6–26–09 Friday
Vol. 74 No. 122 June 26, 2009

Pages 30459–30906

Federal Register

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday 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, July 14, 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

Printed on recycled paper.

Contents

Federal Register

Vol. 74, No. 122

Friday, June 26, 2009

Advisory Council on Historic Preservation
See Historic Preservation, Advisory Council

Agency for International Development
PROPOSED RULES
Partner Vetting in USAID Acquisitions, 30494–30499
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30521

Agriculture Department
See Forest Service
See Rural Housing Service
See Rural Utilities Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30500–30503

Blind or Severely Disabled, Committee for Purchase From People Who Are
See Committee for Purchase From People Who Are Blind or Severely Disabled

Centers for Disease Control and Prevention
NOTICES
Meetings:
Disease, Disability, and Injury Prevention and Control Special Emphasis Panel, 30602, 30605–30606
National Center for Injury Prevention and Control Initial Review Group, 30605–30606

Centers for Medicare & Medicaid Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30574–30577
Medicare and Medicaid Programs:
Application by the American Association for Accreditation of Ambulatory Surgery Facilities, etc., 30587–30588
Application by The Joint Commission for Continued Deeming Authority for Hospitals, 30588–30590
Approval of the Joint Commission's Continued Deeming Authority for Critical Access Hospitals, 30584–30587
Quarterly Listing of Program Issuances (January Through March 2009), 30690–30899
Privacy Act; Systems of Records, 30606–30608

Civil Rights Commission
NOTICES
Meetings; Sunshine Act, 30522

Coast Guard
RULES
Safety Zones:
Harborfest 2009, Parade of Sail, Elizabeth River, Norfolk, VA, 30464–30466
NOTICES
Material Safety Data Sheet Requirement in the International Convention for the Safety of Life at Sea, 30612–30615

Commerce Department
See International Trade Administration
See National Oceanic and Atmospheric Administration
See Patent and Trademark Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30522–30523
Meetings:
Industry Outreach for Climate Change Negotiations Under UNFCCC, 30523

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement List Additions, 30530–30531
Proposed Additions to and Deletions from Procurement List, 30531–30532

Committee for the Implementation of Textile Agreements
NOTICES
Amendment to the 2009 Tariff Preference Level for Nicaragua, etc., 30521–30522

Defense Department
NOTICES
36(b)(1) Arms Sales Notification, 30532–30551
Revised Non-Foreign Overseas Per Diem Rates, 30551–30557

Department of Transportation
See Pipeline and Hazardous Materials Safety Administration

Drug Enforcement Administration
NOTICES
Applications:
Importer of Controlled Substances, 30620–30621
Manufacturer of Controlled Substances, 30621

Employee Benefits Security Administration
NOTICES
Prohibited Transaction Exemptions and Grant of Individual Exemptions, 30622–30631
Proposed Exemptions, 30631–30642
Withdrawal of Proposed Exemption:
Barclays Bank PLC and Barclays Capital Inc. (Applicants) Located Respectively in London, and New York, 30643

Employment and Training Administration
NOTICES
Change in Status of an Extended Benefit (EB) Period for Colorado, 30621–30622
Change in Status of an Extended Benefit (EB) Period for Florida, 30622
Change in Status of an Extended Benefit (EB) Period for Ohio, 30622
Termination of Investigation:
Arrow Electronics, Inc., Melville, NY, 30643
DJ Fashions, LLC, New York, NY, 30642–30643
L and L Products, Romeo, MI, 30642
Mountain Skylines, Inc, Leavenworth, WA, 30643
Newport Corp., Irvine, CA, 30642
Performance Powder Coatings, LLC, Kokomo, IN, 30642

Seton Identification Products, Inc., Branford, CT, 30642
Toyal America, Inc., Lockport, IL, 30642
VWR International, LLC, West Chester, PA, 30643

Energy Department
See Federal Energy Regulatory Commission
See Western Area Power Administration
NOTICES
Applications to Export Electric Energy:
Twin Cities Energy LLC, 30557–30558
Exelon Generation Co., LLC, 30557
Variance for Certain Requirements for the Electric Drive Vehicle Battery, etc., 30558–30559

Environmental Protection Agency
RULES
Ambient Air Quality Surveillance; CFR Correction, 30469–30470
Approval and Promulgation of Air Quality Implementation Plans:
Illinois; Oxides of Nitrogen Regulations, Phase II, 30466–30469
Pesticide Tolerances:
Chlorantraniliprole, 30470–30475
PROPOSED RULES
Approval and Promulgation of Air Quality Implementation Plans:
Illinois; Oxides of Nitrogen Regulations, Phase II, 30481
Proposed Tolerance Actions:
Metolachlor, S–Metolachlor, Bifenazate, Buprofezin, and 2,4–D, 30487–30493
Revisions to the California State Implementation Plan:
California Air Resources Board Consumer Products Regulations, 30481–30485
San Joaquin Valley Unified Air Pollution Control District and South Coast Air Quality Management District, 30485–30487
NOTICES
Access to Confidential Business Information by Computer Sciences Corporation's Identified Subcontractor, 30568–30569
Environmental Impact Statements; Availability, etc.
Comments Availability, 30569
Weekly Receipt, 30569–30571

Executive Office of the President
See Presidential Documents
See Trade Representative, Office of United States

Federal Aviation Administration
NOTICES
Intent to Rule on Request to Release Airport Property:
Pocahontas Municiapal Airport, Pocahontas, AR, 30664–30665

Federal Communications Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30571–30572
Radio Broadcasting Services:
AM or FM Proposals To Change The Community of License, 30572–30573

Federal Energy Regulatory Commission
NOTICES
Environmental Impact Statements; Availability, etc.:
Ruby Pipeline, L.L.C., 30560–30562
Filings:
Hoosier Wind Project, LLC, 30563
Lost Creek Wind, LLC, 30563
Upper Peninsula Power Co., 30562–30563
Initial Market-Based Rate Filings:
GennConn Devon LLC, 30565
GennConn Middletown, LLC, 30564
Northwest Wind Partners, LLC, 30563–30564
Northern Colorado Wind Energy, LLC, 30564–30565
Order On Intent To Revoke Market-Based Rate Authority:
Electric Quarterly Reports; PowerGrid Systems, Inc., 30565–30566
Request for Temporary Waiver of Tariff Filing and Reporting Requirements:
Jayhawk Pipeline, L.L.C., 30566
Request Under Blanket Authorization:
Transwestern Pipeline Co., LLC, 30566–30567

