-2376 Filed 2-4-09; 8:45 am]

BILLING CODE 6750-01-S

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

Trans No.	Acquiring	Acquired	Entities
Transactions Granted Early Termination—01/05/2009			
20090214	Industrial Growth Partners III, L.P	Robert F. O'Brien	CARDINALUHP LLC, OBCORP LLC, OBCORP, LLC.
Transactions Granted Early Termination—01/06/2009			
20090226	Renaissance Acquisition Corp	First Communications, Inc	First Communications, Inc.

Trans No.	Acquiring	Acquired	Entities
Transactions Granted Early Termination—01/09/2009			
20090215	Grupo Bimbo, S.A.B. de C.V	W. Galen Weston	Weston Foods, Inc.
20090229	Iowa Telecommunications Services, Inc.	Sherburne Tele Systems, Inc	Northstar Access, LLC, Northstar Tele-Com, Inc., Sherburne Cable-Corn, Inc., Sherburne County Rural Telephone, Co., Sherburne Fiber-Corn, Inc., Sherburne Long Distance, Inc., Sherburne Tele-Corn, Inc., Sherburne Tele Systems, Inc.
20090239	Bain Capital (CC) IX, L.P	Mr. Sumner M. Redstone	CBS Radio Holdings, Inc.
20090240	Thomas H. Lee Equity Fund VI, L.P	Mr. Sumner M. Redstone	CBS Radio Holdings, Inc.
Transactions Granted Early Termination—01/12/2009			
20090235	ETIRPC	Eclipse Aviation Corporation	Eclipse Aviation Corporation.
Transactions Granted Early Termination—01/15/2009			
20090219	Ryder System, Inc	Edart Leasing Company, LLC	Edart Leasing Company, LLC.
Transactions Granted Early Termination—01/16/2009			
20090141	SAFRAN	Motorola, Inc	Printrak International, Inc.
Transactions Granted Early Termination—01/21/2009			
20090248	*COM041*Seidler Equity Partners III, L.P.	Stuart Utgaard	Sportsman's Warehouse Holdings, Inc.
20090253	Phillip G. Ruffin	Kirk Kerkorian	Treasure Island Corp.
Transactions Granted Early Termination—01/23/2009			
20090159	L-3 Communications Holdings, Inc ..	Chesapeake Sciences Corporation ...	Chesapeake Sciences Corporation.
20090231	Sequoia Capital Franchise Fund LP	Green Dot Corporation	Green Dot Corporation.

FOR FURTHER INFORMATION CONTACT:
 Sandra M. Peay, Contact Representative, or Renee Hallman, Contact Representative, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room H-303, Washington, DC 20580, (202) 326-3100.

By direction of the Commission.
Donald S. Clark,
 Secretary.
 [FR Doc. E9-2380 Filed 2-4-09; 8:45 am]
BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Announcement of Meeting of the Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2020

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science, Office of Disease Prevention and Health Promotion.

ACTION: Notice of meeting.

Authority: 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended. The Committee is governed by the provision of Public Law 92-463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

SUMMARY: The U.S. Department of Health and Human Services (HHS) announces the ninth in a series of federal advisory committee meetings regarding the national health promotion and disease prevention objectives for 2020 to be held in Washington, DC. This meeting will be open to the public. The Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2020 will address efforts to develop the nation's health promotion and disease prevention objectives and strategies to improve the health status and reduce health risks for Americans by the year 2020. The Committee will provide to the Secretary of Health and Human Services advice and consultation for developing and implementing the next iteration of national health promotion and disease prevention goals and objectives and provide recommendations for initiatives to occur during the initial implementation phase of the goals and

objectives. HHS will use the recommendations to inform the development of the national health promotion and disease prevention objectives for 2020 and the process for implementing the objectives. The intent is to develop and launch objectives designed to improve the health status and reduce health risks for Americans by the year 2020.

DATES: The Committee will meet on February 23, 2009 from 4:30 p.m. to 6:30 p.m. Eastern Standard Time (EST).

ADDRESSES: The meeting will be held online, via WebEx software. For detailed instructions about how to make sure that your windows computer and browser is set up for WebEx, please visit the "Secretary's Advisory Committee" Web page of the Healthy People Web site at: <http://www.healthypeople.gov/hp2020/advisory/default.asp>.

FOR FURTHER INFORMATION CONTACT: Emmeline Ochiai, Designated Federal Officer, Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2020, U.S. Department of Health and Human Services, Office of Public Health and Science, Office of Disease Prevention and Health Promotion, 1101 Wootton

Parkway, Room LL-100, Rockville, MD 20852, (240) 453-8259 (telephone), (240) 453-8281 (fax). Additional information is available on the Internet at <http://www.healthypeople.gov>.

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: Every 10 years, through the Healthy People initiative, HHS leverages scientific insights and lessons from the past decade, along with the new knowledge of current data, trends, and innovations to develop the next iteration of national health promotion and disease prevention objectives. Healthy People provides science-based, 10-year national objectives for promoting health and preventing disease. Since 1979, Healthy People has set and monitored national health objectives to meet a broad range of health needs, encourage collaborations across sectors, guide individuals toward making informed health decisions, and measure the impact of our prevention and health promotion activities. Healthy People 2020 will reflect assessments of major risks to health and wellness, changing public health priorities, and emerging issues related to our nation's health preparedness and prevention.

Public Participation at Meeting: Members of the public are invited to listen to the online Advisory Committee meeting. There will be no opportunity for oral public comments during the online Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2020 meeting. Written comments, however, are welcome throughout the development process of the national health promotion and disease prevention objectives for 2020. They can be submitted through the Healthy People Web site at: <http://www.healthypeople.gov/hp2020/comments/> or they can be e-mailed to HP2020@hhs.gov. Please note that the public comment Web site will be updated throughout the Healthy People development process, so people should return to the site frequently and provide their input.

To listen to the Committee meeting, individuals must pre-register to attend the Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2020 at the Healthy People Web site located at <http://www.healthypeople.gov>. Participation in the meeting is limited. Registrations will be accepted until maximum WebEx capacity is reached and must be completed by 9 a.m. EST on February 23, 2009. A waiting list will be maintained should registrations exceed WebEx capacity. Individuals on

the waiting list will be contacted as additional space for the meeting becomes available.

Registration questions may be directed to Hilary Scherer at HP2020@norc.org (e-mail), (301) 634-9374 (phone) or (301) 634-9301 (fax).

Dated: January 26, 2009.

Carter Blakey,

Team Leader, Community Strategies Team, Office of Disease Prevention and Health Promotion.

[FR Doc. E9-2465 Filed 2-4-09; 8:45 am]

BILLING CODE 4150-32-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality; Notice of Meetings

In accordance with section 10(d) of the Federal Advisory Committee Act as amended (5 U.S.C., Appendix 2), the Agency for Healthcare Research and Quality (AHRQ) announces meetings of scientific peer review groups. The subcommittees listed below are part of the Agency's Health Services Research Initial Review Group Committee.

The subcommittee meetings will be closed to the public in accordance with the Federal Advisory Committee Act, section 10(d) of 5 U.S.C., Appendix 2 and 5 U.S.C. 552b(c)(6). Grant applications are to be reviewed and discussed at these meetings. These discussions are likely to involve information concerning individuals associated with the applications, including assessments of their personal qualifications to conduct their proposed projects. This information is exempt from mandatory disclosure under the above-cited statutes.

1. *Name of Subcommittee:* Health Care Quality and Effectiveness Research

Date: February 24, 2009 (Open from 9 a.m. to 9:15 a.m. on February 24 and closed for remainder of the meeting).

Place: Marriott RIO, Conference Room TBD, 9751 Washingtonian Blvd., Gaithersburg, MD 20878.

2. *Name of Subcommittee:* Health Care Technology and Decision Sciences

Date: March 4, 2009 (Open from 8 a.m. to 8:15 a.m. on March 4 and closed for remainder of the meeting).

Place: Marriott RIO, Conference Room TBD, 9751 Washingtonian Blvd., Gaithersburg, MD 20878.

3. *Name of Subcommittee:* Health Systems Research

Date: March 5, 2009 (Open from 8 a.m. to 8:15 a.m. on March 5 and closed for remainder of the meeting).

Place: Marriott RIO, Conference Room TBD, 9751 Washingtonian Blvd., Rockville, Maryland 20878.

4. *Name of Subcommittee:* Health Care Research Training

Date: March 5-6, 2009 (Open from 9 a.m. to 9:15 a.m. on March 5 and closed for remainder of the meeting).

Place: Marriott RIO, Conference Room TBD, 9751 Washingtonian Blvd., Rockville, Maryland 20878.

Contact Person: Anyone wishing to obtain a roster of members, agenda, or minutes of the nonconfidential portions of the meetings should contact Mrs. Bonnie Campbell, Committee Management Officer, Office of Extramural Research, Education and Priority Populations, AHRQ, 540 Gaither Road, Suite 2000, Rockville, Maryland 20850, Telephone (301) 427-1554.

Agenda items for these meetings are subject to change as priorities dictate.

Dated: January 28, 2009.

Carolyn M. Clancy,

Director.

[FR Doc. E9-2381 Filed 2-4-09; 8:45 am]

BILLING CODE 4160-90-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day-09-09AO]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. Alternatively, to obtain a copy of the data collection plans and instrument, call 404-639-5960 and send comments to Maryam I. Daneshvar, CDC Reports Clearance Officer, 1600 Clifton Road, NE., MS-D74, Atlanta, Georgia 30333; comments may also be sent by e-mail to omb@cdc.gov.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have a practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the

use of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

State/Territorial Healthcare Situational Awareness and Rapid Survey Capability Data Call—New—National Center for Preparedness, Detection, and Control of Infectious Diseases (NCPDCID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

During public health emergencies, the ability of the nation’s healthcare system to deliver care needs to be rapidly assessed to inform response decisions. Currently, there is no automated system to collect and analyze information at the federal level, and the capability to achieve situational awareness at the state and regional levels varies across the nation—some states have robust systems while others have none. The

gap in the ability to collect and analyze information during a public health emergency across existing systems and from jurisdictions without situational awareness capabilities limits the response capabilities at all levels; the essential decision-making information is not available at the federal level, and the state and local response agencies will be bombarded with multiple inquiries in the midst of a public health emergency.

Work over the past two years has identified significant requirements for the development of this capability; through collaboration with stakeholder representatives, the foundation has been laid to rapidly progress into the areas of content and system development. In order for the development to continue, the technical characteristics of state and territory-based systems need to be identified so that situational awareness capabilities at the federal level can be designed to work in coordination with those existing systems. It is essential

that specific and standard information is collected from all states and territories.

This data collection will consist of two phases. In the first phase, CDC will verify the contact information of the state/territorial public health preparedness contact. In the second phase, the state/territory situational awareness data call will be distributed to these individuals; the responses provided will be analyzed to develop the most effective and efficient federal situational awareness capability.

This proposed project supports CDC’s Preparedness Goal of “People Prepared for Emerging Health Threats,” specifically the objective to “Integrate and enhance existing surveillance systems at the local, state, national, and international levels to detect, monitor, report, and evaluate public health threats.”

There are no costs to respondents other than their time to complete the data collection.

ESTIMATE OF ANNUALIZED BURDEN HOURS

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
State/Territorial Public Health Preparedness Contact—Contact Verification ..	62	1	5/60	5
State/Territorial Public Health Preparedness Contact—Data Call	62	1	30/60	31
Total				36

Dated: January 29, 2009.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E9-2439 Filed 2-4-09; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-09-08AA]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404-639-5960 or send

comments to Maryam Daneshvar, CDC Acting Reports Clearance Officer, 1600 Clifton Road, MS-D74, Atlanta, GA 30333 or send an e-mail to omb@cdc.gov.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Evaluation of health communication messages for Infertility Prevention Campaign—New—National Center for HIV, Hepatitis, Sexually Transmitted Disease Prevention, and Tuberculosis

Prevention (NCHHSTP), Division of Sexually Transmitted Disease Prevention (DSTDP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Chlamydia (CT) is among the leading causes of pelvic inflammatory disease (PID), which can lead to infertility, ectopic pregnancy, and chronic pelvic pain. Most cases of CT are asymptomatic so infected girls and women are unaware of their infections. CDC estimates that in 2006, young women aged 15 to 19 years had the highest CT rate (2,862 cases per 100,000 females), followed by women aged 20 to 24 (2,797 cases per 100,000 females). These rates are likely to be underestimates, because many infected persons do not seek medical care and testing. Data at CDC suggests that CT develops into PID in up to 40% of untreated women and that 12% of women are infertile after their first experience with PID.

CDC plans to obtain public preferences that will guide the development of health communication messages/materials about CT with

females in the following age groups: 15–17 years who attend school; 15–17 years who do not attend school; 18–25 years who are employed; and 18–25 years who attend school full-time. Focus groups will be conducted at local pre-determined focus group facilities, and surveys will be conducted online and in malls. Women ages 18–25 years, both

employed and working full-time, will be recruited by phone through professional recruitment vendors for focus groups; and in malls and on social networking sites for surveys. Girls ages 15–17 years, who do and do not attend school full-time, will be recruited by phone through professional recruitment vendors for focus groups, once parental consent is

obtained; and in malls and through social networking sites (without parental consent) for surveys. The Academy for Educational Development (contractor to which this task order, #200–2006–F–19070, was awarded) will be conducting the research.

There are no costs to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondents	Number of respondents	Responses per respondent	Average burden per response (in hours)	Total burden hours
Screener (15–17 yr old)	54	1	5/60	5
Screener (18–25 yr old)	126	1	5/60	11
Screener (parent of 15–17 yr old)	54	1	5/60	5
Focus groups	180	1	2	360
Mall intercept screener & moderators guide	200	1	10/60	33
Online screener & surveys	500	1	8/60	67
Total	1,114	481

Dated: January 29, 2009.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E9–2440 Filed 2–4–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–08–08AP]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–5960 and send comments to Maryam I. Daneshvar, CDC Acting Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to omb@cdc.gov.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Youth Advice & Feedback to Inform Choose Respect Implementation (New)—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

NCIPC seeks to obtain, over a five year period, advice and feedback from tweens/teens (aged 11–14) regarding message development/placement, creative executions, appropriate partners, and other similar issues, to inform ongoing implementation and evaluation of the Choose Respect campaign (OMB#0920–0687), an initiative intended to promote youth awareness of and participation in healthy peer relationships.

Communication research indicates that campaign planning implementation must employ a consumer-oriented approach to ensure that program

messages/materials, and their placement, can successfully gain the attention of and resonate with the intended audience. To that end, the NCIPC proposes conducting further planning, implementation, and evaluation research that enlists the involvement and support of youth, parents and other influencers and measures the effect of the campaign on the target audiences. The evaluation will provide interim and ongoing feedback to campaign planners regarding the implementation and progress of the campaign.

The proposed data collection will enlist geographically, culturally/ racially/ethnically, and socio-economically diverse groups of young people to complete: (1) Ten-minute online surveys, with 200 respondents, four times per year; and (2) 12 in-person focus groups, with 12 participants each, twice per year. Online surveys will reduce the potential burden for young people as web-based formats are convenient and consistent with the way they communicate and spend their leisure time. Online surveys—Each web-based survey will involve a different group of 200 tweens/teens. In-person focus groups—First and second focus groups will involve different groups of young people. The following focus groups will be segmented by age and gender, as indicated. The total annualized estimated burden hours are 1,354.

There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Parents of boys and girls, ages 11 to 14 AND youth ages 11 to 14.	Focus Group Screening Instrument for Parents and Youth (Attachment M).	576	2	5/60
Youths ages 11 to 14	Focus Group Survey (Attachment N)	288	2	5/60
Youths ages 11 to 14	Focus Group Moderator's Guide (Attachment D).	288	2	1.5
Parents of boys and girls, ages 11 to 14	Online Survey E-mail Invitation AND Online Survey Screening Instrument for Parents (Attachments E and F).	400	4	5/60
Youths ages 11 to 14	Online Survey Screening Instrument for Youth (Attachment H).	400	4	3/60
Youths ages 11 to 14	Online Survey (Attachment C)	200	4	10/60

Dated: January 29, 2009.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E9-2441 Filed 2-4-09; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day-09-08BS]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639-5960 or send an e-mail to omb@cdc.gov. Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395-6974. Written comments should be received within 30 days of this notice.

Proposed Project

Testing and Development of Materials Promoting Prevention and Control of Traumatic Brain Injury in Schools—New—Division of Injury Response (DIR), National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Each year, an estimated 1.4 million Americans sustain a traumatic brain injury (TBI). A TBI is caused by a bump, blow, or jolt to the head or a penetrating head injury that disrupts the normal function of the brain.

Children ages 0 to 4 years and adolescents ages 15-19 are at the greatest risk of sustaining a TBI, as they often sustain TBIs from a host of mechanisms including falls (down stairs or from heights such as counter tops or beds), direct impacts (e.g., getting hit in the head with a ball), and motor vehicle crashes.

In order to address this important public health problem among young children and adolescents, CDC plans to conduct a national TBI educational initiative aimed at school nurses, school counselors, school psychologists, and school administrators. These interviews will be targeted because they are well positioned to address short- and long-

term issues related to TBI. CDC will develop educational materials and messages for these audiences, as well as tools for partners, to help improve the prevention, recognition, and management of TBI among school-aged children and adolescents. This audience can also work with schools to institute TBI specific back-to-school and return-to-play plans.

As part of this research, school nurses, counselors, psychologists, and administrators will participate in professionally moderated individual in-depth interviews. Information will be collected concerning respondents' knowledge, attitudes, and beliefs about traumatic brain injury and where and how they get health information.

A total of 96 potential respondents will be screened. From this number, 30 school professionals and 15 school administrators will be interviewed.

The goal of these interviews is to understand needs of school professionals in the targeted audience for materials or tools related to TBI. The materials will provide guidance on how to prevent and recognize TBI in students. The content discussed in these interviews will be used to refine materials and develop future materials.

There are no costs to respondents other than their time. The total estimated annual burden hours are 61.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
School nurses, counselors, psychologists, and school administrators.	Screeener Instrument for Nurses, Counselors, Psychologists, and Administrators.	96	1	10/60
School nurses, counselors, and psychologists	Interview Guide: Concept Testing for TBI Education Materials (Interviews with School Health Professionals).	30	1	1
School administrators	Moderator's Guide for In-Depth Interviews for Administrators.	15	1	1

Dated: January 29, 2009.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E9-2443 Filed 2-4-09; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-09-0278]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer at 404-639-5960 or send comments to CDC/ATSDR Assistant Reports Clearance Officer, 1600 Clifton Road, MS-D74, Atlanta, GA 30333 or send an e-mail to omb@cdc.gov.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

National Hospital Ambulatory Medical Care Survey (NHAMCS) (OMB No. 0920-0278)—Revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, shall collect statistics on "utilization of health care" in the United States. The National Hospital Ambulatory Medical Care Survey (NHAMCS) has been conducted annually since 1992. NCHS is seeking OMB approval to extend this survey for an additional three years.

The purpose of NHAMCS is to meet the needs and demands for statistical information about the provision of ambulatory medical care services in the United States. Ambulatory services are rendered in a wide variety of settings, including physicians' offices and hospital outpatient and emergency departments. The target universe of the NHAMCS is in-person visits made to outpatient departments (OPDs) and emergency departments (EDs) of non-Federal, short-stay hospitals (hospitals with an average length of stay of less than 30 days) or those whose specialty is general (medical or surgical) or children's general.

NHAMCS was initiated to complement the National Ambulatory Medical Care Survey (NAMCS, OMB No. 0920-0234), which provides similar data concerning patient visits to physicians' offices. NAMCS and NHAMCS are the principal sources of data on ambulatory care provided in the United States.

NHAMCS provides a range of baseline data on the characteristics of the users and providers of hospital ambulatory medical care. Data collected include patients' demographic characteristics, reason(s) for visit, providers' diagnoses, diagnostic services, medications, and

disposition. These data, together with trend data, may be used to monitor the effects of change in the health care system, for the planning of health services, improving medical education, determining health care work force needs, and assessing the health status of the population. In addition, information on cervical cancer screening practices from hospital OPD clinics will continue to be collected through the Cervical Cancer Screening Supplement (CCSS), which was added in 2006. This supplement will allow the CDC/National Coordinating Center for Health Promotion (NCCHP) to evaluate cervical cancer screening methods and the use of human papillomavirus DNA tests.

In 2009, hospital-based ambulatory surgery centers (ASCs) were added to the NHAMCS sample in order to capture patient visits to hospital-based ASCs. In an effort to expand understanding of patient visits to all ASCs, NCHS proposes to add free-standing ASCs to the NHAMCS data gathering procedures in 2010. This will allow a comprehensive understanding of patient care in ASCs by gathering data on all outpatient surgeries not captured in other NCHS surveys. NHAMCS ASC data that will be collected from free-standing ASCs include patient characteristics, diagnoses, surgical and nonsurgical procedures, provider and type of anesthesia, time in and out of surgery and postoperative care, and discharge disposition. The data collected will also be compared to ASC data from the 2006 National Survey of Ambulatory Surgery (OMB No. 0920-0334).

Users of NHAMCS data include, but are not limited to, congressional offices, Federal agencies, state and local governments, schools of public health, colleges and universities, private industry, nonprofit foundations, professional associations, clinicians, researchers, administrators, and health planners.

There are no costs to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hrs)	Total burden hours
Hospitals:				
Induction Interview	470	1	55/60	431
ED induction	400	1	1	400
OPD induction	250	4	1	1,000
ASC induction	200	1	1	200
ED Patient Record Form	400	100	7/60	4,667
OPD Patient Record Form	250	200	6/60	5,000
ASC Patient Record Form	200	100	6/60	2,000

ESTIMATED ANNUALIZED BURDEN TABLE—Continued

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hrs)	Total burden hours
CCSS	250	1	15/60	63
Free-standing ASCs:				
Induction Interview	200	1	55/60	183
Patient Record Form	200	100	6/60	2,000
Total				15,944

Dated: January 29, 2009.
Maryam I. Daneshvar,
Acting Reports Clearance Officer, Office of the Chief Science Officer, Centers for Disease Control and Prevention.
 [FR Doc. E9-2444 Filed 2-4-09; 8:45 am]
BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-09-09AN]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404-639-5960, send comments to Maryam I. Daneshvar, CDC Acting Reports Clearance Officer, 1600 Clifton Road, MS-D74, Atlanta, GA 30333 or send an e-mail to omb@cdc.gov.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the

proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

National Youth Physical Activity and Nutrition Study (NYPANS)—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The prevalence of obesity among adolescents aged 12 to 19 more than tripled in the past 20 years, increasing from 5% in 1980 to 17.6% in 2006. Almost two-thirds of obese young people have at least one additional risk factor for heart disease, such as high cholesterol or high blood pressure. Obese young people are more likely than children of normal weight to become overweight or obese adults, and are therefore more at risk for associated adult health problems, including heart disease, type 2 diabetes, stroke, several types of cancer, and osteoarthritis. However, healthy lifestyle habits, including healthy eating and physical activity, can lower the risk of becoming obese and developing related diseases.

To help develop effective interventions to stem the increase of obesity among adolescents, it is

essential to better understand the behavior and behavioral determinants of healthy eating and physical activity for youth in the U.S. Toward this end, CDC proposes to conduct a study involving a nationally representative sample of students attending public and private schools in grades 9–12. CDC plans to collect information from students in Spring 2010. The primary information collection will include a paper-and-pencil survey, a standardized protocol to measure height and weight, and telephone interviews to elicit 24-hour dietary recalls among a subsample of respondents. Information supporting the study also will be collected from school administrators and teachers.

This study has multiple purposes: (1) To provide nationally representative data on behaviors and behavioral determinants related to physical activity and nutrition, including data to measure at least two national health objectives in Healthy People 2010, an initiative of the U.S. Department of Health and Human Services (HHS); (2) to provide data to help improve the clarity and strengthen the validity of questions on the Youth Risk Behavior Survey (OMB No. 0920-0493, exp. 11/30/2011), which has been conducted biennially since 1991; and (3) to understand the associations among behaviors and behavioral determinants related to physical activity and nutrition, and their association with body mass index. Study results will have significant implications for policy and program development for obesity prevention programs nationwide.

There are no costs to respondents except their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
State Education Agency Contacts	Recruitment Guidelines Script	17	1	30/60	9
School District Contacts	Recruitment Guidelines Script	80	1	30/60	40
School Contacts	Recruitment Guidelines Script	133	1	30/60	67

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Teachers	Data Collection Checklist for the Survey.	400	1	15/60	100
Students	NYPANS Survey	8,000	1	45/60	6,000
	Height and Weight Record Form	8,000	1	3/60	400
	Dietary Recall Interview	1,000	3	30/60	1,500
Total					8,116

Dated: January 29, 2009.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E9-2457 Filed 2-4-09; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Ethics Subcommittee, Advisory Committee to the Director, Centers for Disease Control and Prevention (CDC); Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention announces the following Subcommittee meeting.

Name: Ethics Subcommittee, Advisory Committee to the Director (ACD), CDC.

Times and Dates:

1 p.m.–5 p.m., February 25, 2009.

8:30 a.m.–3 p.m., February 26, 2009.

Place: Centers for Disease Control and Prevention, Tom Harkin Global Communications Center, 1600 Clifton Road, Atlanta, GA 30333.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 60 people. To accommodate public participation in the meeting, a conference telephone line will be available. The public is welcome to participate during the public comment periods by calling (866) 919-3560 and entering code 4168828. The public comment periods are tentatively scheduled for 4:30 p.m.–4:45 p.m. on February 25, 2009 and from 2:30 p.m.–2:45 p.m. on February 26, 2009.

Purpose: The Ethics Subcommittee will provide counsel to the ACD, CDC, regarding a broad range of public health ethics questions and issues arising from programs, scientists and practitioners.

Matters To Be Discussed: The agenda will include the following topics: CDC's Healthiest Nation Initiative, ethical guidance for ventilator distribution, ethical guidance for use of travel restrictions, and follow-up on outstanding activities/reports. Agenda

items are subject to change as priorities dictate.

Contact Person for More Information: For security reasons, members of the public interested in attending the meeting should contact Drue Barrett, PhD, Designated Federal Official, Ethics Subcommittee, CDC, 1600 Clifton Road, NE., M/S D-50, Atlanta, Georgia 30333. Telephone (404) 639-4690. E-mail: d Barrett@cdc.gov. The deadline for notification of attendance is February 18, 2009.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: January 29, 2009.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E9-2452 Filed 2-4-09; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Subcommittee for Dose Reconstruction Reviews (SDRR), Advisory Board on Radiation and Worker Health (ABRWH), National Institute for Occupational Safety and Health (NIOSH)

Notice of Cancellation: This notice was published in the **Federal Register** on January 8, 2009, Volume 74, Number 5, pages 813-814. The meeting previously scheduled to convene on January 29, 2009, has been cancelled. The meeting was cancelled due to inclement weather and airport and facility inaccessibility. A notice will be published if the meeting is rescheduled.

Contact Person for More Information: Theodore Katz, Executive Secretary, NIOSH, CDC, 1600 Clifton Road, Mailstop E-20, Atlanta, GA 30333,

Telephone (513) 533-6800, Toll Free 1(800) CDC-INFO, E-mail ocas@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: January 30, 2009.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E9-2442 Filed 2-4-09; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Subcommittee on Procedures Reviews, Advisory Board on Radiation and Worker Health (ABRWH), National Institute for Occupational Safety and Health (NIOSH)

Notice of Cancellation: This notice was published in the **Federal Register** on January 13, 2009, Volume 74, Number 8, pages 1689-1690. The meeting previously scheduled to convene on January 28, 2009, has been cancelled. The meeting was cancelled due to inclement weather and airport and facility inaccessibility. A notice will be published if the meeting is rescheduled.

Contact Person for More Information: Theodore Katz, Executive Secretary, NIOSH, CDC, 1600 Clifton Road, Mailstop E-20, Atlanta, GA 30333, Telephone (513) 533-6800, Toll Free 1(800) CDC-INFO, e-mail ocas@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC

and the Agency for Toxic Substances and Disease Registry.

Dated: January 30, 2009.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E9-2447 Filed 2-4-09; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Commission on Childhood Vaccines; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the following meeting:

Name: Advisory Commission on Childhood Vaccines (ACCV).

Date and Time: March 5, 2009, 1 p.m. to 5:30 p.m. EST., March 6, 2009, 9 a.m. to 12:30 p.m. EST.

Place: Parklawn Building (and via audio conference call), Conference Rooms G & H, 5600 Fishers Lane, Rockville, MD 20857.

The ACCV will meet on Thursday, March 5 from 1 p.m. to 5:30 p.m. (EST) and Friday, March 6 from 9 a.m. to 12:30 p.m. (EST). The public can join the meeting via audio conference call by dialing 1-888-790-3149 on March 5 & 6 and providing the following information:

Leader's Name: Dr. Geoffrey Evans.

Password: ACCV.

Agenda: The agenda items for the March meeting will include, but are not limited to: Updates from the Division of Vaccine Injury Compensation (DVIC), Department of Justice, National Vaccine Program Office, Immunization Safety Office (Centers for Disease Control and Prevention), National Institute of Allergy and Infectious Diseases (National Institutes of Health), and Center for Biologics, Evaluation and Research (Food and Drug Administration). Agenda items are subject to change as priorities dictate.

Public Comments: Persons interested in providing an oral presentation should submit a written request, along with a copy of their presentation to: Michelle Herzog, DVIC, Healthcare Systems Bureau (HSB), Health Resources and Services Administration (HRSA), Room 11C-26, 5600 Fishers Lane, Rockville, Maryland 20857 or e-mail: mherzog@hrsa.gov. Requests should contain the name, address, telephone number, and any business or professional affiliation of the person desiring to make an oral presentation. Groups having similar interests are requested to combine their comments and present them through a single representative. The allocation of time may be adjusted to accommodate the level of expressed interest. DVIC will notify each presenter by mail or telephone of their assigned presentation time. Persons who do not file an advance request for a presentation, but desire to make an oral

statement, may announce it at the time of the comment period. These persons will be allocated time as it permits.

For Further Information Contact: Anyone requiring information regarding the ACCV should contact Michelle Herzog, DVIC, HSB, HRSA, Room 11C-26, 5600 Fishers Lane, Rockville, MD 20857; telephone (301) 443-6593 or e-mail: mherzog@hrsa.gov.

Dated: January 26, 2009.

Alexandra Huttinger,

Director, Division of Policy Review and Coordination.

[FR Doc. E9-2462 Filed 2-4-09; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Gene Therapy and Inborn Errors.

Date: February 11-13, 2009.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Richard Panniers, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2212, MSC 7890, Bethesda, MD 20892, (301) 435-1741, pannierr@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel Vector.

Date: February 13, 2009.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Catamaran Resort, 3999 Mission Boulevard, San Diego, CA 92109.

Contact Person: Alexander D. Politis, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3210, MSC 7808, Bethesda, MD 20892, (301) 435-1150, politisa@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Oncology Signaling Member Conflict.

Date: February 16, 2009.

Time: 11 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Mary Bell, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6188, MSC 7804, Bethesda, MD 20892, 301-451-8754, bellmar@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Immunology: Member Conflicts and Special Grant Applications.

Date: February 17-18, 2009.

Time: 10 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Stephen M. Nigida, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4212, MSC 7812, Bethesda, MD 20892, 301-435-1222, nigidas@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business Biomedical Sensing, Measurement and Instrumentation.

Date: February 18, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bahia Resort Hotel, 998 W. Mission Bay Drive, San Diego, CA 92109.

Contact Person: Guo Feng Xu, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5122, MSC 7854, Bethesda, MD 20892, 301-435-1032, xuguofen@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Complement, Vaccines, and Host Defense.

Date: February 18, 2009.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Betty Hayden, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4206, MSC 7812, Bethesda, MD 20892, 301-435-1223, haydenb@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, NIH Roadmap: Microbiome-New Technologies.

Date: February 19, 2009.

Time: 8 a.m. to 7 p.m.

Agenda: To review and evaluate grant applications.

Place: Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: Rossana Berti, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3191, MSC 7846, Bethesda, MD 20892, 301-402-6411, bertiros@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, F07 Immunology Fellowship and Area.

Date: February 19, 2009.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Calbert A. Laing, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4210, MSC 7812, Bethesda, MD 20892, 301-435-1221, laingc@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Genes, Genomes, and Genetics Specials.

Date: February 19–20, 2009.

Time: 8 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn San Francisco Fisherman's Wharf, 1300 Columbus Avenue, San Francisco, CA 94133.

Contact Person: Michael A. Marino, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2216, MSC 7890, Bethesda, MD 20892, (301) 435-0601, marinomi@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Diabetes and Obesity.

Date: February 19–20, 2009.

Time: 8:30 a.m. to 9:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Syed M. Amir, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6172, MSC 7892, Bethesda, MD 20892, 301-435-1043, amirs@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group, Ethical, Legal, and Social Implications of Human Genetics Study Section.

Date: February 19–20, 2009.

Time: 10 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Cheryl M. Corsaro, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2204, MSC 7890, Bethesda, MD 20892, (301) 435-1045, corsaroc@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Autoimmune Mechanisms.

Date: February 19, 2009.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jian, Wang, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4095D, MSC 7812, Bethesda, MD 20892, (301) 435-2778, wangjia@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Clinical Hematology.

Date: February 19–20, 2009.

Time: 3:30 p.m. to 7 p.m.

Agenda: To review and evaluate grant applications.

Place: George Washington University Inn, 824 New Hampshire Avenue, NW., Washington, DC, 20037 (Telephone Conference Call).

Contact Person: Delia Tang, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7802, Bethesda, MD 20892, 301-435-2506, tangd@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing

limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Drug Discovery for Neurodegenerative Diseases.

Date: February 20, 2009.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Geoffrey G. Schofield, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040-A, MSC 7850, Bethesda, MD 20892, 301-435-1235, geoffreys@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Visual Systems Small Business.

Date: February 23, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street, NW., Washington, DC 20037.

Contact Person: George Ann McKie, DVM, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1124, MSC 7846, Bethesda, MD 20892, 301-435-1049, mckiegeo@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Oncology Area.

Date: February 23, 2009.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Lambratu Rahman, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, 301-451-3493, rahmanl@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Skeletal Biology.

Date: February 23, 2009.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Priscilla B. Chen, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4104,

MSC 7814, Bethesda, MD 20892, (301) 435-1787, chenp@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflicts: Population Studies and Health Services.

Date: February 23, 2009.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Suzanne Ryan, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, Bethesda, MD 20892, (301) 435-1712, ryansj@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Clinical Oncology.

Date: February 23, 2009.

Time: 4 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Angela Y. Ng, PhD, MBA, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6200, MSC 7804 (for courier delivery, use MD 20817), Bethesda, MD 20892, 301-435-1715, nga@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member SEP for GCAT.

Date: February 23, 2009.

Time: 12 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michael M. Sveda, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2204, MSC 7890, Bethesda, MD 20892, 301-435-3565, svedam@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cardiac Hypertrophy and Ischemia Reperfusion.

Date: February 24-25, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Rajiv Kumar, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4122, MSC 7802, Bethesda, MD 20892, 301-435-1212, kumarra@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Topics in Senescence and Signaling.

Date: February 24-25, 2009.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: John Burch, PhD, Scientific Review Officer, National Institute of Health, Center for Scientific Review, 6701 Rockledge Drive, Room 3213, MSC 7808, Bethesda, MD 20892, 301-435-1019, burchjb@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Minority Fellowships in Neurobiology and Development.

Date: February 24, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Joseph G. Rudolph, PhD, Chief, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7844, Bethesda, MD 20892, 301-435-2212, josephru@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, LCMI Member Conflicts.

Date: February 24-25, 2009.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ghenima Dirami, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4112, MSC 7814, Bethesda, MD 20892, 301-594-1321, diramig@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, LIRR and RIBT Member Conflicts.

Date: February 24-25, 2009.

Time: 9 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: George M. Barnas, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2180, MSC 7818, Bethesda, MD 20892, 301-435-0696, barnasg@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Radiation Therapy and Biology SBIR/STTR.

Date: February 24-25, 2009.

Time: 9 a.m. to 8 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Bo Hong, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, 301-435-5879, hongb@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Experimental Cancer Therapeutics SBIR/STTR.

Date: February 24-25, 2009.

Time: 11 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Denise R. Shaw, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6158, MSC 7804, Bethesda, MD 20892, 301-435-0198, shawkath@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Molecular Neurodegeneration.

Date: February 24-25, 2009.

Time: 11 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jerry L. Taylor, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7846, Bethesda, MD 20892, 301-435-1175, taylorje@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Biophysical and Physiological Neuroscience.

Date: February 25-26, 2009.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Eugene Carstea, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5199, MSC 7846, Bethesda, MD 20892, (301) 435-0634, carsteae@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, SMEP Member Conflicts.

Date: February 25, 2009.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bolger Center, Main Building, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: Richard J. Bartlett, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4110, MSC 7814, Bethesda, MD 20892, 301-435-6809, bartletr@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Vascular Biology.

Date: February 25–26, 2009.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Bukhtiar H. Shah, DVM, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4095J, MSC 7822, Bethesda, MD 20892, (301) 435–1233, shahb@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Angiotensin Microcirculatory Mechanisms.

Date: February 25–26, 2009.

Time: 9 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Russell T. Dowell, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4128, MSC 7814, Bethesda, MD 20892, (301) 435–1850, dowellr@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Dental and Enamel: Developmental Biology.

Date: February 25, 2009.

Time: 11 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Tamizchelvi Thyagarajan, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4016K, MSC 7814, Bethesda, MD 20892, 301–451–1327, tthyagar@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Cancer Signatures.

Date: February 25–26, 2009.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Manzoor Zarger, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6206, MSC 7804, Bethesda, MD 20892, (301) 435–2477, zargerma@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel. CMBK Member Conflicts Review.

Date: February 25, 2009.

Time: 1:30 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Krystyna E. Rys-Sikora, PhD, Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4112, MSC 7814, Bethesda, MD 20892, 301–451–1325, ryssokok@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 27, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–2383 Filed 2–4–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, February 9, 2009, 1 p.m. to February 9, 2009, 3 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on January 23, 2009, 74 FR 4208–4210.

The meeting will be held February 23, 2009, from 1 p.m. to 4 p.m. The meeting location remains the same.

The meeting is closed to the public.

Dated: January 29, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–2386 Filed 2–4–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant

applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Heart, Lung, and Blood Initial Review Group, Clinical Trials Review Committee.

Date: February 23–24, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Keary A Cope, Ph.D., Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7190, Bethesda, MD 20892–7924, 301–435–2222, copeka@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 27, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–2396 Filed 2–4–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Program Project in Cardiovascular Disease.

Date: February 27, 2009.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Holly K. Krull, PhD, Scientific Review Officer, Review Branch/

DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7188, Bethesda, MD 20892-7924, 301-435-0280, krullh@nhlbi.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 30, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9-2494 Filed 2-4-09; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Helper T-Cell Immunity.

Date: February 24, 2009.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Paul A. Amstad, PhD, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, DHHS/National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892-7616, 301-402-7098, pamstad@niaid.nih.gov.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Infectious Disease Phenome Project.

Date: February 26, 2009.

Time: 1:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Ellen S. Buczko, PhD, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892-7616, 301-451-2676, ebuczko1@niaid.nih.gov.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; SBIR Diagnostics Proposal Review.

Date: March 10, 2009.

Time: 2 p.m. to 3:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Alec Ritchie, PhD, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID/DHHS, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892-7616, 301-435-1614, aritchie@niaid.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 29, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9-2389 Filed 2-4-09; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Hematopoietic Stem Cells Program Projects.

Date: March 26, 2009.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Atul Sahai, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 759, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-2242, sahaia@nidk.nih.gov.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Childhood Liver Disease Research and Education Network Consortium (UOI).

Date: March 31-April 1, 2009.

Time: 7 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

Contact Person: Atul Sahai, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 759, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-2242, sahaia@nidk.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: January 29, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9-2390 Filed 2-4-09; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Tuberculosis Clinical Diagnostics Research Consortium (CDRC).

Date: February 23, 2009.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate contract proposals.

Place: Crowne Plaza Silver Spring, 8777 Georgia Avenue, The Potomac Ballroom, Silver Spring, MD 20910.

Contact Person: Ellen S. Buczko, PhD, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, Room 3145 MSC 7616, Bethesda, MD 20892-7616, 301-451-2676, ebuczko1@niaid.nih.gov.

Name of Committee: Microbiology, Infectious Diseases and AIDS Initial Review Group, Microbiology and Infectious Diseases Research Committee.

Date: February 26-27, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza Silver Spring, 8777 Georgia Avenue, The Lincoln Ballroom, Silver Spring, MD 20910.

Contact Person: Annie Walker-Abbey, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, NIH/NIAID/DHHS, 6700B Rockledge Drive, Rm. 3126, Bethesda, MD 20892-7616, 301-451-2671, aabbey@niaid.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 27, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9-2391 Filed 2-4-09; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material,

and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Returning Veterans RFA—Schedule and Preparations.

Date: March 2, 2009.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Marina Broitman, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6153, MSC 9608, Bethesda, MD 20892-9608, 301-402-8152, mbroitma@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: January 28, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9-2393 Filed 2-4-09; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; SBIR: Home-Based Lithium Level Testing for Bipolar Patients.

Date: March 10, 2009.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Rebecca C. Steiner, PhD, Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6149, MSC 9608, Bethesda, MD 20892-9608, 301-443-4525, steinerr@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: January 27, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9-2394 Filed 2-4-09; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Form I-907, Extension of a Currently Approved Information Collection; Comment Request

ACTION: 60-Day Notice of Information Collection Under Review: Form I-907, Request for Premium Processing Service; OMB Control No. 1615-0048.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until April 6, 2009.

Written comments and suggestions regarding items contained in this notice, and especially with regard to the estimated public burden and associated response time should be directed to the Department of Homeland Security (DHS), USCIS, Chief, Regulatory Management Division, Clearance Office, 111 Massachusetts Avenue, NW., Suite 3008, Washington, DC 20529-2210. Comments may also be submitted to DHS via facsimile to 202-272-8352, or via e-mail at rfs.regs@dhs.gov. When

submitting comments by e-mail please add the OMB Control Number 1615-0048 in the subject box.

During this 60-day period USCIS will be evaluating whether to revise the Form I-907. Should USCIS decide to revise the Form I-907 it will advise the public when it publishes the 30-day notice in the **Federal Register** in accordance with the Paperwork Reduction Act. The public will then have 30-days to comment on any revisions to the Form I-907.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of an existing information collection.

(2) *Title of the Form/Collection:* Request for Premium Processing Service.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I-907. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals and households. This form will be used by USCIS to provide employers the opportunity to request faster processing of certain employment-based petitions and applications.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

- *Filing by Mail:* 97,000 responses at 30 minutes (.50) per response.

- *Electronically:* 3,000 responses at 20 minutes (.333) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 49,500 annual burden hours.

If you have additional comments, suggestions, or need a copy of the information collection instrument, please visit: <http://www.regulations.gov>.

We may also be contacted at: USCIS, Regulatory Management Division, 111 Massachusetts Avenue, NW., Suite 3008, Washington, DC 20529-2210, telephone number 202-272-8377.

Dated: January 30, 2009.

Sunday Aigbe,

Chief, Regulatory Management Division, U.S. Citizenship and Immigration Services.

[FR Doc. E9-2377 Filed 2-4-09; 8:45 am]

BILLING CODE 9111-97-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-623]

In the Matter of Certain R-134a Coolant (Otherwise Known As 1,1,1,2-Tetrafluoroethane); Notice of Commission Determination To Review the Final Initial Determination in Part and To Remand the Investigation; Schedule for Written Submissions on Remand Determination and on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review a portion of the final initial determination ("ID") issued by the presiding administrative law judge ("ALJ") on December 1, 2008, in the above-captioned investigation and to remand the investigation to the ALJ.

FOR FURTHER INFORMATION CONTACT: Michelle Walters, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708-5468. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its

Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on December 31, 2007, based on a complaint filed by INEOS Fluor Holdings Ltd., INEOS Fluor Ltd., and INEOS Fluor Americas LLC. The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain R-134a coolant (otherwise known as 1,1,1,2-tetrafluoroethane) by reason of infringement of various claims of United States Patent No. 5,744,658.

Complainants subsequently added allegations of infringement with regard to United States Patent Nos. 5,382,722 and 5,559,276 ("the '276 patent'"), but only claim 1 of the '276 patent remains at issue in this investigation. The complaint named two respondents, Sinochem Modern Environmental Protection Chemicals (Xi'an) Co., Ltd. and Sinochem Ningbo Ltd. Two additional respondents were subsequently added: Sinochem Environmental Protection Chemicals (Taicang) Co., Ltd. and Sinochem (U.S.A.) Inc. All four respondents are collectively referred to as "Sinochem."

On December 1, 2008, the ALJ issued his final ID, finding that Sinochem violated section 337. He concluded that respondents' "new" process infringed claim 1 of the '276 patent and that the domestic industry requirement had been met. He also found that claim 1 was not invalid and that it was not unenforceable. The ALJ recommended that the Commission issue a limited exclusion order prohibiting the importation into the United States of products made by the infringing process, but did not recommend issuing a cease and desist order. The ALJ also recommended that the bond to permit importation during the Presidential review period be set at 100% of the entered value of the products concerned.

On December 15, 2008, Sinochem filed a petition for review, challenging the findings of the ALJ's final ID. On December 23, 2008, complainants and the Commission investigative attorney ("IA") each filed a response to respondents' petition for review of the

final ID. On January 5, 2009, respondents filed a motion for leave to file a reply in support of their petition for review of the final ID. On January 9, 2009, complainants filed an opposition to respondents' motion. On January 15, 2009, the IA also filed an opposition to respondents' motion.

Having examined the record of this investigation, including the ALJ's ID and the submissions of the parties, the Commission has determined to review the ALJ's determination regarding the effective filing date of claim 1 of the '276 patent and to affirm his determination with additional reasoning. In addition, the Commission has determined to review the ALJ's ID with regard to whether claim 1 of the '276 patent is invalid for anticipation or obviousness with respect to certain references and to issue an order remanding the investigation to the ALJ for further proceedings related to anticipation and obviousness with respect to those references. The Commission has determined not to review any other determination in the ALJ's ID.

To accommodate the remand proceedings, the Commission has extended the target date of the above-captioned investigation to June 1, 2009, and instructed the ALJ to make his determination on remand by April 1, 2009. The parties are invited to file written submissions on the ALJ's remand determination within fourteen days after service of the ALJ's determination and to file responses to the written submissions within seven days after service of the written submissions. The parties should also address remedy, the public interest, and bonding in their submissions. Finally, the Commission has determined to deny respondents' motion for leave to file a reply in support of their petition for review of the final ID.

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue one or more cease and desist orders that could result in the respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving

other types of entry either are adversely affecting it or likely to do so. For background, see *In the Matter of Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. See Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The parties to the investigation are requested to file written submissions on the issues identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding. Complainants and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. Complainants are also requested to state the dates that the patents expire and the HTSUS numbers under which the accused products are imported. The written submissions and proposed remedial orders must be filed no later than the close of business fourteen days after service of the ALJ's remand determination. Reply submissions must be filed no later than the close of business seven days after service of the written submissions. The written

submissions may be no longer than 50 pages and the reply submissions may be no longer than 25 pages. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document and 12 true copies thereof on or before the deadlines stated above with the Office of the Secretary. Any person desiring to submit a document to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 210.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.42-46 of the Commission's Rules of Practice and Procedure (19 CFR 210.42-46).

Issued: January 30, 2009.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E9-2426 Filed 2-4-09; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-394-A & 399-A (Second Review) (Remand)]

Ball Bearings From Japan and the United Kingdom

AGENCY: United States International Trade Commission.

ACTION: Notice of remand proceedings.

SUMMARY: The U.S. International Trade Commission ("Commission") hereby gives notice of the resumption of its remand proceedings with respect to its affirmative determinations in the five-year reviews of the antidumping duty orders on ball bearings from Japan and the United Kingdom. For further information concerning the conduct of this proceeding and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subpart A (19 CFR part 207).

DATES: *Effective Date:* January 30, 2009.

FOR FURTHER INFORMATION CONTACT: Jim McClure, Office of Investigations, telephone 202-205-3191, or David Goldfine, Office of General Counsel, telephone 202-708-5452, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>).

SUPPLEMENTARY INFORMATION:

Background. In June 2006, the Commission determined that revocation of the antidumping duty orders on ball bearings from France, Germany, Italy, Japan, and the United Kingdom would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. The Commission's determinations for Japan and the United Kingdom were appealed to the Court of International Trade (the "Court"). On September 9, 2008, the Court issued a decision remanding the matter to the Commission for further proceedings. *NSK v. United States*, Slip Op. 08-95 (Ct. Int'l Trade, Sept. 9, 2008). In its opinion, the Court issued an order instructing the Commission to (1) "conduct a *Bratsk* analysis of non-subject imports as outlined in this opinion;" (2) "reassess supply conditions within the domestic industry," *i.e.*, the industry's restructuring efforts during the period of review, and (3) "reexamine its findings with regard to likely impact and its decision to cumulate imports from the United Kingdom in light of changes in its determinations that may result as a consequence of the foregoing remand instructions."

On October 8, 2008, in accordance with the Court's order, the Commission initiated remand proceedings in the above-captioned reviews. The notice of initiation for the remand proceeding was published in the **Federal Register** at 73 FR 63217 (Oct. 20, 2008). The Commission noted that it was re-opening the record to obtain information to conduct an analysis of non-subject imports as outlined in the Court's opinion. The Commission also noted that it was permitting parties to file comments pertaining to the specific issues that are the subject of the Court's

remand instructions and to comment on the new information obtained on remand. *Id.*

On October 9, 2008, the Commission filed a motion for reconsideration with the Court. In the motion, the Commission requested that the Court reconsider its decision in light of the Federal Circuit's decision, *Mittal Steel Point Lisas Limited v. United States*, Court No. 2007-1552 (September 18, 2008) ("*Mittal*"). In its motion, the Commission also requested that the Court issue a stay of the remand proceeding pending the Court's disposition of the Commission's motion for reconsideration. Defendant-Intervenor The Timken Company ("*Timken*") filed a similar motion for reconsideration and a motion to stay the remand proceeding.

On October 29, 2008, the Court granted the requests of the Commission and Timken to stay the Commission's remand proceeding pending its reconsideration of the Commission's and Timken's motions for reconsideration. Accordingly, the Commission stayed its remand proceeding on November 17, 2008 pending the Court's ruling on the motions for reconsideration.

On December 29, 2008, the Court denied the motions for reconsideration by the Commission and Timken. The Court has ordered the Commission to file its remand determination with the Court by May 4, 2009. Accordingly, the Commission is hereby resuming the remand proceeding in this review and announcing an amended schedule for the proceeding, as set forth herein.

Participation in the proceeding. Only those persons who were interested parties to the reviews (*i.e.*, persons listed on the Commission Secretary's service list) and parties to the appeal may participate in the remand proceeding. Such persons need not make any additional filings with the Commission to participate in the remand proceeding. Business proprietary information ("*BPI*") referred to during the remand proceeding will be governed, as appropriate, by the administrative protective order issued in the reviews.

Written submissions. The Commission is re-opening the record in this proceeding to obtain information to conduct an analysis of non-subject imports as outlined in the Court's opinion. The Commission will permit the parties to file comments pertaining to the specific issues that are the subject of the Court's remand instructions and, in this regard, may comment on the new information obtained on remand. Comments should be limited to no more

than fifteen (15) double-spaced and single-sided pages of textual material. The parties may not themselves submit any new factual information in their comments and may not address any issue other than those that are the subject of the Court's remand instructions. Any such comments must be filed with the Commission no later than March 23, 2009.

All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (Nov. 8, 2002).

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the remand proceeding must be served on all other parties to the remand proceeding (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Parties are also advised to consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subpart A (19 CFR part 207) for provisions of general applicability concerning written submissions to the Commission.

Issued: January 30, 2009.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E9-2402 Filed 2-4-09; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-654]

In the Matter of Certain Peripheral Devices and Components Thereof and Products Containing Same; Notice of Commission Determination Not To Review an Initial Determination Granting a Joint Motion To Terminate the Investigation in Its Entirety on the Basis of Settlement and Terminating the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 4) issued by the presiding administrative law judge (“ALJ”) terminating the above-captioned investigation in its entirety based upon a settlement agreement.

FOR FURTHER INFORMATION CONTACT:

Michelle Walters, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708-5468. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on September 3, 2008, based on a complaint filed by Microsoft Corp. (“Microsoft”). The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain peripheral devices, components thereof, and products containing the same by reason of infringement of various claims of seven United States patents. The complaint named Primax Electronics Ltd. (“Primax”) as the sole respondent.

On December 15, 2008, complainant Microsoft and respondent Primax filed a joint motion to terminate the investigation in its entirety based on a settlement agreement. On December 23, 2008, the Commission investigative attorney filed a response in support of the motion.

On January 5, 2009, the ALJ issued the subject ID, granting the joint motion to terminate the investigation on the basis of the settlement agreement. No petitions for review were filed.

The Commission has determined not to review the subject ID. The investigation is terminated.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42 of the Commission’s Rules of Practice and Procedure (19 CFR 210.42).

Issued: January 29, 2009.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E9-2404 Filed 2-4-09; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-605]

In the Matter of Certain Semiconductor Chips With Minimized Chip Package Size and Products Containing Same; Notice of Commission Decision To Review in Part a Final Determination Finding No Violation of Section 337

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in part the presiding administrative law judge’s (“ALJ”) final initial determination (“ID”) issued on December 1, 2008 finding no violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337 in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT:

Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708-2301. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 21, 2007, based on a complaint

filed by Tessera, Inc. of San Jose, California against Spansion, Inc. and Spansion, LLC, both of Sunnyvale, California; QUALCOMM, Inc. of San Diego, California; AT1 Technologies of Thornhill, Ontario, Canada; Motorola, Inc. of Schaumburg, Illinois; STMicroelectronics N.V. of Geneva, Switzerland; and Freescale Semiconductor, Inc. of Austin, Texas. 72 FR 28522 (May 21, 2007). The complaint alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain semiconductor chips with minimized chip package size or products containing same by reason of infringement of one or more claims of U.S. Patent Nos. 5,852,326, and 6,433,419.