Federal Railroad Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30662–30664
Informational Filings:
BNSF Railway Co., 30664
Interim Statements of Agency Policies and Interpretations:
Hours of Service Laws as Amended; Proposed Interpretation; Request for Public Comment, 30665–30677

Federal Reserve System
NOTICES
Change in Bank Control:
Acquisition of Shares of Bank or Bank Holding Companies, 30573

Federal Transit Administration
PROPOSED RULES
School Bus Operations; withdrawal, 30499

Fish and Wildlife Service
NOTICES
Environmental Impact Statements; Availability, etc.:
Montana Department of Natural Resources and Conservation; Public Meetings, 30617–30619

Food and Drug Administration
RULES
Oral Dosage Form New Animal Drugs:
Trilostane, 30463–30464
NOTICES
Amended Authorization of Emergency Use of Doxycycline Hyclate Tablet Emergency Kits:
Eligible United States Postal Service Participants Cities Readiness Initiative, etc., 30577–30584
Meetings:
Reportable Food Registry Public Workshops, 30603–30604

Forest Service
NOTICES
Meetings:
Siskiyou Resource Advisory Committee (RAC), 30520–30521
Tehama County Resource Advisory Committee, 30521

General Services Administration
RULES
Federal Management Regulation:
Transportation Payment and Audit, 30475–30476

PROPOSED RULES
Federal Management Regulation:
Replacement of Personal Property Pursuant to the Exchange/Sale Authority, 30493–30494

Health and Human Services Department
See Centers for Disease Control and Prevention
See Centers for Medicare & Medicaid Services
See Food and Drug Administration
See National Institutes of Health
NOTICES
Meetings:
President's Advisory Council for Faith-based and Neighborhood Partnerships, 30573–30574

Historic Preservation, Advisory Council
NOTICES
Draft Program Comment for the U.S. General Services Administration:
Select Envelope and Infrastructure Repairs and Upgrades to Historic Public Buildings, 30608–30610

Homeland Security Department
See Coast Guard
See Transportation Security Administration
See U.S. Citizenship and Immigration Services

Housing and Urban Development Department
NOTICES
Federal Property Suitable as Facilities to Assist the Homeless, 30615
Meetings:
Manufactured Housing Consensus Committee, 30615–30616

Information Security Oversight Office
NOTICES
Meetings:
National Industrial Security Program Policy Advisory Committee, 30643

Interior Department
See Fish and Wildlife Service
See Minerals Management Service
See National Park Service

Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30680–30687

International Trade Administration
RULES
Changes in Procedures for Florence Agreement Program, 30462–30463
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30524
Antidumping:
Certain Hot-Rolled Carbon Steel Flat Products from The People's Republic of China, 30525–30527
Certain Hot-Rolled Carbon Steel Flat Products From Thailand, 30524–30525

Justice Department
See Drug Enforcement Administration

Labor Department
See Employee Benefits Security Administration
See Employment and Training Administration

Minerals Management Service
NOTICES
Environmental Impact Statements; Availability, etc.:
Five Alternative Energy Interim Policy Leases for Wind Resource Data Collection on the Outer Continental Shelf Offshore Delaware and New Jersey, 30616–30617

National Archives and Records Administration
See Information Security Oversight Office

National Institutes of Health
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30577
Meetings:
Center for Scientific Review, 30595–30598
Eunice Kennedy Shriver National Institute of Child Health & Human Development, 30590, 30593–30594, 30603
National Cancer Institute, 30592–30593
National Center for Research Resources, 30591
National Heart, Lung, and Blood Institute, 30593, 30600–30601
National Human Genome Research Institute, 30594
National Institute of Allergy and Infectious Diseases, 30602–30603
National Institute of Dental and Craniofacial Research, 30599–30600
National Institute of Diabetes and Digestive and Kidney Diseases, 30590–30591
National Institute of Environmental Health Sciences, 30591–30592, 30600–30601
National Institute of Mental Health, 30591, 30594–30595
National Institute of Neurological Disorders and Stroke, 30598
National Institute of Nursing Research, 30599, 30601–30602
National Institute on Aging, 30598–30599

National Oceanic and Atmospheric Administration
RULES
Atlantic Highly Migratory Species:
Inseason Action to Close the Commercial Non-Sandbar Large Coastal Shark Fisheries, etc., 30479–30480
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30523–30524
Availability of Draft Stock Assessment Reports, 30527–30528
Membership Solicitation:
Hydrographic Services Review Panel, 30529–30530

National Park Service
NOTICES
National Register of Historic Places:
Pending Nominations and Related Actions, 30619
Weekly Listing of Historic Properties, 30619–30620

National Science Foundation
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30643–30644

Nuclear Regulatory Commission
NOTICES
Establishment of Atomic Safety and Licensing Board, 30644–30645
Meetings; Sunshine Act, 30645

Office of United States Trade Representative
See Trade Representative, Office of United States

Pacific Northwest Electric Power and Conservation Planning Council
NOTICES
Amended Columbia River Basin Fish and Wildlife Program, 30645

Patent and Trademark Office
NOTICES
Invention Promoters/Promotion Firms Complaints, 30528–30529

Personnel Management Office
RULES
Recruitment and Selection through Competitive Examination, 30459–30462

Pipeline and Hazardous Materials Safety Administration
RULES
Pipeline Safety:
Incorporation by Reference Update: American Petroleum Institute (API Standards 5L and 1104), 30476–30477

Postal Regulatory Commission
NOTICES
New Postal Product, 30646–30647
Priority Mail Contract, 30647–30648

Presidential Documents
EXECUTIVE ORDERS
Committees; Establishment, Renewal, Termination, etc.:
Automotive Communities and Workers, White House Council on; Establishment (EO 13509), 30901–30905

Rural Housing Service
NOTICES
Funding Availabilities:
Loan Guarantees Under Section 538 Guaranteed Rural Housing Program (GRRHP) for 2009 Fiscal Year, 30503–30510
Funds Availability (NOFA):
Applications for the Rural Community Development Initiative (Fiscal Year 2009), 30510–30520

Rural Utilities Service
NOTICES
Intent to Hold Public Scoping Meetings and Prepare an Environmental Impact Statement:
Oglethorpe Power Corporation, Inc.:, 30520

Securities and Exchange Commission
NOTICES
Meetings; Sunshine Act, 30651
Order of Suspension of Trading:
Paivis Corp. et al., 30651
Self-Regulatory Organizations; Proposed Rule Changes:
International Securities Exchange, LLC, 30651–30653
NASDAQ OMX PHLX, Inc., 30658–30660
New York Stock Exchange LLC, 30656–30658
NYSE Amex LLC, 30653–30656