On December 1, 2008, the ALJ issued his final ID finding no violation of section 337 by Respondents. The ID included the ALJ’s recommended determination on remedy and bonding. In his ID, the ALJ found that Respondents’ accused products do not infringe asserted claims 1, 2, 6, 12, 16-19, 21, 24-26, and 29 of the ‘326 patent. The ALJ also found that Respondents’ accused products do not infringe asserted claims 1-11, 14, 15, 19, and 22-24 of the ‘419 patent. The ALJ additionally found that the asserted claims of the ‘326 and ‘419 patents are not invalid for failing to satisfy the enablement requirement or the written description requirement of 35 U.S.C. 112 1. The ALJ further found that the asserted claims of the ‘326 and ‘419 patents are not invalid as indefinite of 35 U.S.C. 112 2. The ALJ also found that the asserted claims of the ‘326 and ‘419 patents are not invalid under 35 U.S.C. 102 for anticipation or under 35 U.S.C. 103 for obviousness. Finally, the ALJ found that an industry in the United States exists with respect to the ‘326 and ‘419 patents as required by 19 U.S.C. 1337(a)(2) and (3).

On December 15, 2008, Tessera and the Commission Investigative Attorney (“IA”) filed separate petitions seeking review of the ALJ’s determination concerning non-infringement of the asserted claims of the ‘326 and ‘419 patents. Also on December 15, 2008, Respondents filed various contingent petitions seeking review of certain aspects of the ALJ’s findings as concern both the ‘326 and ‘419 patents in the event that the Commission determines to review the ID’s findings concerning non-infringement. On December 23, 2008, Respondents filed an opposition to Tessera’s and the IA’s petitions for review and Tessera and the IA filed

separate responses to Respondents' various contingent petitions for review.

Having examined the record of this investigation, including the ALJ's final ID, the petitions for review, and the responses thereto, the Commission has determined to review the final ID in part. Specifically, the Commission has determined to review the ALJ's finding that Respondents' accused devices do not infringe asserted claims 1, 2, 6, 12, 16–19, 21, 24, and 29 of the '326 patent and asserted claims 1–8, 9–11, 14, 15, 19, and 22–24 of the '419 patent. The Commission has further determined to review the ALJ's finding that Tessera has waived any argument that the accused products indirectly infringe the asserted patents. The Commission has also determined to review the ALJ's finding that the Motorola's OMPAC invention does not anticipate the asserted patents under 35 U.S.C. 102(b). Finally, the Commission has determined to review the ALJ's finding that the Motorola's OMPAC invention does not anticipate the asserted patents under 35 U.S.C. 102(g). The Commission has determined not to review the remaining issues decided in the ID.

The parties are requested to brief their positions on the issues under review with reference to the applicable law and the evidentiary record. In connection with its review, the Commission is particularly interested in responses to the following questions:

1. Please address how the absence of the compliant layer affects the effective CTE of the baseline packages in the sense of the material properties of the structures remaining in the baseline. Specifically, to what extent does the CTE of the compliant layer materials affect the effective CTE of the actual packages as compared to their corresponding baseline packages? Also, how specifically do the substituted materials in the baseline packages affect the effective CTE of the baseline packages?

2. Please address whether Dr. Qu's plastic work analysis can be isolated to the validated range of the finite element analysis ("FEA") models, and if so, whether the validated results are sufficient to satisfy the preponderance of the evidence standard for infringement.

3. Please address whether Tessera may prove infringement by relying on multiple tests rather than one test. In his first test, Dr. Qu demonstrated the existence of terminal-to-chip displacement and its effect on improved reliability in the accused chips by comparing the on-board behavior of FEA models of the accused packages to the on-board behavior of FEA models of

their corresponding baseline packages. In his second test, Dr. Qu showed that the accused chips exhibit improved reliability under external loads by directly applying simulated external loads to the accused packages and their corresponding baseline packages. Was it sufficient that Dr. Qu showed the required features of the claimed movement terminal-to-chip displacement and improved reliability under application of external loads without directly showing terminal-to-chip displacement due to external loads?

4. Please address whether Motorola exercised reasonable diligence in reducing the OMPAC invention to practice by filing the applications leading to U.S. Patent Nos. 5,241,133 and 5,216,278, and whether the confidentiality agreement between Motorola and Citizen Watch amounted to "suppression" and/or "concealment" of the OMPAC invention.

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue one or more cease and desist orders that could result in the respondent(s) being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *In the Matter of Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the

aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. See Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The parties to the investigation are requested to file written submissions on the issues identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding.

In addition, with respect to the limited exclusion order ("LEO") sought by complainant, please address whether the Federal Circuit's decision in *Kyocera Wireless Corp. v. ITC*, 545 F.3d 1340 (Fed. Cir. 2008), has any impact on whether unnamed importers are covered by the LEO. Cf. Additional Views of Chairman Shara L. Aranoff, Vice Chairman Daniel R. Pearson, and Commissioner Deanna Tanner Okun in *Certain GPS Devices and Products Containing Same*, 337-TA-602."

Complainants and the IA are also requested to submit proposed remedial orders for the Commission's consideration. Complainants are also requested to state the dates that the patents expire and the HTSUS numbers under which the accused products are imported. The written submissions and proposed remedial orders must be filed no later than close of business on Friday, February 13, 2009. Reply submissions must be filed no later than the close of business on Monday, February 23, 2009. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document and 12 true copies thereof on or before the deadlines stated above with the Office of the Secretary. Any person desiring to submit a document to the Commission in confidence must request confidential treatment unless the information has

already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 210.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.42–46 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 210.42–46 and 210.50).

Issued: January 30, 2009.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E9–2401 Filed 2–4–09; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Judgment Pursuant to Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on January 29, 2009, a proposed settlement agreement in *In re Interstate Bakeries Corporation, et al.*, Case No. 04–45814, was lodged with the United States Bankruptcy Court for the Western District of Missouri.

The settlement agreement resolves the United States' proof of claim in the Chapter 11 reorganization of Interstate Bakeries Corporation and its affiliates ("Debtors"). The United States' proof of claim sought recovery of cleanup costs under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9607(a), at the Hows Corner Superfund Site in Plymouth, Maine ("Site"). The proposed settlement agreement provides for EPA to have an allowed general unsecured nonpriority claim in the total amount of \$84,020. The claim will be paid in the ordinary course of the bankruptcy proceeding.

The Department of Justice will receive for a period of 30 days from the date of this publication comments regarding the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, and either e-mailed to pubcommentees.enrd@usdoj.gov or mailed to P.O.

Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *In re Interstate Bakeries Corporation, et al.*, Case No. 04–45814, D.J. Ref. No. 90–11–3–1733/9.

The proposed settlement agreement may be examined at the Region I Office of the U.S. Environmental Protection Agency, One Congress Street, Suite 1100, Boston, MA 02114. During the public comment period, the proposed Consent Decree may also be examined on the following Department of Justice Web site, http://www.usdoj.gov/enrd/Consent_Decrees.html. A copy of the proposed Consent Decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (tonia.fleetwood@usdoj.gov), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. If requesting a copy of the proposed Consent Decree, please enclose a check in the amount of \$1.75 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Ronald Gluck,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. E9–2407 Filed 2–4–09; 8:45 am]

BILLING CODE 4410–15–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–034 and 52–035; NRC–2008–0594]

Luminant Generation Company LLC; Application for the Comanche Peak Nuclear Power Plant Units 3 and 4; Notice of Order, Hearing, and Opportunity To Petition for Leave To Intervene

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) part 2, "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," 10 CFR part 50, "Domestic Licensing of Production and Utilization Facilities," and 10 CFR part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," notice is hereby given that a hearing will be held, at a time and place to be set in the future by the U.S. Nuclear Regulatory Commission (NRC, the Commission) or designated by the Atomic Safety and Licensing Board (Board). The hearing

will consider the application dated September 19, 2008, as supplemented by letters dated November 4, 5, 6, and 10, and December 18, 2008, filed by Luminant Generation Company LLC (Luminant), pursuant to subpart C of 10 CFR part 52, for a combined license (COL). The application requests approval of a COL for Comanche Peak Nuclear Power Plant, Units 3 and 4 to be located at the existing Comanche Peak Nuclear Power Plant site in Somervell County, Texas. The application was accepted for docketing on December 2, 2008 (73 FR 75141; December 10, 2008). The docket numbers established for Units 3 and 4 are 52–034 and 52–035, respectively. The Comanche Peak Nuclear Power Plant COL application incorporates by reference, the U.S. Advanced Pressurized Water Reactor (US-APWR) Design Control Document (DCD), currently under NRC staff review. By letter dated February 29, 2008, the NRC staff accepted the US-APWR DCD for docketing.

The hearing will be conducted by a Board that will be designated by the Chairman of the Atomic Safety and Licensing Board Panel or will be conducted by the Commission. Notice as to the membership of the Board will be published in the **Federal Register** at a later date. The NRC staff will complete a detailed technical review of the application and will document its findings in a safety evaluation report. The Commission will refer a copy of the application to the Advisory Committee on Reactor Safeguards (ACRS) in accordance with 10 CFR 52.87, "Referral to the ACRS," and the ACRS will report on those portions of the application that concern safety. The NRC staff will also prepare an Environmental Impact Statement, as required by 10 CFR 51.20(b)(2).

Any person whose interest may be affected by this proceeding and who desires to participate as a party to this proceeding must file a written petition for leave to intervene in accordance with 10 CFR 2.309. Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

A petition for leave to intervene must be filed no later than 60 days from the date of publication of this notice in the **Federal Register**. Non-timely filings will not be entertained absent a determination by the Commission or presiding officer designated to rule on the petition, pursuant to the requirements of 10 CFR 2.309(c)(i)–(viii).

All documents filed in NRC adjudicatory proceedings, including petitions to intervene and requests to participate as an interested government entity under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule, which was promulgated by the NRC on August 28, 2007 (72 FR 49139). The E-Filing process requires participants to submit and serve documents over the internet or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the petitioner must contact the Office of the Secretary by e-mail at HearingDocket@nrc.gov, or by calling (301) 415-1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner [or its counsel or representative] already holds an NRC-issued digital ID certificate). Each participant will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at <http://www.nrc.gov/site-help/e-submittals/install-viewer.html>. Information about applying for a digital ID certificate is available on NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/apply-certificates.html>.

Once a participant has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a filing. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. A filing is considered complete at the time the filer submits its documents through EIE. To be timely, an electronic filing must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the

General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically may seek assistance through the "Contact Us" link located on the NRC Web site at <http://www.nrc.gov/site-help/e-submittals.html> or by calling the NRC Meta-System Help Desk, which is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday. The Meta-System Help Desk can be contacted via telephone at 1-866-672-7640 or via e-mail at MSHD.resource@nrc.gov.

Participants who believe that they have a good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted and/or the contentions should be admitted based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)-(viii). To be timely, filings must be submitted no later than 11:59 p.m. Eastern Time on the due date.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at <http://>

ehd.nrc.gov/EHD_Proceeding/home.asp, unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Any person who files a motion pursuant to 10 CFR 2.323 must consult with counsel for the applicant and counsel for the NRC staff who are listed below. Counsel for the applicant is Steven P. Frantz, sfrantz@morganlewis.com, (202) 739-5460. Counsel for the NRC staff in this proceeding is James Biggins, James.Biggins@nrc.gov, (301) 415-6305.

A person who is not a party may be permitted to make a limited appearance by making an oral or written statement of his position on the issues at any session of the hearing or any pre-hearing conference within the limits and conditions fixed by the presiding officer, but may not otherwise participate in the proceeding. These limited appearance statements need not be submitted using the E-filing process.

Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland, and will be accessible electronically through the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room link at the NRC Web site <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing documents located in ADAMS should contact the NRC PDR Reference staff via telephone at 1-800-397-4209, 301-415-4737, or via e-mail to PDR.Resource@nrc.gov. The application is also available at <http://www.nrc.gov/reactors/new-reactors/col/comanche-peak.html>. The ADAMS accession number for the application cover letter is ML082680250. To search for documents in ADAMS using the Comanche Peak Nuclear Power Plant COL application docket numbers, 52-034 and 52-035, enter the terms "05200034" and "05200035" in the "Docket Number" field when using either the Web-based search (advanced search) engine or the ADAMS find tool in Citrix.

The US-AWPR DCD can be found by going to <http://www.nrc.gov/reactors/new-reactors/design-cert/apwr.html>. To search for documents in ADAMS using the docket number for the US-APWR DCD, 52-021, enter "05200021" in the ADAMS "Docket Number" field.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation

1. This order contains instructions regarding how potential parties to this proceeding may request access to documents containing sensitive unclassified information (including Sensitive Unclassified Non-Safeguards Information (SUNSI) and Safeguards Information (SGI)).

2. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party as defined in 10 CFR 2.4 who believes access to SUNSI or SGI is necessary for a response to the notice may request access to SUNSI or SGI. A "potential party" is any person who intends or may intend to participate as a party by demonstrating standing and the filing of an admissible contention under 10 CFR 2.309. Requests submitted later than 10 days will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

3. The requester shall submit a letter requesting permission to access SUNSI and/or SGI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555-0001. The expedited delivery or courier mail address for both offices is U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The e-mail address for the Office of the Secretary is HearingDocket@nrc.gov and for the Office of the General Counsel, the e-mail address is OGCmail@nrc.gov.¹ The request must include the following information:

a. A description of the licensing action with a citation to this **Federal Register** notice of hearing and opportunity to petition for leave to intervene;

b. The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in (a);

c. If the request is for SUNSI, the identity of the individual requesting access to SUNSI and the requester's need for the information in order to meaningfully participate in this adjudicatory proceeding, particularly why publicly available versions of the application would not be sufficient to provide the basis and specificity for a proffered contention;

d. If the request is for SGI, the identity of the individual requesting access to SGI and the identity of any expert, consultant or assistant who will aid the requester in evaluating the SGI, and information that shows:

(i) Why the information is indispensable to meaningful participation in this licensing proceeding; and

(ii) The technical competence (demonstrable knowledge, skill, experience, training or education) of the requester to understand and use (or evaluate) the requested information to provide the basis and specificity for a proffered contention. The technical competence of a potential party or its counsel may be shown by reliance on a qualified expert, consultant or assistant who demonstrates technical competence as well as trustworthiness and reliability, and who agrees to sign a non-disclosure affidavit and be bound by the terms of a protective order; and

e. If the request is for SGI, Form SF-85, "Questionnaire for Non-Sensitive Positions," Form FD-258 (fingerprint card), and a credit check release form completed by the individual who seeks access to SGI and each individual who will aid the requester in evaluating the SGI. For security reasons, Form SF-85 can only be submitted electronically, through a restricted-access database. To obtain online access to the form, the requester should contact the NRC's Office of Administration at (301) 492-3524.² The other completed forms must be signed in original ink, accompanied by a check or money order payable in the amount of \$191.00 to the U.S. Nuclear Regulatory Commission for each individual, and mailed to the U.S. Nuclear Regulatory Commission, Office of Administration, Security Processing

Unit, Mail Stop TWB-05 B32M, Washington, DC 20555-0012.

These forms will be used to initiate the background check, which includes fingerprinting as part of a criminal history records check. Note: copies of these forms do not need to be included with the request letter to the Office of the Secretary, but the request letter should state that the forms and fees have been submitted as described above.

4. To avoid delays in processing requests for access to SGI, all forms should be reviewed for completeness and accuracy (including legibility) before submitting them to the NRC. Incomplete packages will be returned to the sender and will not be processed.

5. Based on an evaluation of the information submitted under items 2 and 3.a through 3.d, above, the NRC staff will determine within 10 days of receipt of the written access request whether (1) there is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding, and (2) there is a legitimate need for access to SUNSI or need to know the SGI requested. For SGI, the need to know determination is made based on whether the information requested is necessary (i.e., indispensable) for the proposed recipient to proffer and litigate a specific contention in this NRC proceeding³ and whether the proposed recipient has the technical competence (demonstrable knowledge, skill, training, education, or experience) to evaluate and use the specific SGI requested in this proceeding.

6. If standing and need to know SGI are shown, the NRC staff will further determine based upon completion of the background check whether the proposed recipient is trustworthy and reliable. The NRC staff will conduct (as necessary) an inspection to confirm that the recipient's information protection systems are sufficient to protect SGI from inadvertent release or disclosure. Recipients may opt to view SGI at the NRC's facility rather than establish their own SGI protection program to meet SGI protection requirements.

7. A request for access to SUNSI or SGI will be granted if:

a. The request has demonstrated that there is a reasonable basis to believe that a potential party is likely to establish

¹ While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's "E-Filing Rule," the initial request to access SUNSI and/or SGI under these procedures should be submitted as described in this paragraph.

² The requester will be asked to provide his or her full name, social security number, date and place of birth, telephone number, and e-mail address. After providing this information, the requester usually should be able to obtain access to the online form within one business day.

³ Broad SGI requests under these procedures are thus highly unlikely to meet the standard for need to know; furthermore, staff redaction of information from requested documents before their release may be appropriate to comport with this requirement. These procedures do not authorize unrestricted disclosure or less scrutiny of a requester's need to know than ordinarily would be applied in connection with an already-admitted contention.

standing to intervene or to otherwise participate as a party in this proceeding;

b. The proposed recipient of the information has demonstrated a need for SUNSI or a need to know for SGI, and that the proposed recipient of SGI is trustworthy and reliable;

c. The proposed recipient of the information has executed a Non-Disclosure Agreement or Affidavit and agrees to be bound by the terms of a Protective Order setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI and/or SGI; and

d. The presiding officer has issued a protective order concerning the information or documents requested.⁴ Any protective order issued shall provide that the petitioner must file SUNSI or SGI contentions 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI or SGI contentions by that later deadline.

8. If the request for access to SUNSI or SGI is granted, the terms and conditions for access to sensitive unclassified information will be set forth in a draft protective order and affidavit of non-disclosure appended to a joint motion by the NRC staff, any other affected parties to this proceeding,⁵ and the petitioner(s). If the diligent efforts by the relevant parties or petitioner(s) fail to result in an agreement on the terms and conditions for a draft protective order or non-

disclosure affidavit, the relevant parties to the proceeding or the petitioner(s) should notify the presiding officer within 5 days, describing the obstacles to the agreement.

9. If the request for access to SUNSI is denied by the NRC staff or a request for access to SGI is denied by NRC staff either after a determination on standing and need to know or, later, after a determination on trustworthiness and reliability, the NRC staff shall briefly state the reasons for the denial. Before the Office of Administration makes an adverse determination regarding access, the proposed recipient must be provided an opportunity to correct or explain information. The requester may challenge the NRC staff's adverse determination with respect to access to SUNSI or with respect to standing or need to know for SGI by filing a challenge within 5 days of receipt of that determination with (a) the presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer. In the same manner, an SGI requester may challenge an adverse determination on trustworthiness and reliability by filing a challenge within 15 days of receipt of that determination.

In the same manner, a party other than the requester may challenge an NRC staff determination granting access to SUNSI whose release would harm

that party's interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of such a request.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.⁶

10. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI and/or SGI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR Part 2. Attachment 1 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

Dated at Rockville, Maryland this 30th day of January 2009.

For the Nuclear Regulatory Commission.
Annette L. Vietti-Cook,
Secretary of the Commission.

Attachment 1—General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards

Information in This Proceeding

Day	Event/activity
0	Publication of FEDERAL REGISTER notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) and/or Safeguards Information (SGI) with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding; demonstrating that access should be granted (e.g., showing technical competence for access to SGI); and, for SGI, including application fee for fingerprint/background check.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; (ii) all contentions whose formulation does not require access to SUNSI and/or SGI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).

⁴ If a presiding officer has not yet been designated, the Chief Administrative Judge will issue such orders, or will appoint a presiding officer to do so.

⁵ Parties/persons other than the requester and the NRC staff will be notified by the NRC staff of a favorable access determination (and may participate in the development of such a motion and protective

order) if it concerns SUNSI and if the party/person's interest independent of the proceeding would be harmed by the release of the information (e.g., as with proprietary information).

⁶ As of October 15, 2007, the NRC's final "E-Filing Rule" became effective. See Use of Electronic Submissions in Agency Hearings (72 FR 49139; August 28, 2007). Requesters should note that the

filing requirements of that rule apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI/SGI requests submitted to the NRC staff under these procedures.

Day	Event/activity
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requester of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows (1) need for SUNSI or (2) need to know for SGI. (For SUNSI, NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents). If NRC staff makes the finding of need to know for SGI and likelihood of standing, NRC staff begins background check (including fingerprinting for a criminal history records check), information processing (preparation of redactions or review of redacted documents), and readiness inspections.
25	If NRC staff finds no "need," "need to know," or likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
190	(Receipt +180) If NRC staff finds standing, need to know for SGI, and trustworthiness and reliability, deadline for NRC staff to file motion for Protective Order and draft Non-disclosure Affidavit (or to make a determination that the proposed recipient of SGI is not trustworthy or reliable). Note: Before the Office of Administration makes an adverse determination regarding access, the proposed recipient must be provided an opportunity to correct or explain information.
205	Deadline for petitioner to seek reversal of a final adverse NRC staff determination either before the presiding officer or another designated officer.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI and/or SGI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI and/or SGI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI or SGI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI and/or SGI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
B	Decision on contention admission.

[FR Doc. E9-2455 Filed 2-4-09; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2009-0043]

Proposed Standard Review Plan Section 9.5.1.2 on Risk-Informed, Performance-Based Fire Protection Program

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Solicitation of public comment.

SUMMARY: The NRC is requesting public comment on NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants," Section 9.5.1.2 on staff guidance on Risk-Informed (RI), Performance-Based (PB) Fire Protection Program (FPP) for Operating Nuclear Power Plants (Agencywide Documents Access and Management System (ADAMS) Accession No. ML090050052). This guidance is being issued as an alternate to the existing guidance currently provided under Standard Review Plan (SRP) section 9.5.1. This is stand alone guidance and

is provided for the benefit of licensees of existing plants who choose to adopt RI/PB FPP that meets the requirements of National Fire Protection Association (NFPA) Standard 805.

The NRC staff issues notices to facilitate timely implementation of the current staff guidance and to facilitate activities associated with the review of amendment applications for transitioning to RI/PB FPPs. The NRC staff will also incorporate the approved SRP section 9.5.1.2 into the next revisions of RG 1.205 and any related guidance documents. This proposed guidance is applicable only to currently operating nuclear reactor licensees.

Because of the introduction of the now proposed SRP section 9.5.1.2, the current SRP section 9.5.1 will be renumbered to read 9.5.1.1. This SRP is not endorsing NFPA 805, since that standard is already a part of the 10 CFR 50.48(c) rule. In addition, this SRP does not directly endorse the guidance document issued by the industry (NEI 04-02, "Guidance for Implementing a Risk-Informed, Performance-Based Fire Protection Program under 10 CFR 50.48(c)," Rev. 2) for plants transitioning to an NFPA 805 FPP. RG

1.205 provides the staff's positions with respect to NEI 04-02.

DATES: Comments must be filed no later than 60 days from the date of publication of this notice in the **Federal Register**. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Comments may be submitted to: Chief, Rulemaking, Directives, and Editing Branch, Mail Stop: TWB-05-B01M, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

The NRC maintains ADAMS, which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC Public Document Room reference staff at 1-800-397-4209, 301-415-4737, or by e-mail at pdr.resources@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Alex R. Klein, Chief, Fire Protection Branch, Division of Risk Assessment, Office of the Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone 301-415-2822 or e-mail at Alex.Klein@nrc.gov.

SUPPLEMENTARY INFORMATION: This SRP, NUREG-0800, has been prepared to establish criteria that the Office of Nuclear Reactor Regulation staff use to evaluate license amendment requests if the application meets the NRC's regulations. The SRP is not a substitute for the NRC's regulations, and compliance with it is not required. However, applicants are required to identify differences in design features, analytical techniques, and procedural measures proposed for a facility and corresponding SRP acceptance criteria, and evaluate how the proposed alternatives to the acceptance criteria provide an acceptable method of complying with the NRC's regulations.

Title 10 of the Code of Federal Regulations, Section 50.48, "Fire protection" (10 CFR 50.48) provides the NRC requirements for fire protection for nuclear power plants (NPPs). Under 10 CFR 50.48(c), a licensee of an existing plant may choose to adopt a RI/PB FPP that meets the requirements of NFPA 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants," 2001 edition, as incorporated therein, as an alternative to meeting the requirements of 10 CFR 50.48(b) for plants licensed to operate before January 1, 1979, or the approved FPP for existing plants licensed to operate after January 1, 1979. The agency posts its issued staff guidance in the agency external Web page (<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/ch9/>).

The NRC staff is issuing this notice to solicit public comments on the proposed SRP Section 9.5.1.2 and is being issued for the first time. After the NRC staff considers any public comments, it will make a determination regarding the proposed SRP Section 9.5.1.2.

Dated at Rockville, Maryland, this 29th day of January 2009.

For the Nuclear Regulatory Commission.

William D. Reckley,

Chief, Rulemaking and Guidance Development Branch, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. E9-2456 Filed 2-4-09; 8:45 am]

BILLING CODE 7590-01-P

POSTAL SERVICE

International Product Change— International Business Reply Service Contracts

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: Postal Service gives notice of filing a request with the Postal Regulatory Commission to add International Business Reply Service Contracts to the Competitive Products List pursuant to 39 U.S.C. 3642.

DATES: February 5, 2009.

FOR FURTHER INFORMATION CONTACT: Margaret M. Falwell, 703-292-3576.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that it has filed with the Postal Regulatory Commission a Request of United States Postal Service To Add International Business Reply Service Contracts to the Competitive Products List, and Notice of Filing Contract (Under Seal) Contract and Enabling Governors' Decision. Documents are available at <http://www.prc.gov>, Docket Nos. MC2009-14 and CP2009-20.

Neva R. Watson,

Attorney, Legislative.

[FR Doc. E9-2420 Filed 2-4-09; 8:45 am]

BILLING CODE 7710-12-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-28610]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

January 30, 2009.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of December, 2008. A copy of each application may be obtained for a fee at the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549-1520 (tel. 202-551-5850). An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on February 24, 2009, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature

of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus at (202) 551-6810, SEC, Division of Investment Management, Office of Investment Company Regulation, 100 F Street, NE., Washington, DC 20549-4041.

The Shepherd Street Funds, Inc.

[File No. 811-8883]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On September 19, 2008, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of \$14,179 incurred in connection with the liquidation were paid by Salem Investment Counselors, Inc., applicant's investment adviser.

Filing Date: The application was filed on December 5, 2008.

Applicant's Address: Salem Investment Counselors, Inc., 480 Shepherd St., Winston-Salem, NC 27103.

Cohen & Steers VIF Realty Fund, Inc.

[File No. 811-21669]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On April 30, 2008, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of \$8,200 incurred in connection with the liquidation were paid by applicant.

Filing Date: The application was filed on December 4, 2008.

Applicant's Address: 280 Park Ave., 10th Floor, New York, NY 10017.

Putnam California Investment Grade Municipal Trust

[File No. 811-7276]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant's preferred shareholders received their liquidation preference and accrued and unpaid dividends up to March 23, 2007. On April 13, 2007, applicant made a final liquidating distribution to its shareholders, based on net asset value. Expenses of approximately \$30,089 incurred in connection with the liquidation were paid by applicant.

Filing Date: The application was filed on December 23, 2008.

Applicant's Address: One Post Office Sq., Boston, MA 02109.

Realty Funds, Inc.

[File No. 811-22052]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On July 31, 2008, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of \$18,200 incurred in connection with the liquidation were paid by XShares Advisors LLC, applicant's investment adviser.

Filing Date: The application was filed on December 10, 2008.

Applicant's Address: 420 Lexington Ave., Suite 2550, New York, NY 10170.

Metropolitan Series Fund II

[File No. 811-21420]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On June 20, 2008, applicant made a liquidating distribution of its shareholders, based on net asset value. Applicant's investment adviser, MetLife Advisers, LLC, has agreed to pay the expenses incurred in connection with the liquidation.

Filing Date: The application was filed on December 10, 2008.