Small Business Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30648
Disaster Declarations:
Alabama, 30648–30649
Arkansas, 30650
Missouri, 30650–30651
Oklahoma, 30649
South Dakota, 30649–30650

State Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30660
Meetings:
FY 2010 Refugee Admissions Program, 30660
U.S. Department of State Advisory Committee on Private International Law:
Study Group on the Hague Convention on Choice of Court Agreements, 30660–30661

Tennessee Valley Authority
NOTICES
Meetings:
Regional Resource Stewardship Council, 30687–30688

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Trade Representative, Office of United States
NOTICES
Effective Date:
Goods of Canada for Certain Modifications of the NAFTA Rules of Origin, 30661

Transportation Department
See Federal Aviation Administration
See Federal Railroad Administration
See Federal Transit Administration
See Pipeline and Hazardous Materials Safety Administration
See Transportation Security Administration
NOTICES
Applications for Certificates of Public Convenience and Necessity, etc., 30661–30662

Transportation Security Administration
RULES
False Statements Regarding Security Background Checks, 30477–30479

Treasury Department
See Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30677–30679

U.S. Citizenship and Immigration Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30610–30612

Veterans Affairs Department
NOTICES
Meetings:
Rehabilitation Research and Development Service Scientific Merit Review Board, 30688

Western Area Power Administration
NOTICES
Construction, Operation, and Maintenance of the Proposed Transmission Agency of Northern California Transmission Project, California, 30559
Environmental Impact Statements; Availability, etc.:
Big Stone II Power Plant, 30559–30560
Transmission Service Penalty Rate for Unreserved Use:
Pick-Sloan Missouri Basin Program—Eastern Division–Rate (Order No. WAPA–148), 30567–30568

Separate Parts In This Issue

Part II
Health and Human Services Department, Centers for Medicare & Medicaid Services, 30690–30899

Part III
Presidential Documents, 30901–30905

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.

3 CFR
Executive Orders:
13509.....30903
5 CFR
332.....30459
15 CFR
301.....30462
21 CFR
520.....30463
33 CFR
165.....30464
40 CFR
52.....30466
58.....30469
180.....30470
Proposed Rules:
52 (3 documents) 30481, 30485
180.....30487
41 CFR
102-118.....30475
Proposed Rules:
102-139.....30493
48 CFR
Proposed Rules:
704.....30499
713.....30499
714.....30499
715.....30499
744.....30499
752.....30499
49 CFR
192.....30476
195.....30476
1570.....30477
Proposed Rules:
605.....30499
50 CFR
635.....30479

Rules and Regulations

Federal Register
Vol. 74, No. 122
Friday, June 26, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 332

RIN 3206–AL13

Recruitment and Selection Through Competitive Examination

AGENCY: U.S. Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The U.S. Office of Personnel Management (OPM) is issuing final regulations pertaining to recruitment and selection through the competitive examination process. The purpose of this rule is to clarify the distinction among objections, pass overs, and suitability determinations. OPM is also adopting two new definitions to further clarify the distinction between an objection and a pass over request. Additionally, OPM is removing an obsolete section in this part dealing with filling certain postmaster positions.

DATES: The final rule is effective on July 27, 2009.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Watson by telephone at (202) 606–0830; by fax at (202) 606–2329; by TTY at (202) 418–3134; or by e-mail at *linda.watson@opm.gov.*

SUPPLEMENTARY INFORMATION: On September 2, 2008, OPM published a proposed rule with request for comments in the **Federal Register** at 73 FR 51245 to amend its regulations governing recruitment and selection through competitive examination, primarily to clarify the distinction among objections, pass over requests, and suitability determinations. OPM also proposed to add two new definitions, of ''objection'' and ''pass over request,'' to further clarify the differences and relationship between them and to improve the readability of section 332.102. In addition, OPM proposed to remove section 332.103 because it contained outdated information concerning filling positions in the U.S. Postal Service.

Background

Pursuant to provisions codified in title 5, United States Code (U.S.C.), and Executive orders issued pursuant to those provisions, Congress and the President have delegated to OPM several authorities related to the recruitment and selection process for individuals seeking competitive service positions in the Federal Government. Under 5 U.S.C. 3318, Congress confers upon OPM the authority to rule on any objection or pass over request filed by a Federal agency seeking to fill vacancies for such positions. In recent years, OPM has delegated examining authority to Federal agencies to adjudicate most objections and pass over requests. OPM retains exclusive authority to (a) make medical qualification determinations pertaining to preference eligibles and (b) grant or deny an agency's pass over request of a preference eligible with a compensable service-connected disability of 30 percent or more. Except for OPM's exclusive authority, Federal agencies with delegated examining authority under 5 U.S.C. 1104(a)(2) have the authority to adjudicate objections and pass over requests pertaining to applicants for positions in their agencies, but do not have such authority with respect to positions elsewhere in the Federal Government.

An objection is a request to remove a candidate from consideration on a particular certificate, and a pass over request is an objection filed against a preference eligible that results in the selection of a non-preference eligible. (Throughout this discussion, the use of the term ''objection'' in this document should be read to encompass pass overs, even if pass overs are not explicitly mentioned.) OPM promulgated regulations in section 332.406 of title 5, Code of Federal Regulations (CFR), in which it describes the circumstances under which an objection will be sustained or a pass over request granted.

In addition to its authority for adjudicating objections and pass overs, OPM is authorized to regulate the fitness of applicants for competitive service positions and for career appointment in the Senior Executive Service, as well as the conduct of employees in competitive service and Senior Executive Service positions. OPM, exercising this authority, published regulations governing suitability determinations, which are located at 5 CFR part 731. As with objections and pass over requests, OPM has delegated to Federal agencies the authority to make most suitability determinations.

Although the statutory schemes related to suitability determinations and objections are separate and distinct from each other, OPM has, in the recent past, unintentionally mingled the two, possibly giving rise to the impression that the objection regulations and the suitability regulations were connected in some way. The Merit Systems Protection Board's (MSPB) decisions in *Edwards* v. *Department of Justice,* 86 MSPR 365 (2000) and 87 MSPR 518 (2001), which, to some extent, erased the distinction between the two regulatory schemes, led OPM to conclude that it was essential to restore clarity to these two important and distinct features of the Federal personnel system. To dispel any confusion that has been created, OPM is proposing to revise this regulation to clarify that an agency's objection (including its pass over requests) do not constitute suitability actions and that decisions on these objections are not suitability actions. Consequently, when an objection or pass over request is made, the regulation at 5 CFR 332.406 applies, and the procedures set forth in 5 CFR part 731 do not apply. OPM has also clarified its regulations in 5 CFR part 731 to ensure that the intended distinction between the two procedures is understood and maintained (see 73 FR 20149 (April 15, 2008)). To demonstrate the basis for the distinction between these two statutory schemes, a brief review of each of these schemes is helpful.

Objections/Pass Overs

In general, agencies may select candidates for vacancies in the competitive service in one of two methods: the traditional ''Rule of Three'' method, in which an agency selects from the highest three eligibles available for appointment, drawing from a list of candidates who have been rated and ranked by numerical scores; or alternate ranking and selection procedures,

pursuant to which a category rating system for evaluating candidates is established. The differences are straightforward.

When OPM or an agency's delegated examining office (DEO) uses the traditional ''Rule of Three'' ranking and selection procedures, the selecting official requests a list of eligible candidates who meet the minimum qualification requirements. OPM or the DEO is required to provide either a list of all qualified candidates, appropriately rated and ranked, or enough names from the top of a register of qualified candidates, appropriately rated and ranked, to permit an agency to consider at least three candidates for appointment with respect to each vacancy that the agency intends to fill (5 U.S.C. 3317(a)). Under this procedure, eligible candidates are assigned numerical scores, including veterans' preference points of 5 points or 10 points, as applicable (5 U.S.C. 3309, 3313). An appointing official must select from the highest three candidates available for appointment on the certificate furnished by OPM or the DEO, except as discussed below (5 U.S.C. 3318(a)).

When an agency uses a category-based rating method to assess, rate, and rank job applicants for positions filled through the competitive examination process, applicants who meet the minimum qualification requirements are ranked by being placed in two or more pre-defined quality categories instead of being ranked in numeric score order. Veterans' preference is applied by listing preference eligibles ahead of non-preference eligibles within the same quality category in which they were assigned based upon the job-related assessment tool(s). No points are assigned. Qualified preference eligibles with a compensable service-connected disability of 30 percent or more and those with a compensable service-connected disability of at least 10 percent but less than 30 percent are placed at the top of the highest quality category (except with respect to scientific or professional positions at or above the GS–9 level), regardless of the quality category in which they would be placed based upon their examination results. Under category rating, an appointing official may select from any of the candidates in the highest quality category (or, if fewer than three candidates have been assigned to the highest category, from a merged category consisting of the highest and the second highest quality categories), except that, generally, all the preference eligible choices must be exhausted before an agency may select a non-preference eligible candidate (5 U.S.C. 3319).

Congress gave agencies the right to object to any candidate for employment whose name appears on a certificate, whether the agency is using the traditional ''Rule of Three'' or category rating. The procedures are the same, regardless of the method of selection. As prescribed in 5 U.S.C. 3318(a), OPM or an agency with delegated examining authority may sustain an objection that is based on a ''proper and adequate reason under regulations prescribed by the Office (OPM).'' To ensure that all applicants for competitive service positions possess the necessary health, character, and ability for the employment sought, OPM has determined that any of the reasons set forth as criteria for making suitability decisions in 5 CFR part 731 or as bases for disqualification by OPM in 5 CFR part 339 (Medical Qualification Determinations) constitutes a ''proper and adequate reason.'' In addition, OPM has reserved to itself the ability to set forth in its Delegated Examining Operations Handbook additional reasons that constitute ''proper and adequate'' reasons for objections.

As previously indicated, a request for a pass over is a specific type of objection. As with any objection, an agency may not pass over a preference eligible (with respect to a Rule-of-Three selection process) or select a non-preference eligible ahead of a preference eligible in the same quality category (with respect to a category rating selection process) unless OPM or the appropriate DEO grants the agency's pass over request under 5 U.S.C. 3318(b)(1). See also 5 U.S.C. 3319(c)(2). When an agency seeks to pass over a preference eligible candidate who is a 30 percent or more compensably disabled veteran, only OPM possesses the authority to adjudicate the agency's pass over request. The standard for adjudicating a pass over request is identical to the standard for adjudicating any other objection. Consequently, an agency's pass over request will be granted if that request is based on ''proper and adequate reasons,'' including those reasons derived from 5 CFR part 339 or 731.

There is no statutory or regulatory right to appeal from a decision sustaining an objection, including granting a pass over request. For that reason, an individual has no right of appeal to MSPB from an OPM, agency or DEO decision to sustain an objection or grant a pass over request, regardless of the reason for the decision.

Suitability Actions

In 5 U.S.C. 7301, Congress conferred upon the President the authority to prescribe regulations for the conduct of employees in the executive branch. In addition, pursuant to 5 U.S.C. 3301, the President may ''(1) prescribe such regulations for the admission of individuals into the civil service in the executive branch as will best promote the efficiency of that service; [and] (2) ascertain the fitness of applicants as to age, health, character, knowledge, and ability for the employment sought * * *.'' Executive Order 10577 directs OPM to examine ''suitability'' for competitive Federal employment.

Pursuant to 5 CFR part 731, OPM, an agency, or the DEO, as appropriate, may cancel an individual's eligibility, remove an individual from Federal employment, and/or debar an individual from future Federal employment when it determines the action will protect the integrity or promote the efficiency of the civil service. A non-selection (*e.g.,* objection or pass over pursuant to 5 CFR part 332) for a specific position, however, is not a suitability action even if the non-selection is based on reasons set forth in 5 CFR 731.202(b).

Prior to taking a suitability action, OPM or an agency with delegated authority must notify the applicant, appointee, or employee in writing of the proposed action and must specify the reasons for this action. Under 5 CFR 731.302 and 731.402, the notice must also include information on the individual's right to answer to the notice in writing. After considering the answer of the individual, if any, OPM or an agency with delegated authority then renders a final decision. In 5 CFR 731.501, an individual against whom a suitability action has been taken is given the right of appeal to MSPB.

In light of these two separate and distinct statutory and regulatory schemes, an agency that wishes, for reasons set forth in 5 CFR 731.202(b), not to appoint an individual on a certificate has two options. First, the agency may make a suitability determination under 5 CFR part 731 with respect to the individual. Alternatively, the agency may object to or request to pass over the candidate pursuant to 5 CFR 332.406. Under this latter authority, an agency may choose not to appoint a candidate if its objection is sustained or its pass over request is granted. An agency may pursue either route, but must satisfy the standards applicable to the chosen procedure. It is permissible for an agency to object or request to pass over

a candidate on a certificate of eligibles and then, if the objection is sustained or the pass over request is granted, to refer the candidate's application for suitability review and adjudication under 5 CFR part 731. When an agency objects to an individual on the basis of a material, intentional false statement or deception or fraud in examination or appointment, and the objection is sustained, an agency *must* also refer the candidate's application to OPM for any suitability action that may be warranted, because of the significance of these factors and to ensure uniformity throughout the Federal Government.