Applicant's Address: 501 Boylston St., Boston, MA 02116.

BlackRock Senior Income Trust

[File No. 811-9239]

BlackRock New Jersey Strategic Municipal Trust

[File No. 811-9415]

BlackRock Floating Rate and Inflation Protected Securities Trust

[File No. 811-21602]

BlackRock Global Plus Investment Trust

[File No. 811-21646]

Summary: Each applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicants have never made a public offering of their securities and do not propose to make a public offering or engage in business of any kind.

Filing Date: The applications were filed on January 7, 2009.

Applicants' Address: 100 Bellevue Parkway, Wilmington, DE 19809.

Dividend Capital Global Real Estate Fund of Funds, L.P.

[File No. 811-22074]

Summary: Applicant, a closed-end investment company, seeks an order

declaring that it has ceased to be an investment company. On December 30, 2008, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of approximately \$7,500 incurred in connection with the liquidation were paid by Black Creek FOF Advisor LLC, applicant's investment adviser.

Filing Date: The application was filed on December 31, 2008.

Applicant's Address: 518 17th St., 17th Floor, Denver, CO 80202.

Bear Stearns Active ETF Trust

[File No. 811-22038]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On December 4, 2008, applicant made a final liquidating distribution to its shareholders, based on net asset value. Expenses of \$85,000 incurred in connection with the liquidation were paid by Bear Stearns Asset Management, Inc., applicant's investment adviser. Applicant also may incur a tax liability of \$2,000, which Bear Stearns Asset Management, Inc. has agreed to pay.

Filing Date: The application was filed on December 23, 2008.

Applicant's Address: 237 Park Ave., New York, NY 10017.

The American Heritage Fund, Inc.

[File No. 811-601]

American Heritage Growth Fund, Inc.

[File No. 811-8386]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. On December 4, 2008, each applicant made a final liquidating distribution to its shareholders, based on net asset value. Expenses of \$24,081 and \$11,124, respectively, incurred in connection with the liquidations were paid by each applicant.

Filing Dates: The applications were filed on September 11, 2008, and amended on January 16, 2009.

Applicants' Address: 370 Lexington Ave., 27th Floor, New York, NY 10017.

Eaton Vance Tax-Managed International Diversified Equity Income Fund

[File No. 811-22028]

Eaton Vance Credit Opportunities Fund II

[File No. 811-22109]

Summary: Each applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicants have never made a public offering of their securities and do not propose to

make a public offering or engage in business of any kind.

Filing Date: The applications were filed on November 19, 2008.

Applicants' Address: The Eaton Vance Building, 255 State St., Boston, MA 02109.

Separate Account VL A/IA

[File No. 811-09046]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant requests deregistration based on abandonment of registration. Applicant is not now engaged, or intending to engage, in any business activities other than those necessary for winding up its affairs.

Filing Dates: The application was filed on November 20, 2008, and amended on January 16, 2009.

Applicant's Address: 4333 Edgewood Road NE, Cedar Rapids, IA 52499-0001.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9-2430 Filed 2-4-09; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-59323; File No. SR-BX-2009-002]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt a Policy Relating to Its Treatment of Trade Reports That It Determines To Be Inconsistent With the Prevailing Market

January 30, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on January 14, 2009, NASDAQ OMX BX, Inc. (the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as eligible for immediate effectiveness pursuant to Exchange Act Rule 19b-4(f)(6). The Commission is publishing this notice and order to solicit comments on the

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt a policy relating to its treatment of trade reports that it determines to be inconsistent with the prevailing market and for this policy to be in effect concurrent with the launch of cash equities trading by NASDAQ OMX BX, Inc. The Exchange does not expect that the proposed rule change will have any direct effect, or significant indirect effect, on any other Exchange rule in effect at the time of this filing.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified in Item III below, and is set forth in Sections A, B, and C below.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Trades in listed securities occasionally occur at prices that deviate from prevailing market prices and those trades sometimes establish a high, low or last sale price for a security that does not reflect the true market for the security. This filing, which is substantially similar to the New York Stock Exchange’s (“NYSE”) and The NASDAQ Stock Market LLC’s (“Nasdaq”) recent filings, seek to address such instances of “aberrant” trades.³

The Exchange proposes that its policy in this regard shall be to contact the listing exchange (if the Exchange is not the listing exchange) and other markets (in the case of executions that take place across multiple markets) to determine if any erroneous trade reports were filed. If not, or in the case of non-unlisted trading privilege trades, if the Exchange

determines the trade price is inconsistent with the prevailing market for the security after considering the factors outlined herein, the Exchange may make the determination to append an indicator (an “Aberrant Report Indicator”) to the trade.

The Exchange will not initially list stocks on its own market, but will trade on an unlisted trading privilege (“UTP”) basis securities listed on other markets. Nasdaq operates the securities information processor (“SIP”), which processes trade and quote information for the Nasdaq UTP Plan (“Nasdaq SIP”). The Securities Industry Automation Corporation (“SIAC”) serves as the securities information processor for the CTA Plan and processes trade and quote information. The Nasdaq SIP and the Consolidated Tape Association (“CTA”) offer each participant in the Nasdaq SIP and CTA Plan the discretion to append to the Aberrant Report Indicator to a trade report to indicate that the market believes that the trade price in a trade executed on that market does not accurately reflect the prevailing market for the security.⁴

During the course of surveillance by the Exchange or as a result of notification by another market, listed company or market participant, the Exchange may become aware of trade prices that do not accurately reflect the prevailing market for a security. In such a case, the Exchange proposes to adopt as policies that it:

- i. May determine to append an Aberrant Report Indicator to any trade report with respect to any trade executed on the Exchange that the Exchange determines to be inconsistent with the prevailing market; and
- ii. Shall discourage vendors and other data recipients from using prices to which the Exchange has appended the Aberrant Report Indicator in any calculation of the high, low or last sale price of a security.

The Exchange will urge vendors to disclose the exclusion from high, low or last sale price data of any trades with an Aberrant Report Indicator and exclude them from high, low or last sale price information they disseminate and to provide to data users an explanation of the parameters used in the Exchange’s aberrant trade policy.

While SIAC, on behalf of the CTA Plan, and the Nasdaq SIP, on behalf of the Nasdaq UTP Plan, disseminate their own calculations of high, low and last

sale prices, vendors and other data recipients—and not the Exchange—frequently determine their own methodology by which they wish to calculate high, low and last sale prices. Therefore, the Exchange shall endeavor to explain to those vendors and other data recipients the deleterious effects that can result from including in the calculations a trade to which the Aberrant Report Indicator has been appended.

In making the determination to append the Aberrant Report Indicator, the Exchange shall consider all factors related to a trade, including, but not limited to, the following:

- Material news released for the security;
- Suspicious trading activity;
- System malfunctions or disruptions;
- Locked or crossed markets;
- A recent trading halt or resumption of trading in the security;
- Whether the security is in its initial public offering;
- Volume and volatility for the security;
- Whether the trade price represents a 52-week high or low for the security;
- Whether the trade price deviates significantly from recent trading patterns in the security;
- Whether the trade price reflects a stock-split, reorganization or other corporate action;
- The validity of consolidated tape trades and quotes in comparison to national best bids and offers; and
- The general volatility of market conditions.

In determining whether trade prices are inconsistent with the prevailing market, the Exchange proposes that its policy shall be to follow the following general guidelines: The Exchange will review whether a trade price does not reflect the prevailing market for a security if the trade occurs during regular trading hours (*i.e.*, 9:30 a.m. to 4 p.m.) and occurs at a price that deviates from the “Reference Price” by an amount that meets or exceeds the following thresholds:

Trade price	Numerical threshold (percent)
Between \$0 and \$15.00	7
Between \$15.01 and \$50.00	5
In excess of \$50.00	3

The “Reference Price” refers to (a) if the primary market for the security is open at the time of the trade, the national best bid or offer for the security, or (b) if the primary market for the security is not open at the time of

³ See Securities Exchange Act Release No. 58736 (October 6, 2008), 73 FR 60380 (October 10, 2008) (SR-NYSE-2008-91). See Securities Exchange Act Release No. 59151 (December 23, 2008), 74 FR 158 (January 2, 2009) (SR-NASDAQ-2008-100). The Exchange notes that these proposed policies relating to the Exchange’s treatment of trade reports that it determines to be inconsistent with the prevailing market are substantially similar to the NYSE’s and Nasdaq’s proposed policies.

⁴ The CTA recommends that data recipients should exclude the price of any trade to which the Aberrant Report Indicator has been appended from any calculation of the high, low and last sale prices for the security.

the trade, the first executable quote or print for the security on the primary market after execution of the trade in question. However, if the circumstances suggest that a different Reference Price would be more appropriate, the Exchange will use the different Reference Price. For instance, if the national best bid and offer for the security are so wide apart as to fail to reflect the market for the security, the Exchange might use as the Reference Price a trade price or best bid or offer that was available prior to the trade in question.

If the Exchange determines that a trade price does not reflect the prevailing market for a security and the trade represented the last sale of the security on the Exchange during a trading session, the Exchange may also determine to remove that trade's designation as the last sale and the preceding last sale eligible trade would become the new last sale. The Exchange may do so either on the day of the trade or at a later date, so as to provide reasonable time for the Exchange to conduct due diligence regarding the trade, including the consideration of input from markets and other market participants.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act,⁵ in general, and Section 6(b)(5) of the Act,⁶ in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

In particular, the Aberrant Report Indicator is consistent with the protection of investors and the public interest in that the Exchange will seek to ensure a proper understanding of the Aberrant Report Indicator among securities market participants by: (i) Urging vendors to disclose the exclusion from high, low or last sale price data of any aberrant trades excluded from high, low or last sale price information they disseminate and to provide to data users an explanation of the parameters used in the Exchange's aberrant trade policy; (ii) if the Exchange determines to list securities in the future, informing the affected listed company each time the

Exchange or another market appends the Aberrant Report Indicator to a trade in an Exchange-listed stock; and (iii) reminding the users of the information that these are still valid trades in that they were executed and not unwound as in the case of a clearly erroneous trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A) of the Act⁷ and Rule 19b-4(f)(6) thereunder,⁸ the Exchange has designated this proposal as one that effects a change that: (A) Does not significantly affect the protection of investors or the public interest; (B) does not impose any significant burden on competition; and (C) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.

A proposed rule change filed under 19b-4(f)(6) normally may not become operative for 30 days after the date of filing.⁹ However, Rule 19b-4(f)(6)(iii)¹⁰ permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay and designate the proposed rule change to become operative upon filing.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposal is substantially similar to a proposal previously

approved by the Commission.¹¹ The Commission believes that the Exchange's proposal to append an Aberrant Report Indicator to certain trade reports is a reasonable means to alert investors and others that the Exchange believes that the trade price for a trade executed in its market does not accurately reflect the prevailing market for the security. In addition, the Commission notes that the Exchange will use objective numerical thresholds in determining whether a trade report is eligible to have an Aberrant Trade Indicator appended to it. The Commission further notes that the Exchange's appending the Aberrant Trade Indicator to a trade report has no effect on the validity of the underlying trade. Finally, waiving the 30-day operative delay will allow the Exchange to apply the proposed change to aberrant trades immediately.¹² Based on the above, the Commission designates the proposal to become operative upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-BX-2009-002 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

¹¹ See Securities Exchange Act Release No. 58736 (October 6, 2008), 73 FR 60380 (October 10, 2008) (SR-NYSE-2008-91). See also Securities Exchange Act Release No. 59151 (December 23, 2008), 74 FR 158 (January 2, 2009) (SR-NASDAQ-2008-100).

¹² For purposes only of waiving the 30-day operative delay, the Commission has considered the impact of the proposed rule on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

⁷ 15 U.S.C. 78s(b)(3)(A).

⁸ 17 CFR 240.19b-4(f)(6).

⁹ 17 CFR 240.19b-4(f)(6)(iii). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁰ *Id.*

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(5).

All submissions should refer to File Number SR-BX-2009-002. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-BX-2009-002 and should be submitted on or before February 26, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9-2428 Filed 2-4-09; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-59318; File No. SR-NASDAQ-2009-003]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Modify Nasdaq's Listing Requirements Related to the Distribution of Annual Reports

January 29, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on January 15, 2009, The NASDAQ Stock Market

LLC ("Nasdaq") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by Nasdaq. Nasdaq has designated the proposed rule change as effecting a change described under Rule 19b-4(f)(6) under the Act,³ which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to modify Rules 4350(b)(1)(A) and 4360(b)(1), which relate to the distribution of a listed issuer's annual report.

The text of the proposed rule change is below. Proposed new language is italicized; proposed deletions are in brackets.⁴

4350. Qualitative Listing Requirements for Nasdaq Issuers Except for Limited Partnerships

(a) No change.

(b) Distribution of Annual and Interim Reports

(1)(A) Each issuer shall make available to shareholders of such securities an annual report containing audited financial statements of the company and its subsidiaries, which, for example, may be on Form 10-K, 20-F, 40-F or N-CSR. An issuer may comply with this requirement either:

(i) By mailing the report to shareholders[.]; or

(ii) *By satisfying the requirements for furnishing an annual report contained in Exchange Act Rule 14a-16; or*

(iii) by posting the annual report to shareholders on or through the company's Web site (or, in the case of an issuer that is an investment company that does not maintain its own Web site, on a website that the issuer is allowed to use to satisfy the Web site posting requirement in Exchange Act Rule 16a-3(k)), along with a prominent undertaking in the English language to provide shareholders, upon request, a hard copy of the company's annual report free of charge. An issuer that chooses to satisfy this requirement [via a Web site posting] *pursuant to this paragraph (iii)* must, simultaneous with this posting, issue a press release stating that its annual report has been filed

with the Commission (or other appropriate regulatory authority). This press release must also state that the annual report is available on the company's Web site and include the Web site address and that shareholders may receive a hard copy free of charge upon request. An issuer must provide such hard copies within a reasonable period of time following the request.

(B) No change.

(2)-(4) No change.

(c)-(n) No change.

* * * * *

4360. Qualitative Listing Requirements for Nasdaq Issuers That Are Limited Partnerships

(a) No change.

(b) Distribution of Annual and Interim Reports

(1) Each issuer that is a limited partnership shall distribute to limited partners copies of an annual report containing audited financial statements of the limited partnership. The report shall be distributed to limited partners within a reasonable period of time after the end of the limited partnership's fiscal year end and shall be filed with Nasdaq at the time it is distributed to limited partners. *A limited partnership may comply with this requirement either:*

(A) *By mailing the report to the limited partners; or*

(B) *By satisfying the requirements for furnishing an annual report contained in Exchange Act Rule 14a-16; or*

(C) *By posting the annual report on or through the limited partnership's Web site, along with a prominent undertaking in the English language to provide limited partners, upon request, a hard copy of the partnership's annual report free of charge. A limited partnership that chooses to satisfy this requirement pursuant to this paragraph (C) must, simultaneous with this posting, issue a press release stating that its annual report has been filed with the Commission (or other appropriate regulatory authority). This press release must also state that the annual report is available on the limited partnership's Web site and include the Web site address and that limited partners may receive a hard copy free of charge upon request. A limited partnership must provide such hard copies within a reasonable period of time following the request.*

(2) No change.

(c)-(m) No change.

* * * * *

¹³ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 17 CFR 240.19b-4(f)(6).

⁴ Changes are marked to the rule text that appears in the electronic manual of Nasdaq found at <http://nasdaqomx.cchwallstreet.com>.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq is proposing to modify Rule 4350(b)(1)(A), which relates to the distribution of a company's annual report. At present, the Rule requires that a company either: (i) Distribute a physical copy of its annual report to shareholders, or (ii) issue a press release announcing the filing of its annual report and the availability of that report on the company's Web site or upon request. Nasdaq proposes to maintain these two alternatives, but proposes to also allow a company to satisfy this requirement by following the requirements related to "Internet Availability of Proxy Materials" contained in the Commission's Rule 14a-16.⁵ Nasdaq believes that accepting compliance with the comparable Commission requirement to furnish an annual report will ease the compliance burden on companies while continuing to assure that this information is available to shareholders. In addition, Nasdaq believes that maintaining the requirement to issue a press release when relying on the existing alternative will allow companies that are not subject to the Commission's proxy rules to continue to take advantage of technology to satisfy the requirement to distribute their annual report.

Nasdaq is also proposing to modify Rule 4360(b)(1) to add the manner in which a limited partnership may satisfy the requirement to deliver an annual report. Presently, this rule is silent as to how the requirement can be satisfied, but Nasdaq believes that limited partnerships can comply in the same manner as described in Rule 4350(b)(1)(A). As such, the addition would clarify that a limited partnerships [sic] must satisfy the requirement in the same way as other listed issuers,

although Rule 4360(b)(1) would have non-substantive differences from Rule 4350(b)(1) to reflect its applicability to partnerships (instead of corporations), which are held by limited partners (instead of shareholders). Nasdaq notes that pursuant to Rule 4360(e), a limited partnership is only required to hold annual meetings if required by statute or regulation in the state in which the limited partnership is formed or doing business or by the terms of the partnership's limited partnership agreement. As such, limited partnerships frequently will not hold meetings or solicit proxies, and therefore would not be subject to the Commission's proxy rules, but could still satisfy the requirement to deliver the annual report through the alternatives described in the proposed rule.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,⁶ in general and with Sections 6(b)(5) of the Act,⁷ in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The proposed rule change is designed to facilitate compliance with Nasdaq rules by aligning Nasdaq's disclosure requirements with those of the Commission.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act⁸ and Rule 19b-4(f)(6) thereunder.⁹

A proposed rule change filed pursuant to Rule 19b-4(f)(6) under the Act¹⁰ normally does not become operative for 30 days after the date of its filing. However, Rule 19b-4(f)(6)(iii)¹¹ permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. In making this determination, the Commission notes that the NYSE recently adopted a substantially similar listing requirement governing the distribution of annual reports,¹² and the Commission believes that the Nasdaq's proposed rule change raises no new regulatory issues. The Commission also notes that the NYSE's proposal was subject to full notice and comment, and the Commission received no comments on the NYSE's rule proposal. In addition, the Commission believes that waiving the 30-day operative delay will immediately give issuers that have just filed, or are about to file, their annual reports with the Commission the option to comply with Nasdaq's distribution of annual reports requirement by satisfying the requirements for furnishing an annual report contained in Rule 14a-16 under the Act. The Commission also believes that it is consistent with the

⁸ 15 U.S.C. 78s(b)(3)(A).

⁹ 17 CFR 240.19b-4(f)(6). Pursuant to Rule 19b-4(f)(6)(iii) under the Act, the Exchange is required to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁰ 17 CFR 240.19b-4(f)(6).

¹¹ 17 CFR 240.19b-4(f)(6)(iii).

¹² See Securities Exchange Act Release No. 59123 (December 19, 2008), 73 FR 7991 (December 30, 2008) (SR-NYSE-2008-128).

⁶ 15 U.S.C. 78f.

⁷ 15 U.S.C. 78f(b)(5).

⁵ 17 CFR 240.14a-16.

protection of investors and the public interest to allow limited partnerships to distribute annual reports to their limited partners under the same terms and conditions as Nasdaq's other listed operating companies. The Commission believes that waiving the 30-day operative delay for limited partnerships will also allow these partnerships who have just filed, or are about to file, their annual reports with the Commission, to immediately take advantage of the same means of distribution under Nasdaq rules that are available for any other operating company. For these reasons, the Commission designates that the proposed rule change become operative immediately upon filing.¹³

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-NASDAQ-2009-003 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NASDAQ-2009-003. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements

with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NASDAQ-2009-003 and should be submitted on or before February 26, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9-2427 Filed 2-4-09; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-59327; File No. SR-NYSE-2009-09]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Implementing an Equity Transaction Fee for Shares Executed on or Through the New York Block Exchange Effective Upon Filing With the Commission

January 30, 2009.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (the "Act")² and Rule 19b-4 thereunder,³ notice is hereby given that, on January 28, 2009, New York Stock Exchange LLC ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to implement an equity transaction fee effective January 29, 2009, for shares executed on the New York Block ExchangeSM ("NYBX" or the "Facility").⁴ The Exchange will charge each Member Organization \$.0025 per share executed on the NYBX.

The text of the proposed rule change is available at <http://www.nyse.com>, the Exchange, and the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to implement an equity transaction fee for executions on or through the New York Block Exchange system with effect from the scheduled launch date of January 29, 2009. The NYBX will be an electronic facility of the Exchange to provide for the continuous matching and execution of securities listed on the NYSE of all non-displayed orders with the aggregate of all displayed and non-displayed orders of the NYSE Display Book[®] ("Display Book" or "DBK") while also considering protected quotations of all automated trading centers ("away markets"). The proposed transactional fee of \$.0025 per executed share will be charged to both the buyer(s) and seller(s) of the executed shares. The fee will be charged for all executions of NYBX orders, including those NYBX executions that take place in the DBK or

¹³ For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

¹⁴ 17 CFR 200.30-3(a)(12).

¹⁵ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ See Securities Exchange Act Release No. 59281 (January 22, 2008) 74 FR 5014 (January 28, 2009) (SR-NYSE-2008-120) and Securities Exchange Act Release No. 59282 (January 22, 2009), 74 FR 5009 (January 28, 2009) (SR-NYSE-2008-119).

in away markets. Only NYSE members, member organizations and sponsoring member organizations will be charged this transaction fee. Transaction fees for executions of orders entered by sponsored participants will be charged to the sponsoring member organization.

The following example will demonstrate how the proposed NYBX transactional fee will be charged:

Example No 1:

User A enters a buy order into NYBX for 10,000 shares of XYZ security. User B enters a sell order into NYBX for 10,000 shares of XYZ security. User A's buy order for 10,000 shares of XYZ security and User B's sell order for 10,000 shares of XYZ security execute in or through NYBX. User A is charged \$.0025 per executed share (10,000 shares \times \$.0025 = \$25.00). User B is also charged \$.0025 per executed share (10,000 shares \times \$.0025 = \$25.00).

NYBX Executions in the DBK or in Away Markets:

The NYBX transactional fee will be charged for all executions of all orders entered into the NYBX facility, whether such executions take place in the NYBX facility, the DBK or in away markets. Therefore, in the example above, if the execution of 10,000 shares of XYZ security takes place within the NYBX facility, Users A and B would each be charged \$.0025 per executed share (10,000 shares \times \$.0025 = \$25.00). However, if Users A and B's NYBX orders are routed to the DBK for execution, and the execution of the orders take place in the DBK, Users A and B would each be charged \$.0025 per executed share (10,000 shares \times \$.0025 = \$25.00). Similarly, if Users A and B's NYBX orders are routed to away markets pursuant to Rule 611 of Regulation NMS, and the execution of the orders take place on the away markets, Users A and B would each be charged \$.0025 per executed share (10,000 shares \times \$.0025 = \$25.00). Therefore, Users A and B will not pay any additional transactional fee for the execution of NYBX orders to the extent that an NYBX order or a portion thereof may be executed in the DBK or in the away markets.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6⁵ of the Securities Exchange Act of 1934 (the "Act")⁶ in general and Section 6(b)(4) of the Act⁷ in particular, in that it provides for the equitable allocation of reasonable

dues, fees and other charges among its members and other persons using its facilities. Specifically, the proposed transaction fee is reasonable in light of the costs incurred by the Exchange for the operation of the NYBX system. Further, the NYBX fee is consistent with some exchanges' fees and lower than other exchanges' fees for removal of liquidity. For example, the BATS Exchange, Inc. fee for removal of liquidity is \$.0025 per execution,⁸ while the Nasdaq⁹ and International Securities Exchange ("ISE")¹⁰ fee is \$.0030, NYSE Arca is \$.0029¹¹ and Direct Edge is \$.0026.¹² Additionally, the transaction fee is equitable as the fee is applied to all users of the NYBX system equally.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)¹³ of the Act and subparagraph (f)(2) of Rule 19b-4¹⁴ thereunder, because it establishes a due, fee, or other charge imposed by NYSE. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-NYSE-2009-09 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSE-2009-09. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSE-2009-09 and should be submitted on or before February 26, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁵

Florence E. Harmon,
Deputy Secretary.

[FR Doc. E9-2429 Filed 2-4-09; 8:45 am]

BILLING CODE 8011-01-P

⁵ 15 U.S.C. 78f.

⁶ 15 U.S.C. 78a.

⁷ 15 U.S.C. 78f(b)(4).

⁸ See the BATS Exchange, Inc. Price List for 2009.

⁹ See the Nasdaq Price List for 2009.

¹⁰ See the International Securities Exchange Price List for 2009.

¹¹ See the NYSE Arca Price List for 2009.

¹² See the Direct Edge Price List for 2009.

¹³ 15 U.S.C. 78s(b)(3)(A).

¹⁴ 17 CFR 240.19b-4(f)(2).

¹⁵ 17 CFR 200.30-3(a)(12).

DEPARTMENT OF STATE

[Public Notice 6510]

Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: International Sports Programming Initiative

Announcement Type: New Grant.
Funding Opportunity Number: ECA/
PE/C/SU-09-28.

Catalog of Federal Domestic Assistance Number: 00.000.

Key Dates:

Application Deadline: March 23, 2009.

Executive Summary: The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs announces an open competition for the International Sports Programming Initiative. Public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3) may submit proposals for projects designed to reach out to youth and promote mutual understanding by increasing the professional capacity of those who design and manage youth sports programs in select countries in Africa, East Asia, the Near East and North Africa, South Central Asia, Europe, and the Western Hemisphere. The focus of all programs must be on reaching out to both male and female youth ages 8–18 and/or their coaches. Programs designed to train elite athletes or coaches will not be considered. For the purposes of this competition, eligible regions are Africa, Europe, East Asia, the Near East and North Africa, South and Central Asia and the Western Hemisphere. Eligible countries in each region are: Africa: Kenya, South Africa, Nigeria, Uganda, Ghana, Namibia, Senegal, and Mali; East Asia: China, Indonesia, Malaysia, Singapore, Philippines, Thailand and Vietnam; Near East and North Africa: Morocco, Tunisia, Libya, Egypt, Kuwait, Bahrain, Qatar, Saudi Arabia, and Oman; South and Central Asia: Kazakhstan, Tajikistan, Turkmenistan, Kyrgyzstan, India, Nepal, Sri Lanka, Maldives, and Bangladesh; Europe: Turkey and Armenia; and the Western Hemisphere: El Salvador, Panama, Honduras, Jamaica, Dominican Republic, Trinidad and Tobago, and Brazil.

Proposals may address multiple countries but they must be from the same region. Proposals for countries that are not designated in the RFGP or that address more than one region will be deemed technically ineligible and will receive no further consideration in the review process.

I. Funding Opportunity Description

Authority: Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is “to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.” The funding authority for the program above is provided through legislation.

Purpose: Overview: The Office of Citizen Exchanges welcomes proposals for two-way exchanges (one component in the United States and the other in the chosen country) that directly respond to the following thematic areas. Given budgetary limitations, projects for themes not listed below will not be eligible for consideration under the FY–2009 International Sports Program Initiative Competition, and if received will be deemed technically ineligible and will receive no further consideration in the review process.

Themes:

(1) Training Sports Coaches

The World Summit on Physical Education (Berlin, 1999) stated that a “quality physical education helps children to develop the patterns of interest in physical activity, which are essential for healthy development and which lay the foundation for healthy, adult lifestyles.” Coaches are critical to the accomplishment of this goal. A coach not only needs to be qualified to provide the technical assistance required by young athletes to improve, but must also understand how to help a young person to discover how success in athletics can be translated into achievement in the development of life skills and in the classroom.