OPM is revising 5 CFR 332.406 to make it clear that the procedure for requesting objections is not part of the suitability process. OPM is also clarifying that an individual may not appeal an OPM or agency decision to sustain an objection or pass over request to MSPB under 5 CFR part 731, even if the decision is based on reasons set forth in 5 CFR 731.202(b).

In section 332.102, OPM is adding two new definitions of ''objection'' and ''pass over request'' to clarify the process that applies to objections and pass over requests and distinguish that process from the suitability process. OPM is also updating the definitions of ''active military duty'' and ''certificate.''

OPM is revising the definition of ''active military duty'' to reflect a recent change to this definition based on OPM's published final rule on October 29, 2008. On February 6, 2007, the Merit Systems Protection Board (MSPB) issued a decision in *Edward Thomas Hesse* v. *Department of the Army* (AT–3443–05–0936–I–1) that affects the eligibility criteria for veterans' preference based on a service-connected disability under 5 U.S.C. 2108(2). On July 27, 2007, OPM issued an interim rule with request for comments (**Federal Register** at 72 FR 41215) to amend the definition of ''active duty or active military duty'' for veterans' preference entitlement. On October 29, 2008, OPM issued a final rule (**Federal Register** at 73 FR 64179) amending the definition of ''active duty or active military duty'' in 5 CFR 211.102(f). The revised definition of ''active military duty'' in section 332.102 refers to 5 CFR 211.102(f) as the appropriate definition for the purpose of consistency.

OPM is removing 5 CFR 332.103, *Filling certain postmaster positions.* This section is obsolete due to the passage of Public Law 91–375, the Postal Reorganization Act (Act). The Act transformed the former Post Office Department into the United States Postal Service (USPS) and made it a Government corporation of the executive branch of the Federal Government. The USPS subsequently established its own examining and hiring system.

OPM received two written comments on the proposed rule. Because these comments from two agencies supported OPM's clarification and revisions of 5 CFR part 332, we are issuing the final rule with only a few minor changes in wording for clarity, including clarifying some references to objections and pass over requests so that they are more consistent with the way we have defined those terms (*i.e.,* reflecting the fact that pass over requests are a subset of objections).

E.O. 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they would apply only to Federal agencies and employees.

List of Subjects in 5 CFR Part 332

Government employees.

U.S. Office of Personnel Management.

John Berry,

Director.

■ Accordingly, OPM is amending 5 CFR part 332 as follows:

PART 332—RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION

■ 1. The authority citation for part 332 is revised to read as follows:

Authority: 5 U.S.C. 1103, 1104, 1302, 2108, 3301, 3302, 3304, 3312, 3317, 3318, 3319; E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218; SOURCE: 33 FR 12426, Sept. 4, 1968, unless otherwise noted.

Subpart A—General Provisions

■ 2. Revise § 332.102 to read as follows:

§ 332.102 Definitions.

In this part:

Active military duty has the meaning given that term in 5 CFR 211.102(f).

Certificate means a list of eligibles from which an appointing officer selects one or more applicants for appointment.

Objection means an agency's request to remove a candidate from consideration on a particular certificate.

Pass over request means an objection filed against a preference eligible that results in the selection of a non-preference eligible.

§ 332.103 [Removed]

■ 3. Remove § 332.103.

* * * * *

Subpart D—Consideration for Appointment

■ 4. Revise § 332.406 to read as follows:

§ 332.406 Objections to eligibles.

(a) *Delegated authority.* Except as specified in paragraphs (a)(1) and (a)(2) of this section, OPM has delegated to agencies the authority to adjudicate objections to eligibles, including pass over requests.

(1) OPM retains exclusive authority to approve the sufficiency of an agency's request to pass over preference eligibles who are thirty percent (30%) or more compensably disabled. Such persons have the right, in accordance with 5 U.S.C. 3318, to respond to the pass over request before OPM makes a final decision.

(2) OPM also retains the exclusive authority to approve the sufficiency of an agency's reasons to medically disqualify or medically pass over a preference eligible or disabled veteran in certain circumstances, in accordance with part 339 of this chapter.

(3) An agency must refer any objection (including a pass over request) that is based on material, intentional false statement or deception or fraud in examination or appointment to OPM for a suitability action where warranted, under part 731 of this chapter.

(b) *Standard for objections.* An agency is not required to consider an individual for a position when an objection to (including a request to pass over) the particular individual is sustained or granted. An objection, including a pass over request, may be sustained only if it is based on a proper and adequate reason. The reasons set forth for disqualification by OPM in part 339 of this chapter constitute proper and adequate reasons to sustain an objection. Similarly, the criteria for making suitability determinations in part 731 of this chapter constitute proper and adequate reasons to sustain an objection. In addition, reasons published by OPM in the Delegated Examining Operations Handbook constitute proper and adequate reasons to sustain an objection.

(c) *Sufficiency of the reasons for a pass over.* Subject to the exception set forth in paragraph (e) of this section, an agency may not pass over a preference eligible to select a non-preference eligible unless OPM or an agency with delegated authority also makes a determination that the sufficiency of the

reasons is supported by the evidence submitted for the pass over request.

(d) *Agency's obligation while request for objection is pending.* Subject to the exception set forth in paragraph (e) of this section, if an agency makes an objection against an applicant for a position (including seeking to pass over the applicant), and the individual that the agency wishes to select would be within reach of selection only if the objection is sustained, or the pass over granted, that agency may not make a selection for the position until a final ruling is made.

(e) *Applicability of paragraphs (c) and (d).* Paragraphs (c) and (d) of this section do not apply if the agency has more than one position to fill from the same certificate and holds open (in the event the objection is not sustained or the pass over request is denied) a position that could be filled by the individual against whom an objection or a pass over request has been filed.

(f) *Procedures for objections and pass overs.* Agencies must follow the procedures for objecting to or requesting to pass over an eligible that are published by OPM in the *Delegated Examining Operations Handbook.*

(g) *No appeal rights to Merit Systems Protection Board (MSPB).* An individual may not appeal to the MSPB a decision by OPM or an agency with delegated authority to sustain an objection pursuant to this part, including a decision to grant a pass over request, irrespective of the reason for the decision.