Through seminars and outreach, projects submitted in response to this theme will aim at aiding youth and secondary school coaches in the target countries in the development and implementation of appropriate training methodologies. The goal is to ensure the optimal technical proficiency among the coaches participating in the program while also emphasizing the role sports

can play in the long-term economic well-being of youth.

(2) Youth Sports Management Exchange

Exchanges funded under this theme will enable American and foreign youth sport coaches, adult sponsors, and sport association officials to share their experience in managing and organizing youth sports activities, particularly in financially challenging circumstances, and will advance cross-cultural understanding of the role of sports as a significant factor in educational success. The pursuit of academic degrees from U.S. institutions is not an acceptable focus of this program, and applications that propose this will not be considered.

(3) Youth With Disabilities

Exchanges supported by this theme are designed to promote and sponsor sports, recreation, fitness, and leisure events for children and adults with physical disabilities. Project goals include improving the quality of life for people with disabilities by providing affordable, inclusive sports and recreational experiences that build self-esteem and confidence, enhancing active participation in community life and making a significant contribution to the physical and psychological health of people with disabilities. Proposals under this theme aim to demonstrate that physically disabled individuals can be included in sports and recreation opportunities in their communities, and will develop opportunities for them to do so.

(4) Sports and Health

Projects funded under this category will focus on effective and practical ways to use sports personalities and sports health professionals to increase awareness among young people of the importance of following a healthy lifestyle to reduce illness, prevent injuries and speed rehabilitation and recovery. Emphasis will be on the responsibility of the broader community to support healthy behavior. The project goals are to promote and integrate scientific research, education, and practical applications of sports medicine and exercise science to maintain and enhance physical performance, fitness, health, and quality of life. (Actual medical training and dispensing of medications are outside the purview of this theme.)

No guarantee is made or implied that grants will be awarded in all themes or for all countries listed.

Audience: The intended audience is non-elite youth, coaches, community leaders and representatives from

government and non-governmental organizations.

Ideal Program Model: The following are suggested program structures:

- A U.S. grantee identifies U.S. citizens to conduct a multi-location, in-country program overseas that includes clinics and training sessions for: Male and female athletes; government officials (Ministry of Sports and Ministry of Education); coaches (adult and youth); NGO representatives (including representatives from relevant sports federations); community officials (including local authorities associated with recreational facilities); youth audiences (equal numbers of boys and girls); elected local government officials; and sports management professionals to support one of the themes listed.

- An in-country partner overseas (a local university, government agency or other appropriate organization, such as a relevant sports federation) co-hosts an activity with the U.S. grantee institution, and participates in the selection of participants for a U.S. program.

- A U.S. program that includes site visits designed to provide participants with exposure to American youth and coaches, sports education in the United States, background information on U.S. approaches to the themes listed in the announcement, relevant cultural activities, and a debriefing and evaluation.

- U.S. experts who worked with participants from overseas implement an in-country program.

- Participants in the U.S. program design in-country projects and serve as co-presenters.

- Materials are translated into the relevant language for use in future projects.

- Small grants are dispersed for projects designed to expand the exchange experience.

- All participants are encouraged to enroll in the Bureau of Education and Cultural Affairs' alumni Web site.

U.S. Embassy Involvement: Before submitting a proposal, all applicants are strongly encouraged to consult with the Washington, DC-based State Department contact for the themes/regions listed in this solicitation. Applicants are also strongly encouraged to consult with Public Affairs Officers at U.S. Embassies in relevant countries as they develop proposals responding to this RFGP. It is important that the proposal narrative clearly state the applicant's commitment to consult closely with the Public Affairs Section of the U.S. Embassy in the relevant country/countries to develop plans for project implementation, to select project

participants, and to publicize the program through the media. Proposals should acknowledge U.S. Embassy involvement in the final selection of all participants.

Media: Proposals should include specific strategies for publicizing the project, both in the United States and overseas, as applicable. Sample materials can be included in the appendix.

Participant Selection: Proposals should clearly describe the types of persons that will participate in the program, as well as the participant recruitment and selection processes. It is a priority of the office to include female participants in all of its programs. In the selection of foreign participants, the Bureau and U.S. embassies retain the right to review all participant nominations and to accept or refuse participants recommended by grantee institutions. When U.S. participants are selected, grantee institutions must provide their names and brief biographical data to the Office of Citizen Exchanges. Priority in two-way exchange proposals will be given to foreign participants who have not previously traveled to the United States.

II. Award Information

Type of Award: Grant Agreement.

Fiscal Year Funds: 2009.

Approximate Total Funding:
\$1,500,000.

Approximate Number of Awards: 6–8.
Approximate Average Award:
\$225,000.

Ceiling of Award Range: \$225,000.

Floor of Award Range: \$60,000.

Anticipated Award Date: Pending availability of funds, August 31, 2009.

Anticipated Project Completion Date: September 30 2010–June 30 2011.

Projects under this competition may range in length from one to three years depending on the number of project components, the country/region targeted and the extent of the evaluation plan proposed by the applicant. The Office of Citizen Exchanges strongly encourages applicant organizations to plan enough time after project activities to measure project outcomes. Please refer to the Program Monitoring and Evaluation section, item IV.3d.3 below, for further guidance on evaluation.

III. Eligibility Information

III.1. Eligible applicants: Applications may be submitted by public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3).

III.2. Cost Sharing or Matching Funds: There is no minimum or maximum

percentage required for this competition. However, the Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

When cost sharing is offered, it is understood and agreed that the applicant must provide the amount of cost sharing as stipulated in its proposal and later included in an approved agreement. Cost sharing may be in the form of allowable direct or indirect costs. For accountability, you must maintain written records to support all costs which are claimed as your contribution, as well as costs to be paid by the Federal Government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A-110, (Revised), Subpart C.23—Cost Sharing and Matching. In the event you do not provide the minimum amount of cost sharing as stipulated in the approved budget, ECA's contribution will be reduced in like proportion.

III.3. Other Eligibility Requirements:

(a) Grants awarded to eligible organizations with less than four years of experience in conducting international exchange programs will be limited to \$60,000. Organizations that only qualify for the \$60,000 level may choose to conduct a one-way exchange, but must explain how the objectives of Americans interacting with foreign participants will still be achieved.

(b) Technical Eligibility:

- It is imperative that all proposals follow the requirements outlined in the Proposal Submission Instructions (PSI) technical format and instructions document. Additionally, all proposals must comply with the following or they will result in your proposal being declared technically ineligible and given no further consideration in the review process.

- The Office does not support proposals limited to conferences or seminars (i.e., one- to fourteen-day programs with plenary sessions, main speakers, panels, and a passive audience). It will support conferences only when they are a small part of a larger project in duration that is receiving Bureau funding from this competition. No funding is available exclusively to send U.S. citizens to conferences or conference-type seminars overseas; nor is funding available for bringing foreign nationals to conferences or to routine professional association meetings in the United States.

- The Office of Citizen Exchanges does not support academic research or faculty or student fellowships.

- Applicants may not submit more than one (1) proposal for this competition. Organizations that submit proposals that exceed these limits will result in having all of their proposals declared technically ineligible, and none of the submissions will be reviewed by a State Department panel.

- Proposals that target countries/regions or themes not listed in the RFGP will be deemed technically ineligible.

IV. Application and Submission Information

Note: Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

IV.1. Contact Information to Request an Application Package: Please contact the Office of Citizen Exchanges, ECA/PE/C, Room 220, U.S. Department of State, SA-44, 301 4th Street, SW., Washington, DC 20547, tel.: 202-453-8167; fax: 202-453-8168; or e-mail Elizabeth Fine at fineeh@state.gov to request a Solicitation Package. Please refer to the Funding Opportunity Number ECA/PE/C/SU-09-28 located at the top of this announcement when making your request. Alternatively, an electronic application package may be obtained from grants.gov. Please see section IV.3f for further information.

The Solicitation Package contains the Proposal Submission Instruction (PSI) document which consists of required application forms, and standard guidelines for proposal preparation.

Please specify Elizabeth Fine and refer to the Funding Opportunity Number ECA/PE/C/SU-09-28 located at the top of this announcement on all other inquiries and correspondence.

IV.2. To Download a Solicitation Package Via Internet: The entire Solicitation Package may be downloaded from the Bureau's Web site at <http://exchanges.state.gov/education/rfgps/menu.htm>, or from the Grants.gov Web site at <http://www.grants.gov>.

Please read all information before downloading.

IV.3. Content and Form of Submission: Applicants must follow all instructions in the Solicitation Package. The application should be submitted per the instructions under IV.3f. "Application Deadline and Methods of Submission" section below.

IV.3a. You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to

apply for a grant or cooperative agreement from the U.S. Government. This number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access <http://www.dunandbradstreet.com> or call 1-866-705-5711. Please ensure that your DUNS number is included in the appropriate box of the SF-424 which is part of the formal application package.

IV.3b. All proposals must contain an executive summary, proposal narrative and budget.

Please Refer to the Solicitation Package. It contains the mandatory Proposal Submission Instructions (PSI) document for additional formatting and technical requirements.

IV.3c. You must have nonprofit status with the IRS at the time of application. **Please note:** Effective March 14, 2008, all applicants for ECA federal assistance awards must include with their application, a copy of page 5, Part V-A, "Current Officers, Directors, Trustees, and Key Employees" of their most recent Internal Revenue Service (IRS) Form 990, "Return of Organization Exempt From Income Tax." If an applicant does not file an IRS Form 990, but instead files Schedule A (Form 990 or 990-EZ)—"Organization Exempt Under Section 501(c)(3)," applicants must include with their application a copy of Page 1, Part 1, "Compensation of the Five Highest Paid Employees Other Than Officers, Directors and Trustees," of their most recent Internal Revenue Service (IRS) Form—Schedule A (Form 990 or 990-EZ).

If your organization is a private nonprofit which has not received a grant or cooperative agreement from ECA in the past three years, or if your organization received nonprofit status from the IRS within the past four years, you must submit the necessary documentation to verify nonprofit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d. Please take into consideration the following information when preparing your proposal narrative:

IV.3d.1. Adherence to All Regulations Governing the J Visa: The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs is the official program sponsor of the exchange program covered by this RFGP, and an employee of the Bureau will be the "Responsible Officer" for the program under the terms of 22 CFR part 62, which covers the administration of the Exchange Visitor Program (J visa program). Under the terms of 22 CFR

part 62, organizations receiving awards (either a grant or cooperative agreement) under this RFGP will be third parties "cooperating with or assisting the sponsor in the conduct of the sponsor's program." The actions of recipient organizations shall be "imputed to the sponsor in evaluating the sponsor's compliance with" 22 CFR part 62. Therefore, the Bureau expects that any organization receiving an award under this competition will render all assistance necessary to enable the Bureau to fully comply with 22 CFR part 62 *et seq.*

The Bureau of Educational and Cultural Affairs places critically important emphases on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by recipient organizations and program participants to all regulations governing the J visa program status. Therefore, proposals should explicitly state in writing that the applicant is prepared to assist the Bureau in meeting all requirements governing the administration of Exchange Visitor Programs as set forth in 22 CFR part 62. If your organization has experience as a designated Exchange Visitor Program Sponsor, the applicant should discuss their record of compliance with 22 CFR part 62 *et seq.*, including the oversight of their Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting and other requirements.

The Office of Citizen Exchanges of ECA will be responsible for issuing DS-2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at <http://exchanges.state.gov> or from: United States Department of State, Office of Exchange Coordination and Designation, ECA/EC/ECD-SA-44, Room 734, 301 4th Street, SW., Washington, DC 20547, Telephone: (202) 203-5029, FAX: (202) 453-8640.

IV.3d.2. Diversity, Freedom and Democracy Guidelines: Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic

status, and disabilities. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the "Support for Diversity" section for specific suggestions on incorporating diversity into your proposal. Public Law 104-319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," the Bureau "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Public Law 106-113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

IV.3d.3. Program Monitoring and Evaluation: Proposals must include a plan to monitor and evaluate the project's success, both as the activities unfold and at the end of the program. The Bureau recommends that your proposal include a draft survey questionnaire or other technique plus a description of a methodology to use to link outcomes to original project objectives. The Bureau expects that the recipient organization will track participants or partners and be able to respond to key evaluation questions, including satisfaction with the program, learning as a result of the program, changes in behavior as a result of the program, and effects of the program on institutions (institutions in which participants work or partner institutions). The evaluation plan should include indicators that measure gains in mutual understanding as well as substantive knowledge.

Successful monitoring and evaluation depend heavily on setting clear goals and outcomes at the outset of a program. Your evaluation plan should include a description of your project's objectives, your anticipated project outcomes, and how and when you intend to measure these outcomes (performance indicators). The more that outcomes are "smart" (specific, measurable, attainable, results-oriented, and placed in a reasonable time frame), the easier it will be to conduct the evaluation. You should also show how your project objectives link to the goals of the program described in this RFGP.

Your monitoring and evaluation plan should clearly distinguish between program outputs and outcomes. Outputs are products and services delivered, often stated as an amount. Output

information is important to show the scope or size of project activities, but it cannot substitute for information about progress towards outcomes or the results achieved. Examples of outputs include the number of people trained or the number of seminars conducted. Outcomes, in contrast, represent specific results a project is intended to achieve and is usually measured as an extent of change. Findings on outputs and outcomes should both be reported, but the focus should be on outcomes.

We encourage you to assess the following four levels of outcomes, as they relate to the program goals set out in the RFGP (listed here in increasing order of importance):

1. Participant satisfaction with the program and exchange experience.
2. Participant learning, such as increased knowledge, aptitude, skills, and changed understanding and attitude. Learning includes both substantive (subject-specific) learning and mutual understanding.
3. Participant behavior, concrete actions to apply knowledge in work or community; greater participation and responsibility in civic organizations; interpretation and explanation of experiences and new knowledge gained; continued contacts between participants, community members, and others.
4. Institutional changes, such as increased collaboration and partnerships, policy reforms, new programming, and organizational improvements.

Please note: Consideration should be given to the appropriate timing of data collection for each level of outcome. For example, satisfaction is usually captured as a short-term outcome, whereas behavior and institutional changes are normally considered longer-term outcomes.

Overall, the quality of your monitoring and evaluation plan will be judged on how well it (1) specifies intended outcomes; (2) gives clear descriptions of how each outcome will be measured; (3) identifies when particular outcomes will be measured; and (4) provides a clear description of the data collection strategies for each outcome (i.e., surveys, interviews, or focus groups). (Please note that evaluation plans that deal only with the first level of outcomes [satisfaction] will be deemed less competitive under the present evaluation criteria.)

Recipient organizations will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three

years and provided to the Bureau upon request.

Department of State Acknowledgement

All recipients of ECA grants or cooperative agreements should be prepared to state in any announcement or publicity where it is not inappropriate that activities are assisted financially by the Bureau of Educational and Cultural Affairs of the United States Department of State under the authority of the Fulbright-Hays Act of 1961, as amended. Award recipients are strongly encouraged to use the Department seal on all promotional and related materials for ECA funded programs which support the commemoration of special occasions or events, but only after first obtaining written permission from the ECA program office(r) assigned to the project. In any contact with the media (print, television, blogging, etc.) applicants must acknowledge Department of State ECA Bureau funding for the program.

Alumni Outreach /Follow-on Programming and Engagement

Please refer to the Proposal Submissions Instruction (PSI) document for additional guidance.

IV.3e. Please take the following information into consideration when preparing your budget:

IV.3e.1. Applicants must submit SF-424A—"Budget Information—Non-Construction Programs" along with a comprehensive budget for the entire program. For this competition, requests should not exceed approximately \$225,000. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification. Please note that the Bureau of Educational and Cultural Affairs does not fund programs that involve building of structures of any kind, including playing fields, recreation centers, or stadiums.

IV.3e.2. Allowable costs for the program include the following:

1. Travel. International and domestic airfare; visas; transit costs; ground transportation costs. Please note that all air travel must be in compliance with the Fly America Act. There is no charge for J-1 visas for participants in Bureau sponsored programs.

2. Per Diem. For U.S.-based programming, organizations should use the published Federal per diem rates for individual U.S. cities. Domestic per diem rates may be accessed at: <http://policyworks.gov/org/main/mt/homepage/mtt/perdiem/perd03d.html>.

ECA requests applicants to budget realistic costs that reflect the local economy and do not exceed Federal per diem rates. Foreign per diem rates can be accessed at: <http://www.state.gov/m/a/als/prdm/html>.

3. Interpreters. For U.S.-based activities, ECA strongly encourages applicants to hire their own locally based interpreters. However, applicants may ask ECA to assign State Department interpreters. One interpreter is typically needed for every four participants who require interpretation. When an applicant proposes to use State Department interpreters, the following expenses should be included in the budget: Published Federal per diem rates (both "lodging" and "M&IE") and "home-program-home" transportation in the amount of \$400 per interpreter. Salary expenses for State Department interpreters will be covered by the Bureau and should not be part of an applicant's proposed budget. Bureau funds cannot support interpreters who accompany delegations from their home country or travel internationally.

4. Book and Cultural Allowances. Foreign participants are entitled to a one-time cultural allowance of \$150 per person, plus a book allowance of \$50. Interpreters should be reimbursed up to \$150 for expenses when they escort participants to cultural events. U.S. program staff, trainers or participants are not eligible to receive these benefits.

5. Consultants. Consultants may be used to provide specialized expertise or to make presentations. Honoraria rates should not exceed \$250 per day. Organizations are encouraged to cost-share rates that would exceed that figure. Subcontracting organizations may also be employed, in which case the written agreement between the prospective grantee and sub-grantee should be included in the proposal. Such sub-grants should detail the division of responsibilities and proposed costs, and subcontracts should be itemized in the budget.

6. Room Rental. The rental of meeting space should not exceed \$250 per day. Any rates that exceed this amount should be cost shared.

7. Materials. Proposals may contain costs to purchase, develop and translate materials for participants. Costs for high quality translation of materials should be anticipated and included in the budget. Grantee organizations should expect to submit a copy of all program materials to ECA, and ECA support should be acknowledged on all materials developed with its funding.

8. Equipment. Applicants may propose to use grant funds to purchase equipment, such as computers and

printers; these costs should be justified in the budget narrative. Costs for furniture are not allowed.

9. Working Meal. Normally, no more than one working meal may be provided during the program. Per capita costs may not exceed \$15-\$25 for lunch and \$20-\$35 for dinner, excluding room rental. The number of invited guests may not exceed participants by more than a factor of two-to-one. When setting up a budget, interpreters should be considered "participants."

10. Return Travel Allowance. A return travel allowance of \$70 for each foreign participant may be included in the budget. This allowance would cover incidental expenses incurred during international travel.

11. Health Insurance. Foreign participants will be covered during their participation in the U.S. program by the ECA-sponsored Accident and Sickness Program for Exchanges (ASPE). The grantee must notify the program office to enroll them. Details of that policy can be provided by the contact officers identified in this solicitation. The premium is paid by ECA and should not be included in the grant proposal budget. However, applicants are permitted to include costs for travel insurance for U.S. participants in the budget.

12. Wire Transfer Fees. When necessary, applicants may include costs to transfer funds to partner organizations overseas. Grantees are urged to research applicable taxes that may be imposed on these transfers by host governments.

13. In-country Travel Costs for visa processing purposes. Given the requirements associated with obtaining J-1 visas for ECA-supported participants, applicants should include costs for any travel associated with visa interviews or DS-2019 pick-up.

14. Administrative Costs. Costs necessary for the effective administration of the program may include salaries for grantee organization employees, benefits, and other direct and indirect costs per detailed instructions in the Application Package. While there is no rigid ratio of administrative to program costs, proposals in which the administrative costs do not exceed 25% of the total requested ECA grant funds will be more competitive under the cost effectiveness and cost sharing criterion, per item V.1 below. Proposals should show strong administrative cost sharing contributions from the applicant, the in-country partner and other sources.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

IV.3f. Application Deadline and Methods of Submission:

Application Deadline Date: Monday, March 23, 2009.

Reference Number: ECA/PE/C/SU-09-28.

Methods of Submission: Applications may be submitted in one of two ways:

- (1) In hard-copy, via a nationally recognized overnight delivery service (i.e., DHL, Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, etc.), or
- (2) electronically through <http://www.grants.gov>.

Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF-424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

IV.3f.1. Submitting Printed Applications: Applications must be shipped no later than the above deadline. Delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. ECA will not notify you upon receipt of application. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. Delivery of proposal packages may not be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

Important note: When preparing your submission please make sure to include one extra copy of the completed SF-424 form and place it in an envelope addressed to "ECA/EX/PM".

The original and eight (8) copies of the application should be sent to: U.S. Department of State, SA-44, Bureau of Educational and Cultural Affairs, Ref.: ECA/PE/C/SU-09-28, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Applicants submitting hard-copy applications must also submit the "Executive Summary" and "Proposal Narrative" sections of the proposal in

text (.txt) or Microsoft Word format on a PC-formatted disk. The Bureau will provide these files electronically to the appropriate Public Affairs Section(s) at the U.S. embassy/ies for their review.

IV.3f.2—Submitting Electronic Applications: Applicants have the option of submitting proposals electronically through Grants.gov (<http://www.grants.gov>). Complete solicitation packages are available at Grants.gov in the “Find” portion of the system. Please follow the instructions available in the ‘Get Started’ portion of the site (<http://www.grants.gov/GetStarted>).

Several of the steps in the Grants.gov registration process could take several weeks. Therefore, applicants should check with appropriate staff within their organizations immediately after reviewing this RFGP to confirm or determine their registration status with Grants.gov.

Once registered, the amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. In addition, validation of an electronic submission via Grants.gov can take up to two business days.

Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.

The Grants.gov Web site includes extensive information on all phases/aspects of the Grants.gov process, including an extensive section on frequently asked questions, located under the “For Applicants” section of the Web site. ECA strongly recommends that all potential applicants review thoroughly the Grants.gov Web site, well in advance of submitting a proposal through the Grants.gov system. ECA bears no responsibility for data errors resulting from transmission or conversion processes.

Direct all questions regarding Grants.gov registration and submission to: Grants.gov Customer Support. *Contact Center Phone:* 800–518–4726. *Business Hours:* Monday–Friday, 7 a.m.–9 p.m. Eastern Time. *E-mail:* support@grants.gov.

Applicants have until midnight (12 a.m.), Washington, DC time of the closing date to ensure that their entire application has been uploaded to the Grants.gov site. There are no exceptions to the above deadline. Applications uploaded to the site after midnight of the application deadline date will be automatically rejected by the grants.gov system, and will be technically ineligible.

Please refer to the Grants.gov Web site, for definitions of various “application statuses” and the difference between a submission receipt and a submission validation. Applicants will receive a validation e-mail from grants.gov upon the successful submission of an application. Again, validation of an electronic submission via Grants.gov can take up to two business days. Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov. ECA will not notify you upon receipt of electronic applications.

It is the responsibility of all applicants submitting proposals via the Grants.gov Web portal to ensure that proposals have been received by Grants.gov in their entirety, and ECA bears no responsibility for data errors resulting from transmission or conversion processes.

IV.3g. Intergovernmental Review of Applications: Executive Order 12372 does not apply to this program.

V. Application Review Information

V.1. Review Process: The Bureau will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State’s Assistant Secretary for Educational and Cultural Affairs. Final technical authority for grants resides with the Bureau’s Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. **Program Planning and Ability To Achieve Objectives:** Program objectives should be stated clearly and should reflect the applicant’s expertise in the subject area and region. Objectives should respond to the topics in this announcement and should relate to the current conditions in the target country/countries. A detailed agenda and relevant work plan should explain how objectives will be achieved and should

include a timetable for completion of major tasks. The substance of workshops, internships, seminars and/or consulting should be described in detail. Sample training schedules should be outlined. Responsibilities of proposed in-country partners should be clearly described. A discussion of how the applicant intends to address language issues should be included, if needed.

2. **Institutional Capacity:** Proposals should include (1) The institution’s mission and date of establishment; (2) detailed information about proposed in-country partner(s) and the history of the partnership; (3) an outline of prior awards—U.S. government and/or private support received for the target theme/country/region; and (4) descriptions of experienced staff members who will implement the program. The proposal should reflect the institution’s expertise in the subject area and knowledge of the conditions in the target country/countries. Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by Bureau Grants Staff. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants. Proposed personnel and institutional resources should be adequate and appropriate to achieve the program’s goals. The Bureau strongly encourages applicants to submit letters of support from proposed in-country partners.

3. **Cost Effectiveness and Cost Sharing:** Overhead and administrative costs in the proposal budget, including salaries, honoraria and subcontracts for services, should be kept to a minimum. Proposals whose administrative costs are less than twenty-five (25) per cent of the total funds requested from the Bureau will be deemed more competitive under this criterion. Applicants are strongly encouraged to cost share a portion of overhead and administrative expenses. Cost-sharing, including contributions from the applicant, proposed in-country partner(s), and other sources should be included in the budget request. Proposal budgets that do not reflect cost sharing will be deemed not competitive in this category.

4. **Support of Diversity:** Proposals should demonstrate substantive support of the Bureau’s policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, program venue and program evaluation) and

program content (orientation and wrap-up sessions, program meetings, resource materials and follow-up activities). Applicants should refer to the Bureau's Diversity, Freedom and Democracy Guidelines in the PSI and the Diversity, Freedom and Democracy Guidelines section, Item IV.3d.2, above for additional guidance.

5. **Post-Grant Activities:** Applicants should provide a plan to conduct activities after the Bureau-funded project has concluded in order to ensure that Bureau-supported programs are not isolated events. Funds for all post-grant activities must be in the form of contributions from the applicant or sources outside of the Bureau. Costs for these activities must not appear in the proposal budget, but should be outlined in the narrative.

6. **Program Monitoring and Evaluation:** Proposals should include a detailed plan to monitor and evaluate the program. Program objectives should target clearly defined results in quantitative terms. Competitive evaluation plans will describe how applicant organizations would measure these results, and proposals should include draft data collection instruments (surveys, questionnaires, etc) in Tab E. See the "Program Monitoring/Evaluation" section, item IV.3d.3 above for more information on the components of a competitive evaluation plan. Successful applicants (grantee institutions) will be expected to submit a report after each program component concludes or on a quarterly basis, whichever is less frequent. The Bureau also requires that grantee institutions submit a final narrative and financial report no more than 90 days after the expiration of a grant. Please refer to the "Program Management/Evaluation" section, item IV.3d.3 above for more guidance.

VI. Award Administration Information

VI.1a. **Award Notices:** Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures. Successful applicants will receive a Federal Assistance Award (FAA) from the Bureau's Grants Office. The FAA and the original proposal with subsequent modifications (if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The FAA will be signed by an authorized Grants Officer, and mailed to the recipient's responsible officer identified in the application. Unsuccessful applicants will receive notification of the results of the application review from the ECA

program office coordinating this competition.

VI.2. **Administrative and National Policy Requirements:** Terms and Conditions for the Administration of ECA agreements include the following:

Office of Management and Budget Circular A-122, "Cost Principles for Nonprofit Organizations."

Office of Management and Budget Circular A-21, "Cost Principles for Educational Institutions."

OMB Circular A-87, "Cost Principles for State, Local and Indian Governments".

OMB Circular No. A-110 (Revised), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations.

OMB Circular No. A-102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

OMB Circular No. A-133, Audits of States, Local Government, and Non-profit Organizations.

Please reference the following Web sites for additional information: <http://www.whitehouse.gov/omb/grants>. <http://fa.statebuy.state.gov>.

VI.3. **Reporting Requirements:** You must provide ECA with a hard copy original plus two copies of the following reports:

(1) A final program and financial report no more than 90 days after the expiration of the award;

(2) A concise, one-page final program report summarizing program outcomes no more than 90 days after the expiration of the award. This one-page report will be transmitted to OMB, and be made available to the public via OMB's USAspending.gov Web site—as part of ECA's Federal Funding Accountability and Transparency Act (FFATA) reporting requirements.

(3) A SF-PPR, "Performance Progress Report" Cover Sheet with all program reports.

(4) Quarterly program and financial reports which should include the activities completed during that quarter, information about any participants of the activities, and any adjustments in the program timeline.

Award recipients will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. (Please refer to IV. Application and Submission Instructions (IV.3.d.3) above for Program Monitoring and Evaluation information.)

All data collected, including survey responses and contact information, must be maintained for a minimum of three

years and provided to the Bureau upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

Program Data Requirements: Award recipients will be required to maintain specific data on program participants and activities in an electronically accessible database format that can be shared with the Bureau as required. As a minimum, the data must include the following:

(1) Name, address, contact information and biographic sketch of all persons who travel internationally on funds provided by the agreement or who benefit from the award funding but do not travel.

(2) Itineraries of international and domestic travel, providing dates of travel and cities in which any exchange experiences take place. Final schedules for in-country and U.S. activities must be received by the ECA Program Officer at least three work days prior to the official opening of the activity.

VII. Agency Contacts

For questions about this announcement, contact: Elizabeth Fine, SportsUnited Division, ECA/PE/C/SU, Room 220, ECA/PE/C/SU-09-28, U.S. Department of State, SA-44, 301 4th Street, SW., Washington, DC 20547, tel: (202) 453-8167, fax: (202) 453-8169, fineeh@state.gov.

All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/PE/C/SU-09-01.

Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

VIII. Other Information

Notice: The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: January 29, 2009.

C. Miller Crouch,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E9-2472 Filed 2-4-09; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF STATE

[Public Notice 6511]

Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: Youth Leadership Program With Iraq

Announcement Type: New Grant.

Funding Opportunity Number: ECA/PE/C/PY-09-27.

Catalog of Federal Domestic Assistance Number: 00.000.

Application Deadline: April 2, 2009.

Executive Summary: The Office of Citizen Exchanges, Youth Programs Division, of the Bureau of Educational and Cultural Affairs announces an open competition to design and implement a Youth Leadership Program with Iraq. Public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3) may submit proposals for a grant that will support English-speaking high school students and adult participants from Iraq in a four-week U.S.-based exchange that explores civic education, leadership development, respect for diversity, and community involvement. The program will conclude with follow-on activities in the participants' home communities in which they apply the knowledge and skills acquired during the exchange experience.

I. Funding Opportunity Description

Authority: Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87-256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program above is provided through legislation.

Purpose: The Youth Leadership Program with Iraq offers secondary school students and educators from Iraq an opportunity to learn about the United States and to develop their leadership skills. Through this program, the Office of Citizen Exchanges' Youth Programs Division will sponsor a total of approximately 35 participants from Iraq who will join 15 to 20 American high school students in a four-week exchange program in the United States during the summer of 2010.

The goals of the program are: (1) To enable the participants to understand civic participation and the rights and responsibilities of citizens in a democracy; (2) to develop leadership skills among secondary school students and teachers appropriate to their needs; (3) to foster understanding and build relationships across ethnic, religious, and national groups; and (4) to promote mutual understanding between the people of Iraq and the United States.

Applicant organizations should identify their own specific objectives and measurable outcomes based on these program goals and the specifications provided in this solicitation.

The program promotes high-quality leadership, civic responsibility, and civic activism among both countries' future leaders by offering a practical examination of the principles of democracy and civil society as practiced in the United States, and by providing participants with training that allows them to develop their leadership skills. The exchange format will be intensive and interactive. Participants will be engaged in a variety of activities such as workshops, community and/or school-based programs, seminars, and other activities that are designed to achieve the project's stated goals and objectives. Participants will live with American families for most of the exchange period.

The total number of Iraqi participants will be between 30 and 40 Iraqis—25-30 teenagers (aged 15-17) and 5-10 adult educators (teachers or staff of NGOs that work with youth). Applicant organizations may propose to bring them to the United States as one large group or in two smaller groups, as appropriate to their program designs, in the summer of 2010 between mid-June and mid-September. They will be joined in their U.S.-based activities by 15 to 20 competitively selected American teenagers of the same age as the Iraqi students. ECA encourages the inclusion of as many participants as possible.

Applicant organizations must present a plan to select a delegation of participants from Iraq who will

proportionally represent the ethnic, religious, and geographic diversity of the Iraqi population. The selected participants will have sufficient English language skills to be able to communicate without interpretation. The Department of State and/or its overseas representatives must approve all selected delegations.

Applicants must demonstrate their capacity for doing programs of this nature, focusing on three areas of competency: (1) Provision of leadership and civic education programming; (2) age-appropriate programming for youth; and (3) prior work with individuals from the Middle East.

Applicant organizations need to have the necessary capacity in Iraq through a branch office, a partner organization, or other affiliates that have the demonstrated ability to conduct the specified activities.

In pursuit of the goals outlined above, the grant recipient will be responsible for implementing the following:

- Recruitment, screening, and selection of the Iraqi and American youth participants and Iraqi adult educators.
- Pre-departure and welcome orientations.
- Design and planning of substantive and well-organized activities in the United States on leadership development, civic education, and community service.
- Activities should be school and/or community-based, and the program will involve extensive interaction between Iraqis and Americans. The exchange will conclude with a civic education program in Washington, DC.
- Logistical arrangements, preparation of travel documents, homestay arrangements and other accommodation, provisions for religious observance, disbursement of stipends/per diem, and international and local travel.
- Follow-on activities designed to reinforce the ideas, values, and skills imparted during the U.S. program.

Grant recipients will use the name "Youth Leadership Program with Iraq" to identify the program. All participants and alumni should identify themselves with the Youth Leadership Program (YLP).

Proposals must demonstrate how the stated objectives will be met. The proposal narrative should provide detailed information on the major program activities, and applicants should explain and justify their programmatic choices. Programs must comply with J-1 visa regulations. Please refer to the complete Solicitation Package—this RFGP, the Project

Objectives, Goals, and Implementation (POGI), and the Proposal Submission Instructions (PSI)—for further information.

II. Award Information

Type of Award: Grant Agreement.

Fiscal Year Funds: 2009.

Approximate Total Funding:
\$535,614.

Approximate Number of Awards:
One.

Anticipated Award Date: August 1, 2009.

Anticipated Project Completion Date:
February 28, 2011.

Additional Information: Pending successful implementation of this program and the availability of funds in subsequent fiscal years, it is ECA's intent to renew this grant for two additional fiscal years, before openly competing it again.

III. Eligibility Information

III.1. Eligible Applicants:

Applications may be submitted by public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3).

III.2. Cost Sharing or Matching Funds:

There is no minimum or maximum percentage required for this competition. However, the Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

When cost sharing is offered, it is understood and agreed that the applicant must provide the amount of cost sharing as stipulated in its proposal and later included in an approved agreement. Cost sharing may be in the form of allowable direct or indirect costs. For accountability, you must maintain written records to support all costs which are claimed as your contribution, as well as costs to be paid by the Federal government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A-110, (Revised), Subpart C.23—Cost Sharing and Matching. In the event you do not provide the minimum amount of cost sharing as stipulated in the approved budget, ECA's contribution will be reduced in like proportion.

III.3. Other Eligibility Requirements:

Bureau grant guidelines require that organizations with less than four years experience in conducting international exchanges be limited to \$60,000 in Bureau funding. ECA anticipates making one award in an amount up to \$535,614 to support program and administrative costs required to

implement this exchange program. Therefore, organizations with less than four years experience in conducting international exchanges at the time of application are not eligible to apply under this competition.

IV. Application and Submission Information

Note: Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

IV.1. Contact Information to Request an Application Package: Please contact the Youth Division, Office of Citizen Exchanges, ECA/PE/C/PY, Room 568 U.S. Department of State, SA-44, 301 4th Street, SW., Washington, DC 20547, (202) 203-7505 to request a Solicitation Package. Please refer to the Funding Opportunity Number located at the top of this announcement when making your request.

Alternatively, an electronic application package may be obtained from grants.gov. Please see section IV.3f for further information.

The Solicitation Package contains the Proposal Submission Instruction (PSI) document which consists of required application forms, and standard guidelines for proposal preparation. It also contains the Project Objectives, Goals and Implementation (POGI) document, which provides specific information, award criteria and budget instructions tailored to this competition.

Please specify Carolyn Lantz, Program Officer, and refer to the Funding Opportunity Number (ECA/PE/C/PY-09-27) on all other inquiries and correspondence.

IV.2. To Download a Solicitation Package Via Internet: The entire Solicitation Package may be downloaded from the Bureau's Web site at <http://exchanges.state.gov/grants/open2.html> or from the Grants.gov Web site at <http://www.grants.gov>.

Please read all information before downloading.

IV.3. Content and Form of Submission: Applicants must follow all instructions in the Solicitation Package. The application should be submitted per the instructions under IV.3f. "Application Deadline and Methods of Submission" section below.

IV.3a. You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the U.S. Government. This number is a nine-digit identification number, which uniquely

identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access <http://www.dunandbradstreet.com> or call 1-866-705-5711. Please ensure that your DUNS number is included in the appropriate box of the SF-424 which is part of the formal application package.

IV.3b. All proposals must contain an executive summary, proposal narrative, and budget.

Please Refer to the Solicitation Package. It contains the mandatory Proposal Submission Instructions (PSI) document and the Project Objectives, Goals and Implementation (POGI) document for additional formatting and technical requirements.

IV.3c. You must have nonprofit status with the IRS at the time of application. **Please note:** Effective January 7, 2009, all applicants for ECA federal assistance awards must include in their application the names of directors and/or senior executives (current officers, trustees, and key employees, regardless of amount of compensation). In fulfilling this requirement, applicants must submit information in one of the following ways:

(1) Those who file Internal Revenue Service Form 990, "Return of Organization Exempt From Income Tax," must include a copy of relevant portions of this form.

(2) Those who do not file IRS Form 990 must submit information above in the format of their choice.

In addition to final program reporting requirements, award recipients will also be required to submit a one-page document, derived from their program reports, listing and describing their grant activities. For award recipients, the names of directors and/or senior executives (current officers, trustees, and key employees), as well as the one-page description of grant activities, will be transmitted by the State Department to OMB, along with other information required by the Federal Funding Accountability and Transparency Act (FFATA), and will be made available to the public by the Office of Management and Budget on its USASpending.gov website as part of ECA's FFATA reporting requirements.

If your organization is a private nonprofit that has not received a grant or cooperative agreement from ECA in the past three years, or if your organization received nonprofit status from the IRS within the past four years, you must submit the necessary documentation to verify nonprofit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d. Please take into consideration the following information when preparing your proposal narrative:

IV.3d.1. Adherence to All Regulations Governing the J Visa: The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs is the official program sponsor of the exchange program covered by this RFGP, and an employee of the Bureau will be the "Responsible Officer" for the program under the terms of 22 CFR part 62, which covers the administration of the Exchange Visitor Program (J visa program). Under the terms of 22 CFR part 62, organizations receiving awards (either a grant or cooperative agreement) under this RFGP will be third parties "cooperating with or assisting the sponsor in the conduct of the sponsor's program." The actions of recipient organizations shall be "imputed to the sponsor in evaluating the sponsor's compliance with" 22 CFR part 62. Therefore, the Bureau expects that any organization receiving an award under this competition will render all assistance necessary to enable the Bureau to fully comply with 22 CFR part 62 *et seq.*

The Bureau of Educational and Cultural Affairs places critically important emphases on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by recipient organizations and program participants to all regulations governing the J visa program status. Therefore, proposals should explicitly state in writing that the applicant is prepared to assist the Bureau in meeting all requirements governing the administration of Exchange Visitor Programs as set forth in 22 CFR part 62. If your organization has experience as a designated Exchange Visitor Program Sponsor, the applicant should discuss their record of compliance with 22 CFR part 62 *et seq.*, including the oversight of their Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting and other requirements.

The Office of Citizen Exchanges of ECA will be responsible for issuing DS-2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at <http://exchanges.state.gov> or from: United States Department of State, Office of Exchange Coordination and Designation, ECA/EC/ECD—SA-44,

Room 734, 301 4th Street, SW., Washington, DC 20547, Telephone: (202) 203-5029, FAX: (202) 453-8640.

IV.3d.2. Diversity, Freedom and Democracy Guidelines: Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and disabilities. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the "Support for Diversity" section for specific suggestions on incorporating diversity into your proposal. Public Law 104-319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," the Bureau "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Public Law 106-113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

IV.3d.3. Program Monitoring and Evaluation: Proposals must include a plan to monitor and evaluate the project's success, both as the activities unfold and at the end of the program. The Bureau recommends that your proposal include a draft survey questionnaire or other technique plus a description of a methodology to use to link outcomes to original project objectives. The Bureau expects that the recipient organization will track participants and partners and be able to respond to key evaluation questions, including satisfaction with the program, learning as a result of the program, changes in behavior as a result of the program, and effects of the program on institutions (institutions in which participants work or partner institutions). The evaluation plan should include indicators that measure gains in mutual understanding as well as substantive knowledge.

Successful monitoring and evaluation depend heavily on setting clear goals and outcomes at the outset of a program. Your evaluation plan should include a description of your project's objectives, your anticipated project outcomes, and

how and when you intend to measure these outcomes (performance indicators). The more that outcomes are "smart" (specific, measurable, attainable, results-oriented, and placed in a reasonable time frame), the easier it will be to conduct the evaluation. You should also show how your project objectives link to the goals of the program described in this RFGP.

Your monitoring and evaluation plan should clearly distinguish between program outputs and outcomes. Outputs are products and services delivered, often stated as an amount. Output information is important to show the scope or size of project activities, but it cannot substitute for information about progress towards outcomes or the results achieved. Examples of outputs include the number of people trained or the number of seminars conducted. Outcomes, in contrast, represent specific results a project is intended to achieve and is usually measured as an extent of change. Findings on outputs and outcomes should both be reported, but the focus should be on outcomes.

We encourage you to assess the following four levels of outcomes, as they relate to the program goals set out in the RFGP (listed here in increasing order of importance):

1. Participant satisfaction with the program and exchange experience.
2. Participant learning, such as increased knowledge, aptitude, skills, and changed understanding and attitude. Learning includes both substantive (subject-specific) learning and mutual understanding.
3. Participant behavior, concrete actions to apply knowledge in work or community; greater participation and responsibility in civic organizations; interpretation and explanation of experiences and new knowledge gained; continued contacts between participants, community members, and others.
4. Institutional changes, such as increased collaboration and partnerships, policy reforms, new programming, and organizational improvements.

Please note: Consideration should be given to the appropriate timing of data collection for each level of outcome. For example, satisfaction is usually captured as a short-term outcome, whereas behavior and institutional changes are normally considered longer-term outcomes.

Overall, the quality of your monitoring and evaluation plan will be judged on how well it (1) specifies intended outcomes; (2) gives clear descriptions of how each outcome will be measured; (3) identifies when particular outcomes will be measured;

and (4) provides a clear description of the data collection strategies for each outcome (i.e., surveys, interviews, or focus groups). (Please note that evaluation plans that deal only with the first level of outcomes [satisfaction] will be deemed less competitive under the present evaluation criteria.)

Recipient organizations will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

IV.3d.4. For informational and planning purposes, we are informing all potential applicants that ECA is in the process of developing comprehensive approaches to alumni programming, web portal development supported through ECA assistance awards (grants/cooperative agreements) and the expansion of private/public partnerships to increase the reach of ECA's exchange programs. In the event your proposal is recommended for funding, you may receive additional guidance/information related to these topics during the negotiation stage of the approval process.

IV.3e. Please take the following information into consideration when preparing your budget:

IV.3e.1. Applicants must submit SF-424A—"Budget Information—Non-Construction Programs" along with a comprehensive budget for the entire program. Grant requests may not exceed \$535,614. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

IV.3f. Application Deadline and Methods of Submission:

Application Deadline Date: Thursday, April 2, 2009.

Reference Number: ECA/PE/C/PY-09-27.

Methods of Submission: Applications may be submitted in one of two ways:

(1) In hard-copy, via a nationally recognized overnight delivery service (i.e., DHL, Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, etc.), or

(2) Electronically through <http://www.grants.gov>.

Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF-

424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

IV.3f.1. Submitting Printed Applications: Applications must be shipped no later than the above deadline. Delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. ECA will not notify you upon receipt of application. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. Delivery of proposal packages *may not* be made via local courier service or in person for this competition.

Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

Important note: When preparing your submission please make sure to include one extra copy of the completed SF-424 form and place it in an envelope addressed to "ECA/EX/PM".

The original and six copies of the application should be sent to: U.S. Department of State, SA-44, Bureau of Educational and Cultural Affairs, Ref.: ECA/PE/C/PY-09-27, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

With the submission of the proposal package, please also e-mail the Executive Summary, Proposal Narrative, and Budget sections of the proposal, as well as any essential attachments, in Microsoft Word and/or Excel to the program officer at LantzCS@state.gov. The Bureau will provide these files electronically to the Public Affairs Section at the U.S. Embassy in Baghdad for its review.

IV.3f.2. Submitting Electronic Applications: Applicants have the option of submitting proposals electronically through Grants.gov (<http://www.grants.gov>). Complete solicitation packages are available at Grants.gov in the "Find" portion of the system. Please follow the instructions available in the 'Get Started' portion of the site (<http://www.grants.gov/GetStarted>).

Several of the steps in the Grants.gov registration process could take several weeks. Therefore, applicants should check with appropriate staff within their organizations immediately after reviewing this RFGP to confirm or determine their registration status with Grants.gov.

Once registered, the amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. In addition, validation of an electronic submission via Grants.gov can take up to two business days.

Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.

The Grants.gov Web site includes extensive information on all phases/aspects of the Grants.gov process, including an extensive section on frequently asked questions, located under the "For Applicants" section of the Web site. ECA strongly recommends that all potential applicants review thoroughly the Grants.gov Web site, well in advance of submitting a proposal through the Grants.gov system. ECA bears no responsibility for data errors resulting from transmission or conversion processes.

Direct all questions regarding Grants.gov registration and submission to: Grants.gov Customer Support. *Contact Center Phone:* 800-518-4726. *Business Hours:* Monday-Friday, 7 a.m.-9 p.m. Eastern Time. *E-mail:* support@grants.gov.

Applicants have until midnight (12 a.m.), Washington, DC time of the closing date to ensure that their entire application has been uploaded to the Grants.gov site. There are no exceptions to the above deadline. Applications uploaded to the site after midnight of the application deadline date will be automatically rejected by the grants.gov system, and will be technically ineligible.

Please refer to the Grants.gov Web site, for definitions of various "application statuses" and the difference between a submission receipt and a submission validation. Applicants will receive a validation e-mail from grants.gov upon the successful submission of an application. Again, validation of an electronic submission via Grants.gov can take up to two business days. Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov. ECA will not notify you upon receipt of electronic applications.

It is the responsibility of all applicants submitting proposals via the Grants.gov web portal to ensure that proposals have been received by Grants.gov in their entirety, and ECA bears no responsibility for data errors resulting from transmission or conversion processes.

IV.3g. Intergovernmental Review of Applications: Executive Order 12372 does not apply to this program.

V. Application Review Information

V.1. Review Process: The Bureau will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package.

All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards (grants) resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below:

1. Quality of the program idea: The proposed program should be well developed, respond to design outlined in the solicitation, and demonstrate originality. It should be clearly and accurately written, substantive, and with sufficient detail. Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission.

2. Program planning and ability to achieve program objectives: A detailed agenda and work plan should clearly demonstrate how project objectives will be achieved. The agenda and plan should adhere to the program overview and guidelines described above. The substance of workshops, seminars, presentations, school-based activities, and/or site visits should be described in detail. Objectives should be reasonable, feasible, and flexible. The proposal should clearly demonstrate how the institution will meet the program's objectives and plan.

3. Support of diversity: The proposal should demonstrate the recipient's commitment to promoting the awareness and understanding of

diversity in program content. Applicants should demonstrate readiness to accommodate participants with physical disabilities.

4. Cross-cultural sensitivity and area expertise: Applicants must demonstrate their understanding of the region and should demonstrate sensitivity to participants' values, customs, and life experiences in the programming.

5. Institutional capacity and track record: Proposed personnel and institutional resources should be adequate and appropriate to achieve the program goals. The proposal should demonstrate an institutional record, including responsible fiscal management and full compliance with all reporting requirements for past Bureau awards (grants or cooperative agreements) as determined by the Bureau's Grants Office. The Bureau will consider the past performance.

6. Program evaluation: The proposal should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. The proposal should include a draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives. The grant recipient will be expected to submit intermediate reports after each project component is completed.

7. Cost-effectiveness and cost sharing: The applicant should demonstrate efficient use of Bureau funds. The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. The proposal should maximize cost-sharing through other private sector support as well as institutional direct funding contributions, which demonstrates institutional and community commitment.

VI. Award Administration Information

VI.1a. Award Notices: Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures. Successful applicants will receive a Federal Assistance Award (FAA) from the Bureau's Grants Office. The FAA and the original proposal with subsequent modifications (if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The FAA will be signed by an authorized Grants Officer, and mailed to the recipient's responsible officer identified in the application. Unsuccessful applicants will receive notification of the results of the application review from the ECA

program office coordinating this competition.

VI.1b. Special Provision for Performance in a Designated Combat Area (Currently Iraq and Afghanistan) (December 2008): All Recipient personnel deploying to areas of combat operations, as designated by the Secretary of Defense (currently Iraq and Afghanistan), under assistance awards over \$100,000 or performance over 14 days must register in the Department of Defense maintained Synchronized Pre-deployment and Operational Tracker (SPOT) system. Recipients of federal assistance awards shall register in SPOT before deployment, or if already in the designated operational area, register upon becoming an employee under the assistance award, and maintain current data in SPOT. Information on how to register in SPOT will be available from your Grants Officer or Grants Officer Representative during the final negotiation and approval stages in the federal assistance awards process. Recipients of federal assistance awards are advised that adherence to this policy and procedure will be a requirement of all final federal assistance awards issued by ECA.

Recipient performance may require the use of armed private security personnel. To the extent that such private security contractors (PSCs) are required, grantees are required to ensure they adhere to Chief of Mission (COM) policies and procedures regarding the operation, oversight, and accountability of PSCs.

VI.2. Administrative and National Policy Requirements: Terms and Conditions for the Administration of ECA agreements include the following:

Office of Management and Budget Circular A-122, "Cost Principles for Nonprofit Organizations."

Office of Management and Budget Circular A-21, "Cost Principles for Educational Institutions."

OMB Circular A-87, "Cost Principles for State, Local and Indian Governments".

OMB Circular No. A-110 (Revised), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations.

OMB Circular No. A-102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

OMB Circular No. A-133, Audits of States, Local Government, and Non-profit Organizations.

Please reference the following websites for additional information:

<http://www.whitehouse.gov/omb/grants>.
<http://fa.statebuy.state.gov>.

VI.3. Reporting Requirements: You must provide ECA with a hard copy original plus one copy of the following reports:

(1) Quarterly program and financial reports as required in the grant agreement;

(2) A final program and financial report no more than 90 days after the expiration of the award;

(3) A concise, one-page final program report summarizing program outcomes no more than 90 days after the expiration of the award. This one-page report will be transmitted to OMB, and be made available to the public via OMB's USAspending.gov website—as part of ECA's Federal Funding Accountability and Transparency Act (FFATA) reporting requirements.

(4) A SF-PPR, "Performance Progress Report" Cover Sheet with all program reports.

Award recipients will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. (Please refer to IV. Application and Submission Instructions (IV.3.d.3) above for Program Monitoring and Evaluation information.)

All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

VII. Agency Contacts

For questions about this announcement, contact: Carolyn Lantz, Program Officer, Youth Programs Division, Office of Citizen Exchanges, ECA/PE/C/PY, Room 568, U.S. Department of State, SA-44, 301 4th Street, SW., Washington, DC 20547, (202) 203-7505, LantzCS@State.gov.

All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/PE/CPY-09-27.

Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

VIII. Other Information

Notice: The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts

published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: January 29, 2009.

C. Miller Crouch,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E9-2473 Filed 2-4-09; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Forty-Seventh Meeting, RTCA Special Committee 186: Automatic Dependent Surveillance—Broadcast (ADS-B)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 186 Automatic Dependent Surveillance—Broadcast (ADS-B) meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 186 Automatic Dependent Surveillance—Broadcast (ADS-B).

DATES: The meeting will be held February 23-27, 2009, at 9 a.m. (Unless Otherwise Noted).

ADDRESSES: The meeting will be held at two locations:

- Eurocontrol Headquarters—Brussels, Belgium
- RTCA Conference Rooms, 1828 L Street, NW., Suite 805, Washington, DC 20036

Note: Phone bridge and Webex will be available. Individuals desiring that information should contact RTCA.

FOR FURTHER INFORMATION CONTACT: (1) RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036, (202) 833-9339; fax (202) 833-9434; Web site <http://www.rtca.org>.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 186 meeting. The agenda will include:

Feb. 23

Brussels—All Day, Requirements Focus Group (RFG), RAD FRAC.

Brussels—All Day, Requirements Focus Group (RFG), ASA.

Feb. 24

Brussels—All Day, Requirements Focus Group (RFG), RAD FRAC.

Brussels—All Day, Requirements Focus Group (RFG), ASA.

RTCA—All Day, WG-4, MacIntosh-NBAA Room & Hilton-ATA Room.

Feb. 25

Brussels—All Day, Requirements Focus Group (RFG), RAD FRAC.

Brussels—All Day, Requirements Focus Group (RFG), ASA.

RTCA—All Day, WG-4, MacIntosh-NBAA Room & Hilton-ATA Room.

Feb. 26

Brussels—All Day, Requirements Focus Group (RFG), RAD FRAC.

Brussels—All Day, Requirements Focus Group (RFG), ASA.

RTCA—All Day, WG-4, MacIntosh-NBAA Room & Hilton-ATA Room.

February 27, Joint RTCA SC-186/ EUROCAE WG-51

(Starting at 2 p.m. in Brussels and 8 a.m. at RTCA)

- Chairman's Introductory Remarks.
- Review of Meeting Agenda.
- Review/Approval of the Forty-Sixth Meeting Summary.
- RTCA Paper No. 267-08/SC186-270.
- In Brussels—Consider for Approval—New Document—*Safety and Performance Requirements (SPR) Standard for ADS-B-RAD*, RTCA Paper No. 008-09/SC186-271. Date, Place and Time of Next Meeting.
- FAA Surveillance and Broadcast Services (SBS) Program—Status.
- Review of EUROCAE WG-51 Activities.
- Working Group Reports.
 - WG-1—Operations and Implementation
 - WG-2—TIS-B MASPS
 - WG-3—1090 MHz MOPS
 - WG-4—Application Technical Requirements
 - WG-5—UAT MOPS
- RFG—Requirements Focus Group
- Ad Hoc Reports
- CDTI Symbology
- TIS-B Service Status
- STP Ad Hoc Final Report
- At RTCA—Consider for Approval—New Document—*Minimum Operational Performance Standards for Aircraft Surveillance Applications System (ASAS)*, RTCA Paper No. 022-09/SC186-273.
- Closing Plenary Session (New Business, Other Business, Review Action Items/Work Programs, Adjourn Plenary.)

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on January 29, 2009.

Francisco Estrada C.,

RTCA Advisory Committee.