[FR Doc. E9–15184 Filed 6–25–09; 8:45 am]

BILLING CODE 6325–39–P

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 301

[Docket No. 080102004–9266–02; FDMS Docket No. ITA–2009–0002]

RIN 0625–AA75

Changes in Procedures for Florence Agreement Program

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

ACTION: Final rule.

SUMMARY: The Departments of Commerce and Treasury (''the Departments'') and Customs and Border Protection (''CBP'') issue this rule to amend the regulations governing the duty-free entry of scientific instruments and apparatus into the United States by educational and nonprofit institutions to implement technical changes required by the passage of the Miscellaneous Trade and Technical Corrections Act of 2004, to update the regulations to comport with current CBP practices and changes made in the Harmonized Tariff Schedule of the United States (''HTSUS''), to add a Web site address for Statutory Import Programs Staff (''SIPS''), and to remove references to spectrometers pursuant to Presidential Proclamation 7011 of June 30, 1997. We also amend the regulations to reflect the nomenclature changes made necessary by the transfer of the legacy Customs Service of the Department of the Treasury to the Department of Homeland Security.

DATES: This rule is effective July 27, 2009.

FOR FURTHER INFORMATION CONTACT: Jesse Cortes, (202) 482–3986, Room 3712, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

The Departments and Customs and Border Protection (CBP), Department of Homeland Security, issue this rule to amend the regulations found in Part 301, Chapter III, Subtitle B of Title 15 of the Code of Federal Regulations (CFR) relating to their responsibilities under the Educational, Scientific, and Cultural Materials Importation Act of 1966 (the ''Act'') (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897). The Act implements U.S. treaty obligations under Annex D of the Florence Agreement, relating to the import of scientific instruments and apparatus. Treaty signatories agreed to waive duties on such imports if there is no scientifically equivalent instrument being manufactured in the country of importation and the instrument is to be used by a nonprofit institution established for scientific research or educational purposes.

The purpose of this rulemaking is to update the regulations by implementing various proposed technical and conforming changes to part 301 of title 15 of the CFR. Section 10.114 of the CBP regulations (19 CFR 10.114) cross-references the location of the consolidated regulations of the Commerce and Treasury Departments relating to the entry of instruments and apparatus for educational and scientific institutions in 15 CFR part 301. A brief overview of the amendments to part 301 of title 15 of the CFR is set forth below. A more detailed discussion on the background of these amendments may be found in the preamble to the notice of proposed rulemaking (73 FR 76571, December 17, 2008).

Explanation of Amendments

This document amends 15 CFR 301 by making technical changes to replace ''U.S. Customs Service'' and similar references throughout the regulations with its new designation, ''Customs and Border Protection'' or CBP. This document also amends 15 CFR 301.8(a)(4) by deleting, in its entirety, any reference to the 180-day time period for the suspension of liquidation of entries of scientific instruments classified under subheading 9810.00.60 Harmonized Tariff Schedule of the United States (HTSUS) due to the subsequent amendments to 19 U.S.C.1504 since section 301.8(a)(4) was promulgated. Section 301.8(c) is amended to delete references to the 90-day protest period for such entries due to the statutory amendments made by the Miscellaneous Trade and Technical Corrections Act of 2004 to 19 U.S.C. 1514(c)(3). A technical change is made to section 301.3(b) by including the Statutory Import Programs Staff (SIPS) Web site address to let interested parties know that the application for duty-free entry of scientific instruments (Form ITA–338P) may be obtained from that Web site. Finally, sections 301.2(j) and (o) are amended to remove the references to spectrometers since the Presidential Proclamation 7011 of June 30, 1997, made spectrometers free of duty.

Conclusion

In light of the fact that no comments were submitted in response to the solicitation of public comment on the proposed rule published in the **Federal Register** (73 FR 76571) on December 17, 2008, the Departments are adopting the proposed regulations without change.

Administrative Law Requirements

Regulatory Flexibility Act. In accordance with the Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601 *et seq.,* the Chief Counsel for Regulation at the Department of Commerce has certified to the Chief Counsel for Advocacy, Small Business Administration, that this rule will not have a significant economic impact on a substantial number of small entities. The factual basis for this certification was published in the proposed rule and is not repeated here. No comments were received on the certification or on the economic effects of the rule more generally.

Paperwork Reduction Act. This rulemaking does not contain revised

collection of information requirements subject to review and approval by the Office of Management and Budget (''OMB'') under the Paperwork Reduction Act of 1995. Collection activities are currently approved by the OMB under control number 0625–0037.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information unless it displays a currently valid OMB control number.

Executive Order 12866. It has been determined that this rulemaking is not significant for purposes of Executive Order 12866.

Signing Authority. With respect to the responsibility of the Department of the Treasury in issuing these joint regulations of the Commerce and Treasury Departments, it is noted that the Secretary of the Treasury retains the sole authority to approve regulation relating to certain customs revenue functions pursuant to 19 CFR 0.1(a)(1). Accordingly, this document is being signed by the Secretary of the Treasury (or his/her delegate), and by the Commissioner of CBP, who is signing this document as the delegate of the Secretary of the Department of Homeland Security.

List of Subjects in 15 CFR Part 301

Administrative practice and procedure, Customs duties and inspection, Educational facilities, Imports, Nonprofit organizations, Scientific equipment.

Amendments to the Regulations

■ For the reasons set forth in the preamble, part 301 of title 15 of the CFR (15 CFR Part 301) is amended as follows:

PART 301—[AMENDED]

■ 1. The authority citation for part 301 is amended to read as follows:

Authority: Sec. 6(c), Pub. L. 89–651, 80 Stat. 897, 899; Sec. 2402, Pub. L. 106–36, 113 Stat. 127, 168; 19 U.S.C. 1514(c)(3)); and Presidential Proclamation 7011, signed on June 30, 1997.

§ 301.1 [Amended]

■ 2. Section 301.1 is amended by removing ''Secretary of the Treasury (U.S. Customs Service)'' in paragraph (c)(2) and adding ''Customs and Border Protection'' in its place.

§ 301.2 [Amended]

■ 3. Section 301.2 is amended as follows:

■ a. Paragraph (b) is amended by removing ''*Customs* means the U.S. Customs Service and 'The Commissioner' means Commissioner of the U.S. Customs Service'' and adding ''*The Commissioner* means Commissioner of Customs and Border Protection'' in its place;

■ b. Paragraph (c) is amended by removing ''*Customs Port''* and adding ''*CBP Port''* in its place;

■ c. The third sentence of paragraph (j) is amended by removing ''automatic sampling equipment sold for use with a variety of mass spectrometers'' and adding ''a vacuum evaporator sold for use with an electron microscope'' in its place;

■ d. Paragraph (o) is amended by removing ''mass spectrometer'' and ''x-ray spectrometer''.