[FR Doc. E9-2476 Filed 2-4-09; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Shelby County, TN

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for the improvement of North Second Street in Memphis, Tennessee. The project begins at Interstate 40 and extends north to the intersection of U.S. 51 and Whitney Avenue.

The FHWA issued a notice to advise the public that the Notice of Intent published on November 7, 2002, to prepare an Environmental Impact Statement (EIS) for the proposed North Second Street project in Memphis, Tennessee was being rescinded. This Notice to rescind the previously published Notice of Intent was published in the **Federal Register** on Wednesday, December 24, at 73 FR 79203.

An EIS has not been completed for this proposed project since the original NOI was issued to the **Federal Register** on November 7, 2002. Since the limits of the project have been extended and other changes have occurred, a new EIS will be prepared.

FOR FURTHER INFORMATION CONTACT: Mr. Charles J. O'Neill, Planning and Program Management Team Leader, Federal Highway Administration, Tennessee Division Office, 640 Grassmere Park Road, Suite 112, Nashville, TN 37211, Telephone: (615) 781-5772.

SUPPLEMENTARY INFORMATION: The project would improve North Second Street and North Third Street to form a one-way pair from I-40 to Chelsea

Avenue and would construct a four-lane two-way roadway from Chelsea Avenue to the intersection of U.S. 51 and Whitney Avenue north of downtown Memphis. Segments of the proposed project will follow existing streets while a segment north of the Wolf River will be on new location. The length of the proposed improvement is approximately 4.0 miles.

Alternatives to be considered are (1) No-Build; (2) Transportation System Management (TSM) activities; (3) Mass Transit; (4) one build alternative; and other alternatives that may arise from public and agency input.

Early coordination letters describing the proposed action and soliciting comments have been sent to Federal, State, and local officials and agencies, as well as private organizations and citizens who have expressed or are known to have an interest in the proposed project.

Two scoping meetings have been held in the project corridor with Federal, State and local agencies and officials; private organizations, citizens, and interest groups, giving them an opportunity to provide input into the Environmental Impact Statement and identify issues of concern.

Four early public involvement meetings have been conducted in the project corridor to solicit comments from the local community, as well as to inform low income and minority families of the proposed project and afford them an opportunity to ask questions and express their opinions on the project.

A corridor Public Hearing will be held upon completion of the Draft Environmental Impact Statement and public notice will be given of the time and place of the hearing. The Draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that a full range of issues related to this proposed action are identified and taken into account, comments and suggestions are invited from all parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA contact person identified above at the address provided.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal Programs and activities apply to this proposed program.)

Issued on: January 29, 2009.

Charles J. O'Neill,

Planning and Program Mgmt. Team Leader, Nashville, TN.

[FR Doc. E9-2449 Filed 2-4-09; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2009-0395]

Agency Information Collection Activities; Revision and Renewal of a Currently Approved Information Collection: OMB Control No. 2126-0017 (Financial Responsibility—Motor Carriers, Freight Forwarders and Brokers)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval. The FMCSA requests OMB approval to revise and renew a currently-approved ICR entitled, "Financial Responsibility, Trucking and Freight Forwarding," to reflect an increase in burden hours due to an increase in the estimated number of annual responses. In addition, the title of the ICR is being changed to "Financial Responsibility—Motor Carriers, Freight Forwarders and Brokers," to better describe its purpose. This ICR sets forth the financial responsibility documentation requirements for motor carriers (property and passenger), freight forwarders and property brokers so they can maintain the minimum levels of financial responsibility required under the Federal Motor Carrier Safety Regulations (FMCSRs) to operate in interstate, foreign or intrastate commerce. On November 24, 2008, FMCSA published a **Federal Register** notice allowing for a 60-day comment period on the ICR. No comments were received.

DATES: Please send your comments by March 9, 2009. OMB must receive your comments by this date in order to act quickly on the ICR.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and

Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/Federal Motor Carrier Safety Administration, and sent via electronic mail to oir_submission@omb.eop.gov, or faxed to (202) 395-6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Dorothea Grymes, Transportation Specialist, Office of Enforcement and Compliance, Commercial Enforcement Division, Department of Transportation, Federal Motor Carrier Safety Administration, 6th Floor, West Building, 1200 New Jersey Ave., SE., Washington, DC 20590-0001. Telephone Number: (202) 385-2405; e-mail Address: dorothea.grymes@dot.gov. Office hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Financial Responsibility—Motor Carriers, Freight Forwarders and Brokers (formerly titled “Financial Responsibility, Trucking and Freight Forwarding”).

OMB Control Number: 2126-0017.

Type of Request: Revision of a currently-approved information collection.

Respondents: Motor carriers, freight forwarders and brokers.

Estimated Number of Respondents: 251,415.

Estimated Time per Response: The estimated average burden per response for the Form BMC-40 is 40 hours. The estimated average burden per response for all of the other remaining insurance forms (BMC-32, 34, 35, 36, 82, 83, 84, 85, 90, 91, and 91X) is 10 minutes per form.

Expiration Date: February 28, 2009.

Frequency of Response: Certificates of insurance, surety bonds, and trust fund agreements are required when the transportation entity first registers with the FMCSA and then when such coverages are changed or replaced by these entities. Notices of cancellation are required only when such certificates of insurance, surety bonds or trust fund agreements are canceled. The Form BMC-40 is generally filed only when a carrier seeks approval from FMCSA to self-insure its bodily injury and property damage (BI&PD) and/or cargo liability coverage.

Estimated Total Annual Burden: 66,960 hours [200 hours (5 BMC-40 filings per year × 40 hours to complete) + 66,760 hours (400,560 filings per year

for all of the other insurance forms × 10 minutes/60 minutes to complete) = 66,960 hours].

Background

The Secretary of Transportation (Secretary) is authorized to register for-hire motor carriers of property and passengers under the provisions of 49 U.S.C. 13902, surface freight forwarders under the provisions of 49 U.S.C. 13903, and property brokers under the provisions of 49 U.S.C. 13904. These persons may conduct transportation services only if they are registered pursuant to 49 U.S.C. 13901. The Secretary has delegated authority pertaining to these registration requirements to the FMCSA. The registration remains valid only as long as these transportation entities maintain, on file with the FMCSA, evidence of the required levels of insurance coverage. See 49 U.S.C. 13906. FMCSA regulations governing the financial responsibility requirements for these entities are found at 49 CFR part 387.

Forms for Endorsements, Certificates of Insurance and Others

Evidence of Bodily Injury and Property Damage (BI&PD) Liability. Forms BMC-91 and 91X entitled, “Motor Carrier Automobile Bodily Injury and Property Damage Liability Certificate of Insurance,” and Form BMC-82 entitled, “Motor Carrier Bodily Injury and Property Damage Liability Surety Bond Under 49 U.S.C. § 13906,” provide evidence of the required coverage for BI&PD liability.

Requirement to obtain Surety Bond or Trust Fund Agreement. Form BMC-34 entitled, “Motor Carrier Cargo Liability Certificate of Insurance,” and Form BMC-83 entitled “Motor Carrier Cargo Liability Surety Bond Under 49 U.S.C. 13906,” establish a carrier’s compliance with the agency’s cargo liability requirements. Form BMC-84 entitled, “Property Broker’s Surety Bond Under 49 U.S.C. 13906,” and Form BMC-85 entitled, “Property Broker’s Trust Fund Agreement Under 49 U.S.C. 13906,” are filed by brokers to comply with the requirement that they must have a \$10,000 surety bond or trust fund agreement in effect before FMCSA will issue a property broker license.

Cancellation of Prior Filings. Form BMC-35 entitled, “Notice of Cancellation Motor Carrier Insurance Under 49 U.S.C. 13906,” Form BMC-36 entitled, “Notice of Cancellation Motor Carrier and Brokers Surety Bonds Under 49 U.S.C. 13906,” and Form 85 entitled, “Property Broker’s Trust Fund

Agreement Under 49 U.S.C. 13906,” cancel prior filings.

Endorsements. Form BMC 90 entitled, “Endorsement for Motor Carrier Policies of Insurance for Automobile Bodily Injury and Property Damage Liability Under Section 13906, Title 49 of the United States Code,” and Form BMC-32 entitled, “Endorsement for Motor Common Carrier Policies of Insurance for Cargo Liability Under 49 U.S.C. 13906,” are executed by the insurance company, attached to BI&PD and cargo insurance policies, respectively, and forwarded to the motor carrier or freight forwarder. These endorsements are not filed with the FMCSA.

Self Insurance Filings. A motor carrier can also apply to the FMCSA to self-insure BI&PD and/or cargo liability in lieu of filing certificates of insurance with the FMCSA, as long as the carrier maintains a satisfactory safety rating. See 49 CFR 387.7(d)(3) and 387.309. The Form BMC-40 is the application used by carriers to apply for self-insurance authority.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the agency to perform its mission; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB’s clearance of this information collection.

Issued on: January 29, 2009.

Terry Shelton,

Associate Administrator for Research and Information Technology.

[FR Doc. E9-2450 Filed 2-4-09; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2006-25756]

Commercial Driver’s License (CDL) Standards; Volvo Trucks North America, Renewal of Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemption; request for comments.

SUMMARY: FMCSA announces its decision to renew Volvo Trucks North America’s (Volvo) exemption from the

Agency's requirement that drivers of commercial motor vehicles (CMVs) possess a commercial driver's license (CDL) issued in the United States (U.S.). Volvo requested that its exemption for seven Swedish engineers and technicians be renewed to enable these individuals to continue test driving CMVs in the U.S. All seven individuals are employees of Volvo and each holds a valid Swedish CDL. FMCSA believes the knowledge and skills testing and training program that Swedish drivers must undergo for a Swedish CDL ensures a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the U.S. requirements for a CDL.

DATES: This exemption will be effective from April 23, 2009 through April 23, 2011. Comments must be received on or before March 9, 2009.

ADDRESSES: You may submit comments identified by Federal Docket Management System Number FMCSA-2006-25756, by any of the following methods:

- *Federal eRulemaking Portal:* www.regulations.gov. Follow the online instructions for submitting comments.
- *Fax:* 1-202-493-2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. *e.t.*, Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the Public Participation heading below. Note that all comments received will be posted without change to www.regulations.gov, including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to www.regulations.gov, and follow the online instructions for accessing the dockets, or go to the street address listed above.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.) You may review DOT's complete Privacy Act

Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476) or you may visit <http://DocketInfo.dot.gov>.

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help and guidelines under the "help" section of the Federal eRulemaking Portal Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket, and we will consider late comments to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division, Office of Bus and Truck Standards and Operations; Telephone: 202-366-4325. e-mail: MCPSD@dot.gov.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31315 and 31136(e), FMCSA may renew an exemption for a maximum 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The procedures for requesting an exemption (including a renewal) are prescribed in 49 CFR part 381. FMCSA has evaluated Volvo's application for a renewal on its merits and has decided to grant renewal of the exemption for seven of Volvo's engineers and technicians for a 2-year period.

Volvo Application for an Exemption Renewal

Volvo has applied for the renewal of an exemption from the commercial driver's licensing rules, specifically 49 CFR 383.23, which establishes licensing requirements for drivers operating CMVs in interstate commerce. The exemption was originally granted on April 23, 2007 (72 FR 20166). Volvo is seeking a renewal of this exemption because the drivers it employs are citizens and residents of Sweden, and as such they cannot apply for a CDL from a State in the U.S. A copy of the request for a renewal is in the docket identified at the beginning of this notice.

The renewal of the exemption will enable these seven drivers to operate CMVs in the U.S. and continue to support Volvo's field tests to meet future clean air standards, to test drive

prototype vehicles at their test site, and to deliver the vehicles, if necessary. The drivers are: Peter Hofsten, Thorbjorn Ohlund, Freddy Blixt, Johnny Adolfsson, Goran Alsen, Kjell Jansson, and Lars Svensson.

Together, these drivers comprise a team of designers, currently employed by Volvo in Sweden, who want to continue driving CMVs in the U.S., to test and evaluate prototype and production CMVs in order to design safe and well-tested vehicles for use on U.S. highways. They are experienced CMV operators with valid Swedish-issued CDLs. It is estimated that each driver would continue to drive approximately 2,500 miles per year on U.S. roads. Because each of the drivers was required to satisfy strict regulations in Sweden to obtain a CDL, and has extensive CMV training and experience, Volvo believes that the renewal of the exemption will continue to achieve a level of safety equivalent to the level of safety that would be obtained absent the exemption.

Method To Ensure an Equivalent or Greater Level of Safety

Drivers applying to obtain a Swedish CDL must take both a knowledge test and skills test before a license to operate CMVs is issued. This process is considered comparable to, or as effective as, the requirements of 49 CFR part 383 and adequately assesses the driver's ability to operate CMVs in the U.S.

Request for Comments

In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA requests public comments on the renewal of Volvo's exemption from the requirements of 49 CFR 383.23. The Agency requests that interested parties with specific data concerning the safety records of the drivers listed in this notice submit comments by March 9, 2009. FMCSA will review all comments received by this date and determine whether the renewal of the exemption is consistent with the requirements of 49 U.S.C. 31315 and 31136(e). Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable, but FMCSA may make its final decision at any time after the close of the comment period.

FMCSA believes the requirements for a renewal of an exemption under 49 U.S.C. 31315 and 31136(e) can be satisfied by initially granting the renewal and then requesting and subsequently evaluating comments submitted by interested parties. As indicated above, the Agency previously

published a notice of final disposition announcing its decision to exempt these seven Volvo drivers from the CDL requirement in 49 CFR 383.23. The decision to renew the exemption for these drivers was based on the merits of each driver's demonstrated knowledge and skills about the safe operation of CMVs, and only after careful consideration of the comments submitted in response to the April 23, 2007 original notice. The notice of application for exemption indicated that detailed information about the qualifications and experience of each of the drivers was provided in Volvo's application and that a copy of the application is in the docket referenced at the beginning of this notice.

Interested parties or organizations possessing information that would otherwise show that any or all of these drivers are not currently achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse information submitted and, if safety is being compromised or if the continuation of the exemption is not consistent with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA will take immediate steps to revoke the exemption of the driver(s) in question.

Issued on: January 29, 2009.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E9-2433 Filed 2-4-09; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2008-0313]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From Turnpike Global Technologies LLC

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) requests public comment on an application for exemption from Turnpike Global Technologies LLC (Turnpike) to allow the placement of electronic on board data event recorders at the bottom of the windshields on commercial motor vehicles (CMV). The exemption would enable any motor carrier using Turnpike's RouteTracker electronic on-board data event recorders

to mount the devices lower in the windshield than currently permitted by the Agency's regulations in order to maximize the ability of the device to collect safety and regulatory compliance data. Turnpike believes this mounting position would maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

DATES: Comments must be received on or before March 9, 2009.

ADDRESSES: You may submit comments identified by FDMS Docket ID Number FMCSA-2008-0313 by any of the following methods:

- *Web site:* <http://www.regulations.gov>.

Follow the instructions for submitting comments on the Federal electronic docket site.

- *Fax:* 1-202-493-2251.

- *Mail:* Docket Management Facility, U.S. Department of Transportation, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

- *Hand Delivery:* Ground Floor, Room W12-140, DOT Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number for this notice. For detailed instructions on submitting comments and additional information on the exemption process, see the "Public Participation" heading below. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the "Privacy Act" heading for further information.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or to Room W12-140, DOT Building, New Jersey Avenue, SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476) or you may visit <http://www.regulations.gov>.

Public participation: The <http://www.regulations.gov> Web site is generally available 24 hours each day, 365 days each year. You can get

electronic submission and retrieval help and guidelines under the "help" section of the <http://www.regulations.gov> Web site and also at the DOT's <http://docketsinfo.dot.gov> Web site. If you want us to notify you that we received your comments, please include a self addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

FOR FURTHER INFORMATION CONTACT: Mr. Luke W. Loy, Vehicle and Roadside Operations Division, Office of Bus and Truck Standards and Operations (MC-PSV), Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001, phone (202) 366-0676, or e-mail luke.loy@dot.gov.

SUPPLEMENTARY INFORMATION:

Background

Section 4007 of the Transportation Equity Act for the 21st Century (TEA-21) [Pub. L. 105-178, June 9, 1998, 112 Stat. 401] amended 49 U.S.C. 31315 and 31136(e) to provide authority to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). On August 20, 2004, FMCSA published a final rule (69 FR 51589) implementing section 4007. Under this rule, FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)). If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must also specify the effective period of the exemption (up to 2 years) and explain the terms and conditions of the exemption (49 CFR 381.315(c)). The exemption may be renewed (49 CFR 381.300(b)).

Turnpike's Application for Exemption

On April 2, 2008, Turnpike applied for an exemption from 49 CFR

393.60(e)(1) to allow the installation of the RouteTracker electronic on board data event recorder on CMVs. A copy of the application is included in the docket referenced at the beginning of this notice.

Section 393.60(e)(1) of the FMCSRs prohibits the obstruction of the driver's field of view by devices mounted at the top of the windshield. Antennas, transponders and similar devices (devices) must not be mounted more than 152 mm (6 inches) below the upper edge of the windshield. These devices must be located outside the area swept by the windshield wipers and outside the driver's sight lines to the road and highway signs and signals.

Turnpike applied for the exemption because it wants to install RouteTracker devices in its customers' vehicles throughout the United States. Turnpike contends that it must be able to mount the recorder in a position that is lower on the windshield than what is currently allowed under 49 CFR 393.60(e)(1) "in order to maximize the ability of the device to collect safety and regulatory compliance data." Turnpike noted that the preferred installation location is in the lower right side of the windshield, and outside the area swept by the windshield wipers. Turnpike stated "The windshield mount is the preferred installation to prevent driver tampering and ensure twenty-four hour communication relay."

In its application, Turnpike noted that the Commercial Vehicle Safety Alliance (CVSA) submitted a petition for rulemaking to FMCSA on October 18, 2007, to amend 49 CFR 393.60(e). The CVSA petition requests that the FMCSRs be amended to permit video event recorders and similar devices that require a clear forward facing visual field to be mounted not more than 50 mm (2 inches) below the upper edge of the area swept by the windshield wipers, provided that they are located outside the driver's sight lines to the road and highway signs and signals. A copy of the CVSA petition has been placed in the docket referenced at the beginning of this notice.

Turnpike recommended that FMCSA—as a condition of the exemption if it were granted—require Turnpike to comply with the mounting provisions proposed in the CVSA petition as described above during the period of the exemption. Turnpike stated that doing so would "enable Turnpike to maximize the use of RouteTracker in collecting safety and regulatory compliance data while abiding by a mounting standard that the CVSA has determined is safe and appropriate."

On November 7, 2008, Turnpike sent FMCSA an amendment to its exemption application. Turnpike notes that its preferred mounting location is in the lower right edge of the windshield, outside the area swept by the windshield wipers and outside the driver's sight lines to the road and highway signs and signals. A copy of the amended application is included in the docket referenced at the beginning of this notice. As such, complying with CVSA's proposed mounting location—not more than 2 inches below the upper edge of the area swept by the windshield wipers—as proposed in its original application dated April 2, 2008, would not be consistent with Turnpike's preferred mounting location at the bottom right of the windshield.

The amended application requests that FMCSA grant an exemption to § 393.60(e)(2) that would permit installation of its RouteTracker device in the lower right side of the windshield, outside the area swept by the windshield wipers and outside the driver's sight lines to the road and highway signs and signals. Turnpike notes that while § 393.60(e)(2) permits CVSA inspection decals, and stickers and/or decals required under Federal or State laws to "be placed at the bottom or sides of the windshield provided such decals or stickers do not extend more than 4½ inches from the bottom of the windshield and are located outside the area swept by the windshield wipers, and outside the drivers' sight lines to the road and highway signs or signals," this section applies only to decals and stickers—and not to transponders or similar devices such as its RouteTracker device. Given that the RouteTracker device has dimensions of 4" x 3.5" x 1.25", Turnpike contends that mounting its RouteTracker device in the lower right side of the windshield and outside the drivers' sight lines to the road and highway signs or signals is consistent with that allowed for decals and stickers described above, and will not degrade safety.

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on Turnpike's application for an exemption from 49 CFR 393.60. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the ADDRESSES caption of this notice. Comments received after the comment closing date

will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Issued on: January 29, 2009.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E9-2431 Filed 2-4-09; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2002-12844; FMCSA-2002-12423; FMCSA-2004-19477]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 5 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective February 25, 2009. Comments must be received on or before March 9, 2009.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-02-12844; FMCSA-02-12423; FMCSA-04-19477, using any of the following methods.

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

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140,

1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

- Fax: 1-202-493-2251.

Each submission must include the Agency name and the docket number for this Notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at <http://DocketInfo.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 5 individuals who have requested a renewal of their exemption in accordance with FMCSA procedures. FMCSA has evaluated these 5 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are: Lester G. Kelley, II, Dennis R. O'Dell, Jr., Jerry W. Parker, Virgil A. Potts, Henry A. Shelton.

These exemptions are extended subject to the following conditions: (1) That each individual have a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retain a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 5 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (67 FR 68719; 68 FR 2629; 69 FR 71100; 72 FR 5489; 68 8794; 70 FR 8659; 69 FR 64806; 70 FR 2705). Each of these 5 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision

deficiencies over the past two years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by March 9, 2009.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 5 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was based on the merits of each case and only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all of these drivers, are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on: January 29, 2009.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E9-2435 Filed 2-4-09; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket ID. FMCSA-2008-0340]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 24 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision standard. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions are effective February 5, 2009. The exemptions expire on February 7, 2011.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-

addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at <http://Docketsinfo.dot.gov>.

Background

On December 12, 2008, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (73 FR 75803). That notice listed 24 applicants' case histories. The 24 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 24 applications on their merits and made a determination to grant exemptions to all of them. The Agency would like to publish two corrections. Mr. Bryant M. Adam's profile was published with two convictions for moving violations in a CMV for failure to obey a traffic signal when he has no convictions on his driving record. Mr. Timothy L. Kelly's name was incorrectly spelled in his profile. The comment period closed on January 12, 2009.

Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices

showing standard red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision standard, but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely.

The 24 exemption applicants listed in this notice are in this category. They are unable to meet the vision standard in one eye for various reasons, including amblyopia, retinal detachment, prosthesis, optic nerve hypoplasia, macular scar, central scotoma, retinal vein occlusion, retinal scar, ruptured globe and loss of vision due to trauma. In most cases, their eye conditions were not recently developed. All but 14 of the applicants were either born with their vision impairments or have had them since childhood. The 14 individuals who sustained their vision conditions as adults have had them for periods ranging from 4 to 42 years.

Although each applicant has one eye which does not meet the vision standard in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV.

All these applicants satisfied the testing standards for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a commercial vehicle, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 24 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision for careers ranging from 4 to 64 years. In the past 3 years, three of the drivers had convictions for traffic violations and one of the drivers was involved in crashes.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the December 12, 2008 notice (73 FR 75803).

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely

to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered not only the medical reports about the applicants' vision, but also their driving records and experience with the vision deficiency.

To qualify for an exemption from the vision standard, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at docket number FMCSA-1998-3637.

We believe we can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex,

geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., "Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process," Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 24 applicants, one of the applicants had a traffic violation for failure to obey a traffic sign, one of the applicants had two traffic violations for failure to obey traffic signals, one of the applicants had a traffic violation for improperly changing lanes and one of the applicants was involved in crashes. The applicants achieved this record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds

that exempting these applicants from the vision standard in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 24 applicants listed in the notice of December 12, 2008 (73 FR 75603).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 24 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Discussion of Comments

FMCSA received one comment in this proceeding. The comment was considered and discussed below.

The Pennsylvania Department of Transportation expressed that it had reviewed the driving records for Henry Lloyd Decker, Brian M. Madaya and Harry J. McSuley, Jr. and was in favor of granting the Federal vision exemptions to these applicants.

Conclusion

Based upon its evaluation of the 24 exemption applications, FMCSA exempts, Bryant M. Adams, Ricky J. Childress, Thomas A. Crowell, Henry L. Decker, Thomas E. Dewitt, Jr., David L. Dykman, Milan D. Frasier, Wilfred J. Gagnon, Grady O. Gilliland, Harold J. Haier, Crayton Jones, Jr., Timothy L. Kelly, Lewis A. Kielhack, David Lancaster, Brian M. Madaya, Joe A.

McIlroy, Harry J. McSuley, Jr., Robert S. Metcalf, Elmer R. Miller, Richard L. Moreland, Stanley J. Morris, Barbara C. Pennington, Ronald M. Scott and Jeremichael Steele, from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)).

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: January 29, 2009.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E9-2438 Filed 2-4-09; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2000-7006; FMCSA-2006-26066; FMCSA-2006-25246]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 19 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective March 1, 2009. Comments must be received on or before March 9, 2009.

ADDRESSES: You may submit comments bearing the Federal Docket Management

System (FDMS) Docket ID FMCSA-2000-7006; FMCSA-2006-26066; FMCSA-2006-25246, using any of the following methods.

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

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* 1-202-493-2251.

Each submission must include the Agency name and the docket number for this Notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at <http://DocketInfo.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 19 individuals who have requested a renewal of their exemption in accordance with FMCSA procedures. FMCSA has evaluated these 19 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are: Kreis C. Baldrige, James L. Baynes, Daniel H. Bungartz, Steven J. Clark, Donald D. Daniels, Michael A. Fouch, Thanh V. Ha, Carl A. Lohrbach, James E. Menz, Jeffrey L. Olson, Chris H. Pederson, Timmy J. Pottebaum, Donnie Riggs, Luis H. Sanchez, Phillip L. Smith, Randall S. Surber, Brian S. Tuttle, Ernest W. Waff, Joseph W. Wigley.

These exemptions are extended subject to the following conditions: (1) That each individual have a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retain a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 19 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (65 FR 20245; 65 FR 57230; 67 FR 57266; 69 FR 52741; 71 FR 55820; 71 FR 63379; 72 FR 1050; 72 FR 180; 72 FR 9397). Each of these 19 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by March 9, 2009.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 19 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was based on the merits of each case and only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant

for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all of these drivers, are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on: January 29, 2009.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E9-2453 Filed 2-4-09; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2000-7363; FMCSA-2000-7918; FMCSA-2002-13411]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 11 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective March 7, 2009. Comments must be received on or before March 9, 2009.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-2000-7363; FMCSA-2000-7918; FMCSA-2002-13411, using any of the following methods.

• *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the

on-line instructions for submitting comments.

• *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

• *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *Fax:* 1-202-493-2251.

Each submission must include the Agency name and the docket number for this Notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at <http://DocketInfo.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202)-366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers

of CMVs in interstate commerce, for a two-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 11 individuals who have requested a renewal of their exemption in accordance with FMCSA procedures. FMCSA has evaluated these 11 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are: Henry Ammons, Jr., Michael D. Archibald, David S. Carman, Cedric E. Foster, Glen T. Garrabrant, Alan L. Johnston, Dennis I. Nelson, Rance A. Powell, Shannon E. Rasmussen, Garfield A. Smith, Henry L. Walker.

These exemptions are extended subject to the following conditions: (1) That each individual have a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retain a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 11 applicants has satisfied the entry conditions for

obtaining an exemption from the vision requirements (65 FR 45817; 65 FR 77066; 68 FR 10300; 70 FR 7546; 65 FR 66286; 66 FR 13825; 67 FR 76439; 68 FR 10298; 70 FR 7545). Each of these 11 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by March 9, 2009.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 11 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was based on the merits of each case and only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all of these drivers, are not currently achieving the statutory level of safety should immediately notify FMCSA. The

Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on: January 29, 2009.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E9-2454 Filed 2-4-09; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2000-7006; FMCSA-2000-7363; FMCSA-2001-10570; FMCSA-2002-12294; FMCSA-2004-18885; FMCSA-2006-24783]

Qualification of Drivers; Exemption Renewals; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA previously announced its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 12 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has reviewed the comments submitted in response to the previous announcement and concluded that granting these exemptions will provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366-4001, maggi.gunnels@dot.gov, FMCSA, Department of Transportation, 400 Seventh Street, SW., Room 8301, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at <http://www.regulations.gov>.

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The statute also allows the Agency to renew exemptions at the end of the 2-year period. The comment period ended on January 12, 2009.

Discussion of Comments

FMCSA received no comments in this proceeding.

Conclusion

The Agency has not received any adverse evidence on any of these drivers that indicates that safety is being compromised. Based upon its evaluation of the 12 renewal applications, FMCSA renews the Federal vision exemptions for Robert W. Brown, David D. Bungori, Jr., Benny J. Burke, David R. Cox, Gary T. Hicks, Robert T. Hill, John C. McLaughlin, Kenneth D. Sisk, David W. Skillman, Rick N. Ulrich, Stephen D. Vice and Larry D. Wedekind.

In accordance with 49 U.S.C. 31136(e) and 31315, each renewal exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: January 29, 2009.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E9-2432 Filed 2-4-09; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-1999-5578; FMCSA-1999-5748; FMCSA-1999-6480; FMCSA-2000-7165; FMCSA-2001-11426; FMCSA-2002-11714; FMCSA-2002-12294; FMCSA-2003-14223; FMCSA-2004-17195; FMCSA-2004-17984; FMCSA-2005-21254; FMCSA-2005-22194; FMCSA-2005-23238; FMCSA-2006-24015; FMCSA-2006-24783]

Qualification of Drivers; Exemption Renewals; Vision; Correction

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition; Correction.

SUMMARY: On September 9, 2008 (73 FR 52451), October 17, 2008 (73 FR 61927), and October 31, 2008 (73 FR 65009), the Federal Motor Carrier Safety Administration (FMCSA) published four notices of final disposition in the **Federal Register** with an inadvertent error in each. Those notices stated that the Agency did not receive comments in the proceedings. This document corrects that error, because it was brought to the Agency's attention that comments had been submitted. This correction does not affect the Agency's previous decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for the individuals specifically identified in the September 9, 2008, October 17, 2008 and October 31, 2008 final disposition notices.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202)-366-4001, fmcamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at <http://www.regulations.gov>, by accessing the docket numbers in the heading of this notice.

Background

FMCSA announced in the September 9, 2008, October 17, 2008 and October 31, 2008 notices that no comments were received in the proceedings. This was in error. The notices should read that comments were received. The Advocates for Highway and Auto Safety filed the same comment in all four proceedings.

Corrections

1. In notice FR Doc. E8-20890 beginning on page 52451, second column, under the separate headings of *Discussion of Comments* and *Conclusion*, in the issue of Tuesday, September 9, 2008:

2. In notice FR Doc. E8-224695 beginning on page 61927, second column, under the separate headings of *Discussion of Comments* and *Conclusion*, in the issue of Friday, October 17, 2008:

3. In notice FR Doc. E8-224698 beginning on page 61927, third column, under the separate headings of *Discussion of Comments* and *Conclusion*, in the issue of Friday, October 17, 2008:

4. In notice FR Doc. E8-26059 beginning on page 65010, first column, under the separate headings of *Discussion of Comments* and *Conclusion*, in the issue of Friday, October 31, 2008, change to read as follows:

Discussion of Comments

FMCSA received one comment in this proceeding. The comment was considered and discussed below.

Advocates for Highway and Auto Safety (Advocates) expressed opposition to FMCSA's policy to grant exemptions from the FMCSR, including the driver qualification standards. Specifically, Advocates: (1) Objects to the manner in which FMCSA presents driver information to the public and makes safety determinations; (2) objects to the Agency's reliance on conclusions drawn from the vision waiver program; (3) claims the Agency has misinterpreted statutory language on the granting of exemptions (49 U.S.C. 31136(e) and 31315); and finally (4) suggests that a 1999 Supreme Court decision affects the legal validity of vision exemptions.

The issues raised by Advocates were addressed at length in 64 FR 51568 (September 23, 1999), 64 FR 66962 (November 30, 1999), 64 FR 69586 (December 13, 1999), 65 FR 159 (January 3, 2000), 65 FR 57230 (September 21, 2000), and 66 FR 13825 (March 7, 2001). We will not address these points again, but refer interested parties to those earlier discussions.

Conclusion

FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has reviewed the comments submitted in response to the previous announcements and concluded that granting these exemptions will provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers. The Agency has not received any adverse evidence on any of these drivers that indicates that safety is being compromised. Based upon evaluation of the renewal applicants, FMCSA stands by its decision to renew the exemptions from the Federal Motor Carrier Safety Regulations for the 39 individuals specified in the September 9, 2008 final disposition notice, the 34 individuals

and the 16 individuals specified in the two October 17, 2008 final disposition notices and the 13 individuals specified in October 31, 2008 final disposition notice.

In accordance with 49 U.S.C. 31136(e) and 31315, each renewal exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: January 29, 2009

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E9-2437 Filed 2-4-09; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2009-0019 (Notice No. 09-1)]

Information Collection Activities

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on certain information collections pertaining to hazardous materials transportation for which PHMSA intends to request renewal from the Office of Management and Budget (OMB).

DATE: Interested persons are invited to submit comments on or before April 6, 2009.

ADDRESSES: You may submit comments identified by the docket number (PHMSA-2009-0019) by any of the following methods:

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

- *Fax:* 1-202-493-2251.

- *Mail:* Docket Operations, U.S.

Department of Transportation, West Building, Ground Floor, Room W12-140, Routing Symbol M-30, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Hand Delivery:* To Docket Operations, Room W12-140 on the

ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and docket number or Regulation Identification Number (RIN) for this notice. Internet users may access comments received by DOT at: <http://www.regulations.gov>. Note that comments received will be posted without change to: <http://www.regulations.gov> including any personal information provided.

Requests for a copy of an information collection should be directed to Deborah Boothe or T. Glenn Foster, Office of Hazardous Materials Standards (PHH-11), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue, SE., East Building, 2nd Floor, Washington, DC 20590-0001, Telephone (202) 366-8553.

FOR FURTHER INFORMATION CONTACT:

Deborah Boothe or T. Glenn Foster, Office of Hazardous Materials Standards (PHH-11), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue, SE., East Building, 2nd Floor, Washington, DC 20590-0001, Telephone (202) 366-8553.

SUPPLEMENTARY INFORMATION: Section 1320.8(d), Title 5, Code of Federal Regulations requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies information collection requests that PHMSA will be submitting to OMB for renewal and extension. These information collections are contained in 49 CFR 171.6 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). PHMSA has revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on changes in proposed or final rules published since the information collections were last approved. The following information is provided for each information collection: (1) Title of the information collection, including former title if a change is being made; (2) OMB control number; (3) summary of the information collection activity; (4) description of affected public; (5) estimate of total annual reporting and recordkeeping burden; and (6) frequency of collection. PHMSA will request a three-year term of approval for each information collection activity and, when approved by OMB, publish notice of the approval in the **Federal Register**.

PHMSA requests comments on the following information collections:

Title: Rulemaking, Special Permits, and Preemption Requirements.

OMB Control Number: 2137-0051.

Summary: This collection of information applies to rulemaking procedures regarding the HMR. Specific areas covered in this information collection include Part 105, Subpart A and Subpart B, "Hazardous Materials Program Definitions and General Procedures"; Part 106, Subpart B, "Participating in the Rulemaking Process"; Part 107, Subpart B, "Special Permits"; and Part 107, Subpart C, "Preemption." The Federal hazardous materials transportation law directs the Secretary of Transportation to prescribe regulations for the safe transportation of hazardous materials in commerce. We are authorized to accept petitions for rulemaking and appeals, as well as applications for exemptions, preemption determinations and waivers of preemption. The types of information collected include:

(1) *Petitions for Rulemaking:* Any person may petition the Office of Hazardous Materials Standards to add, amend, or delete a regulation in Parts 110, 130, 171 through 180, or may petition the Office of the Chief Counsel to add, amend, or delete a regulation in Parts 105, 106 or 107.

(2) *Appeals:* Except as provided in § 106.40(e), any person may submit an appeal to our actions in accordance with the Appeals procedures found in §§ 106.110 through 106.130.

(3) *Application for Special Permit:* Any person applying for a special permit must include the citation of the specific regulation from which the applicant seeks relief; specification of the proposed mode or modes of transportation; detailed description of the proposed special permit (e.g., alternative packaging, test, procedure or activity), including as appropriate, written descriptions, drawings, flow charts, plans and other supporting documents, etc.

(4) *Application for Preemption Determination:* With the exception of highway routing matters covered under 49 U.S.C. 5125(c), any person directly affected by any requirement of a State, political subdivision, or Indian tribe may apply to the Chief Counsel for a determination whether that requirement is preempted by § 107.202(a), (b) or (c). The application must include the text of the State or political subdivision or Indian tribe requirement for which the determination is sought; specify each requirement of the Federal hazardous materials transportation law, regulations issued under the Federal hazardous material transportation law, or hazardous material transportation

security regulations or directives issued by the Secretary of Homeland Security with which the applicant seeks the State or political subdivision or Indian tribe requirement to be compared; explain why the applicant believes the State or political subdivision or Indian tribe requirement should or should not be preempted under the standards of § 107.202; and state how the applicant is affected by the State or political subdivision or Indian tribe requirement.

(5) *Waivers of Preemption:* With the exception of requirements preempted under 49 U.S.C. 5125(c), any person may apply to the Chief Counsel for a waiver of preemption with respect to any requirement that: (1) The State or political subdivision thereof or Indian tribe acknowledges to be preempted under the Federal hazardous materials transportation law, or (2) that has been determined by a court of competent jurisdiction to be so preempted. The Chief Counsel may waive preemption with respect to such requirement upon a determination that such requirement affords an equal or greater level of protection to the public than is afforded by the requirements of the Federal hazardous materials transportation law or the regulations issued thereunder, and does not unreasonably burden commerce.

The information collected under these application procedures is used in the review process by PHMSA in determining the merits of the petitions for rulemakings and for reconsideration of rulemakings, as well as applications for special permits, preemption determinations and waivers of preemption to the HMR. The procedures governing these petitions for rulemaking and for reconsideration of rulemakings are covered in Subpart B of Part 106. Applications for special permits, preemption determinations and waivers of preemption are covered under Subparts B and C of Part 107. Rulemaking procedures enable PHMSA to determine if a rule change is necessary, is consistent with public interest, and maintains a level of safety equal to or superior to that of current regulations. Special permit procedures provide the information required for analytical purposes to determine if the requested relief provides for a comparable level of safety as provided by the HMR. Preemption procedures provide information for PHMSA to determine whether a requirement of a State, political subdivision, or Indian tribe is preempted under 49 U.S.C. 5125, or regulations issued thereunder, or whether a waiver of preemption should be issued.

Affected Public: Shippers, carriers, packaging manufacturers, and other affected entities.

Recordkeeping:

Number of Respondents: 3,304.

Total Annual Responses: 4,294.

Total Annual Burden Hours: 4,219.

Frequency of Collection: On occasion.

Title: Radioactive (RAM)

Transportation Requirements.

OMB Control Number: 2137–0510.

Summary: This information collection consolidates and describes the information collection provisions in the HMR involving the transportation of radioactive materials in commerce. Information collection requirements for RAM include: Shipper notification to consignees of the dates of shipment of RAM; expected arrival; special loading/unloading instructions; verification that shippers using foreign-made packages hold a foreign competent authority certificate and verification that the terms of the certificate are being followed for RAM shipments being made into this country; and specific handling instructions from shippers to carriers for fissile RAM, bulk shipments of low specific activity RAM and packages of RAM which emit high levels of external radiation. These information collection requirements help to establish that proper packages are used for the type of radioactive material being transported; external radiation levels do not exceed prescribed limits; and packages are handled appropriately and delivered in a timely manner, so as to ensure the safety of the general public, transport workers, and emergency responders.

Affected Public: Shippers and carriers of radioactive materials in commerce.

Recordkeeping:

Number of Respondents: 3,817.

Total Annual Responses: 21,519.

Total Annual Burden Hours: 15,270.

Frequency of collection: On occasion.

Title: Subsidiary Hazard Class and Number/Type of Packagings.

OMB Control Number: 2137–0613.

Summary: The HMR require that shipping papers and emergency response information accompany each shipment of hazardous materials in commerce. In addition to the basic shipping description information, we also require the subsidiary hazard class or subsidiary division number(s) to be entered in parentheses following the primary hazard class or division number on shipping papers. This requirement was originally required only by transportation by vessel. However, the lack of such a requirement posed problems for motor carriers with regard to complying with segregation, separation, and placarding

requirements, as well as posing a safety hazard. For example, in the event the motor vehicle becomes involved in an accident, when the hazardous materials being transported include a subsidiary hazard such as “dangerous when wet” or a subsidiary hazard requiring more stringent requirements than the primary hazard, there is no indication of the subsidiary hazards on the shipping papers and no indication of the subsidiary risks on placards. Under circumstances such as motor vehicles being loaded at a dock, labels are not enough to alert hazardous materials employees loading the vehicles, nor are they enough to alert emergency responders of the subsidiary risks contained on the vehicles. Therefore, we require the subsidiary hazard class or subsidiary division number(s) to be entered on the shipping paper, for purposes of enhancing safety and international harmonization.

We also require the number and type of packagings to be indicated on the shipping paper. The requirement makes it mandatory for shippers to indicate on shipping papers the numbers and types of packages, such as drums, boxes, jerricans, etc., being used to transport hazardous materials by all modes of transportation.

Shipping papers serve as a principal means of identifying hazardous materials during transportation emergencies. Firefighters, police, and other emergency response personnel are trained to obtain the DOT shipping papers and emergency response information when responding to hazardous materials transportation emergencies. The availability of accurate information concerning hazardous materials being transported significantly improves response efforts in these types of emergencies. The additional information would aid emergency responders by more clearly identifying the hazard.

Affected Public: Shippers and carriers of hazardous materials in commerce.

Recordkeeping:

Number of Respondents: 250,000.

Total Annual Responses: 6,337,500.

Total Annual Burden Hours: 17,604.

Frequency of Collection: On occasion.

Issued in Washington, DC, on February 2, 2009.

Edward T. Mazzullo,

Director, Office of Hazardous Materials Standards.

[FR Doc. E9–2474 Filed 2–4–09; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****[REG-209823-96]****Proposed Collection; Comment Request for Regulation Project****AGENCY:** Internal Revenue Service (IRS), Treasury.**ACTION:** Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG-209823-96 (TD 8791), Guidance Regarding Charitable Remainder Trusts and Special Valuation Rules for Transfers of Interests and Trusts.

DATES: Written comments should be received on or before April 6, 2009 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this regulation should be directed to Allan Hopkins, (202) 622-6665, Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the internet at Allan.M.Hopkins@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Guidance Regarding Charitable Remainder Trusts and Special Valuation Rules for Transfers of Interests and Trusts.

OMB Number: 1545-1536.

Regulation Project Number: REG-209823-96.

Abstract: This regulation provides guidance relating to charitable remainder trusts and to special valuation rules for transfers of interests in trusts. Section 1.664-1(a)(7) of the regulation provides that either an independent trustee or qualified appraiser using a qualified appraisal must value a charitable remainder trust's assets that do not have an objective, ascertainable value.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 150.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 75.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 22, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9-2414 Filed 2-4-09; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****[REG-133446-03]****Proposed Collection; Comment Request for Regulation Project****AGENCY:** Internal Revenue Service (IRS), Treasury.**ACTION:** Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort

to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing Temp and final regulation, REG-133446-03, Guidance on Passive Foreign Company (PFIC) Purging Elections.

DATES: Written comments should be received on or before April 6, 2009 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Allan Hopkins at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622-6665, or through the Internet at Allan.M.Hopkins@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Guidance on Passive Foreign (PFIC) Purging Elections.

OMB Number: 1545-1965.

Regulation Project Number: REG-133446-03.

Abstract: The IRS needs the information to substantiate the taxpayer's computation of the taxpayer's share of the PFIC's post-1986 earning and profits.

Current Actions: There is no change to these existing regulations.

Type of Review: Extension of currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations.

Estimated Number of Respondents: 250.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 250.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and

tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 22, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9-2415 Filed 2-4-09; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1120X

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1120X, Amended U.S. Corporation Income Tax Return.

DATES: Written comments should be received on or before April 6, 2009 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or

copies of the form and instructions should be directed to Allan Hopkins at (202) 622-6665, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at Allan.M.Hopkins@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Amended U.S. Corporation Income Tax Return.

OMB Number: 1545-0132.

Form Number: 1120X.

Abstract: Domestic corporations use Form 1120X to correct a previously filed Form 1120 or Form 1120-A. The data is used to determine if the correct tax liability has been reported.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and farms.

Estimated Number of Respondents: 16,699.

Estimated Time per Respondent: 18 hrs.

Estimated Total Annual Burden Hours: 300,582.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 22, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9-2416 Filed 2-4-09; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8883

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8883, Asset Allocation Statement Under Section 338.

DATES: Written comments should be received on or before April 6, 2009 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, (202) 622-6665, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at Allan.M.Hopkins@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Asset Allocation Statement Under Section 338.

OMB Number: 1545-1806.

Form Number: 8883.

Abstract: Form 8883 is used to report information regarding transactions involving the deemed sale of corporate assets under section 338.

Current Actions: We have deleted one line item from this form.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 201.

Estimated Time per Respondent: 24 hours, 17 minutes.

Estimated Total Annual Burden Hours: 4,881.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 22, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9-2419 Filed 2-4-09; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8883

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8883, Asset Allocation Statement Under Section 338.

DATES: Written comments should be received on or before April 6, 2009 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, (202) 622-6665, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the internet at Allan.M.Hopkins@irs.gov.

SUPPLEMENTARY INFORMATION:
Title: Asset Allocation Statement Under Section 338.

OMB Number: 1545-1806.

Form Number: 8883.

Abstract: Form 8883 is used to report information regarding transactions involving the deemed sale of corporate assets under section 338.

Current Actions: We have deleted one line item from this form.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 201.

Estimated Time per Respondent: 24 hours, 17 minutes.

Estimated Total Annual Burden Hours: 4,881.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection

of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 22, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9-2422 Filed 2-4-09; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Quarterly Publication of Individuals, Who Have Chosen To Expatriate, as Required by Section 6039G

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This notice is provided in accordance with IRC section 6039G, as amended, by the Health Insurance Portability and Accountability Act (HIPPA) of 1996. This listing contains the name of each individual losing their United States citizenship (within the meaning of section 877(a)) with respect to whom the Secretary received information during the quarter ending December 31, 2008.

Last name	First name	Middle name/initials
Shah	Prashant	S.
Lubomirski	Joan	
Dallal	Henry	
Cronan	Sandra	M.
Majoni	Alessandro	

Last name	First name	Middle name/initials
Green	Alexander	
Metcalfe	Sally	C.
Yan	Shen	
Neufeld	Herman	
Ling	Stella	H.
Bloom	Emma	Catherine.
Chung	Noah	Taesun.
Bseisu	Dinaa	Adnan.
Wang	Kevin	
O'Connor	Dennis	
Sturzenegger	Thomas	O.
Bery	Varun	
Davis	Jerome	Dean.
Oxenham	John	R.
Chantre	Elsie	
Lindstrom	Leif	
Dion	Jeremy	
Herren-Chapui	Nicole	C.
Sohnle	Susanne	
Hassani	Ali	
Lam	Alvan	Sheung-Chi.
Chemaly	Edward	Frederick.
De Cordes	Amaury	
Kallen	Maarten	Jan.
Tan	Norine	Yeah Luen.
Astor	Thomas	D.
Cornish	Davina	DeForest.
Telschow	Vincent	
O'Hana	Clea	
Herbets	Stanley	Chwan-Yeu.
Tan	Raymond	Cho Lung.
Schumer	Andrew	Robin.
Sakai	Hubert	Akihiro.
Jagger	Evelyn	Pamela.
Clegg	Marjorie	
Preece, Jr.	Robert	John.
Axelrod	Todd	Michael.
Scanlon	Marily	Fentress.
Wang	Xun	Christopher.
Hafstad	Einar	Finn.
Parsons	Christina	Abigail.
McAlpine	James	Alistair Torquil.
Ventura	Francis	Donald.
Mains	Jill	Rachel.
McAlpine	Charles	Rho.
Larsson	Robert	Wayne.
Yip	Joseph	Kwong Lam.
Fort	Peter	John.
Merson	Vladimir	David.
Masri	Leith	Munib.
Christie	Antonia	Elizabeth.
Kenyon	Mary	Jean.
Everett	Jeremy	Alexander.
Barham	Jessica	Mirand.
Penman	Frances	Barry.
Watkins	Fe	Alaan.
Barham	Jessica	Miranda.
Schumer	Andrew	Robin.

Dated: January 21, 2009.
Angie Kaminski,
*Manager Team 103, Examinations
 Operations, Philadelphia Compliance
 Services.*
 [FR Doc. E9-2423 Filed 2-4-09; 8:45 am]
BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY
Internal Revenue Service
**Recruitment Notice for the Taxpayer
 Advocacy Panel**

AGENCY: Internal Revenue Service (IRS)
 Treasury.
ACTION: Notice.

SUMMARY: Notice for Recruitment of IRS
 Taxpayer Advocacy Panel (TAP)
 Members.
DATES: March 16, 2009 through April
 30, 2009.
FOR FURTHER INFORMATION CONTACT:
 Shawn Collins at 202-622-1245.
SUPPLEMENTARY INFORMATION: Notice is
 hereby given that the Department of the
 Treasury and the Internal Revenue
 Service (IRS) are inviting individuals to

help improve the nation's tax agency by applying to be members of the Taxpayer Advocacy Panel. The mission of the TAP is to provide citizen input into enhancing IRS customer satisfaction and service by identifying problems and making recommendations for improvement of IRS systems and procedures and elevating the identified problems to the appropriate IRS official. The TAP serves as an advisory body to the Secretary of the Treasury, the Commissioner of Internal Revenue and the National Taxpayer Advocate. TAP members will participate in subcommittees that channel their feedback to the IRS.

The IRS is seeking applicants who have an interest in good government, a personal commitment to volunteer approximately 300 to 500 hours a year, and a desire to help improve IRS customer service. To the extent possible, the IRS would like to ensure a balanced TAP membership representing a cross-section of the taxpaying public throughout the United States. Potential candidates must be U.S. citizens, compliant with Federal, state and local taxes, and pass a background investigation.

TAP Members are a diverse group of citizens who work as valuable partners

of the IRS by providing input from a taxpayer's perspective on ways to improve IRS customer service and administration of the Federal tax system. In order to be an effective member of TAP, applicants must possess the knowledge, skills and abilities necessary to (1) identify grassroots taxpayer issues by soliciting input directly from taxpayers and (2) work effectively with TAP committees, and IRS program staff, to research and analyze issues, develop solutions, and make recommendations to the IRS on ways to improve programs and procedures. TAP members work to identify and solve problems by: Actively participating in committee meetings; expressing their views; listening to the views of others, showing a willingness to explore new ideas, and contributing their knowledge and experience in committee deliberations. TAP members should have good communications skills and be able to make effective presentations about the TAP and TAP activities, while clearly distinguishing between TAP positions and their personal viewpoints.

Interested applicants should visit the TAP Web site at <http://www.improveirs.org> to complete the on-

line application or call the TAP toll free number, 1-888-912-1227 if they have questions about TAP membership. The opening date for submitting applications is March 16, 2009, and the deadline for submitting applications is April 30, 2009. Finalists will be ranked by experience and suitability. The most qualified candidates will complete a panel interview. The Secretary of the Treasury will review the recommended candidates and make final selections. (**Note:** Highly-ranked applicants not selected as members may be placed on a roster of alternates who will be eligible to fill future vacancies that may occur on the Panel.)

Questions regarding the selection of TAP members may be directed to Shawn Collins, Acting Director, Taxpayer Advocacy Panel, Internal Revenue Service, 1111 Constitution Avenue, NW., Room 1314, Washington, DC 20224, or 202-622-1245.

Dated: January 29, 2009.

Shawn Collins,

Acting Director, Taxpayer Advocacy Panel.
[FR Doc. E9-2424 Filed 2-4-09; 8:45 am]

BILLING CODE 4830-01-P

Reader Aids

Federal Register

Vol. 74, No. 23

Thursday, February 5, 2009

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	202-741-6000
Laws	741-6000
Presidential Documents	
Executive orders and proclamations	741-6000
The United States Government Manual	741-6000
Other Services	
Electronic and on-line services (voice)	741-6020
Privacy Act Compilation	741-6064
Public Laws Update Service (numbers, dates, etc.)	741-6043
TTY for the deaf-and-hard-of-hearing	741-6086

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: <http://www.gpoaccess.gov/nara/index.html>
 Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access are located at: http://www.archives.gov/federal_register

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to <http://listserv.access.gpo.gov> and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings)*; then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws. To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html> and select *Join or leave the list (or change settings)*; then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: fedreg.info@nara.gov
 The Federal Register staff cannot interpret specific documents or regulations.

Reminders. Effective January 1, 2009, the Reminders, including Rules Going Into Effect and Comments Due Next Week, no longer appear in the Reader Aids section of the Federal Register. This information can be found online at <http://www.regulations.gov>.

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at <http://bookstore.gpo.gov/>.

FEDERAL REGISTER PAGES AND DATE, FEBRUARY

5797-5898	2
5899-5982	3
5983-6116	4
6117-6222	5

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR		20 CFR	
Executive Orders:		404	5807
13201 (revoked by 13496)	6107	22 CFR	
13204 (revoked by 13495)	6103	215	5808
13258 (revoked by 13497)	6113	28 CFR	
13422 (revoked by 13497)	6113	Proposed Rules:	
13494	6101	26	6131
13495	6103	29 CFR	
13496	6107	403	5899
13497	6113	408	5899
Administrative Orders:		Proposed Rules:	
Memorandums:		2550	6007
Memo. of 1/30/2009	5977	33 CFR	
Memo. of 1/30/2009	5979	117	5983, 5984, 5986
Administrative Orders:		165	5987, 5989
Determinations:		39 CFR	
No. 2009-15 of January 27, 2009	6115	3020	6117
5 CFR		40 CFR	
Proposed Rules:		6	5991
532	6003	112	5900
7 CFR		271	5994
1400	6117	Proposed Rules:	
8 CFR		6	6008
274a	5899	271	6010
10 CFR		42 CFR	
Ch. I	5797	440	5808
72	5983	47 CFR	
12 CFR		73	6001, 6120, 6121, 6122
360	5797	Proposed Rules:	
Proposed Rules:		73	6131, 6132
337	5904	50 CFR	
704	6004	Proposed Rules:	
16 CFR		17	5908, 6122
Proposed Rules:		216	6010
Ch. I	6129		
255	5810		

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-741-6043. This list is also available online at <http://www.archives.gov/federal-register/laws.html>.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-1808). The text will also be made available on the Internet from GPO Access at <http://www.gpoaccess.gov/plaws/index.html>. Some laws may not yet be available.

S. 181/P.L. 111-2

Lilly Ledbetter Fair Pay Act of 2009 (Jan. 29, 2009; 123 Stat. 5)

Last List January 21, 2009

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly

enacted public laws. To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html>

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.