§ 301.3 [Amended]

■ 4. Section 301.3 is amended as follows:

■ a. The first sentence of paragraph (b) is amended by removing ''20230, or'' and adding ''20230, the Web site at *http://ia.ita.doc.gov/sips/index.html,* or'' in its place;

■ b. Paragraph (c) is amended by removing the words ''U.S. Customs Service, Department of the Treasury,'' and adding ''U.S. Customs and Border Protection'' in its place.

■ 5. Section 301.8 is amended as follows:

■ a. Paragraph (a)(4) is revised;

■ b. The second sentence of paragraph (c) is amended by removing '', within 90 days after notice of liquidation''.

The revision reads as follows:

§ 301.8 Instructions for entering instruments through U.S. Customs and Border Protection under subheading 9810.00.60, HTSUS.

* * * * *

(a) * * *

(4) If a claim for duty-free entry under subheading 9810.00.60, HTSUS is made but is not accompanied by a copy of the properly stamped form, a deposit of the estimated duty is required. Before the entry is liquidated, the applicant must file with the CBP Port a properly stamped copy of the application form. In the event that the CBP Port does not receive a copy of the properly stamped application form before liquidation, the instrument shall be classified and liquidated in the ordinary course, without regard for subheading 9810.00.60, HTSUS.

* * * * *

§§ 301.1, 301.2, 301.4, 301.5, 301.8, 301.9, 301.10 [Amended]

■ 6. In addition to the amendments set forth above, 15 CFR Part 301 is amended by removing ''U.S. Customs Service'', ''U.S. Customs'', or ''Customs'' and adding ''Customs and Border Protection'' in its place in the following places:

■ a. Second sentence in § 301.1(d);

■ b. Fourth sentence in § 301.2(k);

■ c. Section 301.4 heading, and first sentence of § 301.4(a) introductory text;

■ d. Second sentence in § 301.5(d)(1)(ii);

■ e. Section 301.8 heading, § 301.8(a)(3), (b) heading and first and second sentences, and (d) first and second sentences;

■ f. Section § 301.9(b) and § 301.9(c); and

■ g. Second sentence in § 301.10(a).

§§ 301.7, 301.8, 301.9 [Amended]

■ 7. In addition to the amendments set forth above, 15 CFR Part 301 is amended by removing ''Customs Port'' and adding ''CBP Port'' in its place in the following places:

■ a. First sentence in § 301.7(b); and

■ b. Third sentence of § 301.9(a) introductory text.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration, Department of Commerce.

Jayson P. Ahern,

Acting Commissioner, U.S. Customs and Border Protection, Department of Homeland Security.

Timothy Skud,

Deputy Assistant Secretary, Department of the Treasury.

[FR Doc. E9–14884 Filed 6–25–09; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

[Docket No. FDA–2009–N–0665]

Oral Dosage Form New Animal Drugs; Trilostane

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the supplemental approval of a new animal drug application (NADA) filed by Dechra, Ltd. The supplemental NADA provides for the addition of a 10-milligram capsule size of trilostane, used in dogs for treatment of hyperadrenocorticism.

DATES: This rule is effective June 26, 2009.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–276–8337, e-mail: *melanie.berson@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Dechra, Ltd., Dechra House, Jamage Industrial Estate, Talke Pits, Stoke-on-Trent, Staffordshire, ST7 1XW, United Kingdom, filed a supplement to NADA 141–291 that provides for use of VETORYL (trilostane) Capsules in dogs for treatment of pituitary-dependent hyperadrenocorticism and for treatment of hyperadrenocorticism due to adrenocortical tumors. The supplement provides for the use of a 10-milligram capsule size. The supplemental NADA is approved as of June 5, 2009, and the regulations are amended in 21 CFR 520.2598 to reflect the approval.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33 that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 520

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 520.2598 [Amended]

■ 2. In paragraph (a) of § 520.2598 remove ''30 or 60 milligrams'' and in its place add ''10, 30, or 60 milligrams''.

Dated: June 19, 2009.

Steven D. Vaughn,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. E9–15152 Filed 6–25–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2009–0405]

RIN 1625–AA00

Safety Zone; Harborfest 2009, Parade of Sail, Elizabeth River, Norfolk, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a mobile safety zone on the Elizabeth River in the vicinity of Sewell's Point, Virginia, to Town Point Park, Norfolk, Virginia, in support of the Parade of Sail event taking place in conjunction with Harborfest 2009. This action is intended to restrict vessel traffic on the Elizabeth River to protect mariners from the hazards associated with marine parade events.

DATES: This rule is effective from 10 a.m. July 3, 2009 through 3 p.m. on July 5, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2009–0405 and are available online by going to *http://www.regulations.gov,* selecting the Advanced Docket Search option on the right side of the screen, inserting USCG–2009–0405 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. They are also available for inspection or copying at the following location: the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail LT Tiffany Duffy, Chief, Waterways Management Division, Coast Guard; telephone 757–668–5580, e-mail *Tiffany.A.Duffy@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because any delay encountered in this regulation's effective date by publishing a NPRM would be contrary to public interest since immediate action is needed to provide for the safety of life and property on navigable waters. Additionally, this temporary safety zone will be enforced for approximately 4 hours on Friday, July 3, 2009 and for approximately 4 hours on Sunday, July 5, 2009 while the Parade of Sail arrives at and departs Town Point Park. This safety zone should have a minimal impact on vessel transits because mariners are not precluded from using any portion of the waterway except the safety zone area.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** as any delay encountered in this regulation's effective date by publishing a NPRM would be contrary to public interest since immediate action is needed to provide for the safety of life and property on navigable waters.

Background and Purpose

During the period of July 3 through July 5, 2009, the City of Norfolk and Norfolk Festevents Ltd. will sponsor Harborfest 2009, which includes the Parade of Sail event. This event will include a parade of more than twenty ships from around the world departing from Sewell's Point, Virginia enroute to Town Point Park, Norfolk, Virginia on July 3, 2009. Due to the need for vessel control during the event, vessel traffic will be temporarily restricted to provide for the safety of spectators and transiting vessels. The Coast Guard anticipates numerous spectator craft for these scheduled events. Operators should expect significant vessel congestion along the parade route and viewing areas. The purpose of this regulation is to promote maritime safety and protect participants and the boating public in

the Port of Hampton Roads during the Parade of Sail event. For the safety concerns noted and to address the need for vessel control and vessel safety, all vessel traffic will be temporarily restricted in the vicinity of the parade route to provide for the safety of participants, spectators and transiting vessels.

Discussion of Rule

The Coast Guard is establishing a safety zone on specified waters of the Elizabeth River from Sewell's Point, Virginia to Town Point Park, Norfolk, Virginia. This safety zone will encompass all navigable waters within 300 yards ahead of, 100 yards abeam of, and all waters between participating vessels transiting from Sewell's Point enroute to Town Point Park, Norfolk, VA. This regulated area will be established in the interest of public safety during the Parade of Sail and will be enforced during the Parade of Sail on July 3, 2009, from approximately 11 a.m. until 3 p.m. and from approximately 11 a.m. until 3 p.m. on July 5, 2009 as the Parade of Sail departs Town Point Park, Norfolk, Virginia. Access to the safety zone will be restricted during the specified date and times. Except for participants and vessels authorized by the Captain of the Port or his Representative, no person or vessel may enter or remain in the regulated area.

Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. Although this regulation restricts access to the safety zone, the effect of this rule will not be significant because: (i) The safety zone will be in effect for a limited duration; (ii) the zone is of limited size; and (iii) the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit the specified portion of the Elizabeth River from 11 a.m. to 3 p.m. on July 3, 2009 and July 5, 2009.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be enforced for only about 4 hours on July 3 and July 5, 2009, and vessel traffic will be able to navigate safely around the zone. In addition, before the effective period begins, the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant

energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction. This rule involves establishing a mobile safety zone around a parade of vessels and is expected to have no impact on the water. This zone is designed to protect mariners from the hazards associated with vessel parades. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, and Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6 and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T05–0405 to read as follows:

§ 165.T05–0405 Safety Zone: Harborfest 2009, Parade of Sail, Elizabeth River, Norfolk, VA.

(a) *Regulated Area:* The following area is a safety zone: specified waters of the Elizabeth River 300 yards ahead of, 100 yards abeam of, and all waters between all vessels participating in the Parade of Sail, transiting from Sewell's Point, Virginia enroute to Town Point Park, Norfolk, Virginia.

(b) *Definition:* For the purposes of this part, Captain of the Port Representative means any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Hampton Roads, Virginia to act on his behalf.

(c) *Regulations:* (1) In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Hampton Roads or his designated representatives.

(2) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(3) The Captain of the Port, Hampton Roads can be reached through the Sector Duty Officer at Sector Hampton Roads in Portsmouth, Virginia at telephone number (757) 638–6641.

(4) The Coast Guard Representatives enforcing the safety zone can be contacted on VHF–FM marine band radio channel 13 (165.65Mhz) and channel 16 (156.8 Mhz).

(d) *Enforcement Period:* This regulation will be in effect from 10 a.m. July 3, 2009 to 3 p.m. on July 5, 2009.

Dated: June 16, 2009.

M.S. Ogle,

Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.

[FR Doc. E9–15191 Filed 6–25–09; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2007–1131; FRL–8921–5]

Approval and Promulgation of Air Quality Implementation Plans; Illinois; Oxides of Nitrogen Regulations, Phase II

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a request submitted by the Illinois Environmental Protection Agency (Illinois EPA) on October 23, 2007, to revise the Illinois State Implementation Plan (SIP). The State has submitted revisions to 35 Illinois Administrative Code (Ill. Adm. Code) parts 211 and 217. The submitted revisions are final and adopted in the Ill. Adm. Code, and pertain to definitions and general provisions, and control of Nitrogen Oxides (NO_X). The rules satisfy the requirements of EPA's NO_X SIP Call Phase II Rule (the Phase II Rule). We are approving these regulations based on Illinois' demonstration that the State will meet the emissions targets set forth in the Phase II Rule through reductions from stationary internal combustion (IC) engines and turbines which are identified in the NO_X plan submittal. Limiting NO_X emissions from IC engines and turbines will enable the State to meet the 7,055 ton reduction requirement contained in the Phase II Rule, thereby improving air quality and protecting the health of Illinois citizens.

DATES: This direct final will be effective August 25, 2009, unless EPA receives adverse comments by July 27, 2009. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2007–1131, by one of the following methods:

1. *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.

2. *E-mail: mooney.john@epa.gov.*

3. *Fax:* (312) 692–2551.

4. *Mail:* John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

5. *Hand Delivery:* John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R05–OAR–2007–1131. 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.

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 Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Andy Chang, Environmental Engineer, at (312) 886–0258 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Andy Chang, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–0258, *chang.andy@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. Background
II. Who Is Affected by the New Rule and the Amended Rules?
III. What Does Approval of This Rule Accomplish?
IV. How Are Owners and Operators Expected To Comply With the New Requirement?
V. What Action Is EPA Taking?
VI. Statutory and Executive Order Reviews

I. Background

On October 27, 1998 (63 FR 57356), EPA issued the NO_X SIP Call, which required 22 States, including Illinois, to prepare plans to reduce the transport of ozone throughout the eastern part of the United States. This was to be accomplished by reducing emissions of NO_X from selected source categories, primarily major fuel burning sources, using available cost-effective measures. The rule established a cap on emissions of NO_X from each State. States had flexibility in determining which fuel burning sources were to be included in their rules. For the most part, States targeted NO_X reductions from electric utilities and other large industrial boilers, cement kilns, and IC engines as sources which could be controlled in a cost-effective manner. Background information in this regard is available from documents prepared by EPA, and can be found at *http://www.epa.gov/airmarkets/progsregs/nox/sip.html.*

Some States and industry challenged the rule. In *Michigan* v. *EPA,* 213 F.3d 663 (D.C.Cir. 2000), the U.S. Court of Appeals for the District of Columbia Circuit largely upheld EPA's rulemaking. It did, however, remand a portion of the rule concerning IC engines to EPA for further notice and public comment.

Subsequent to the Court's decision, EPA proceeded initially with rules concerning electric generating units (EGU), industrial boilers (non-EGU), and cement kilns as Phase I sources. The IC engines fell into the Phase II group, to be addressed at a later date. Illinois adopted its Phase I rules and submitted them to EPA; EPA approved them on June 28, 2001 (66 FR 34382) and November 21, 2001 (66 FR 56454).

On April 21, 2004 (69 FR 21603), EPA issued the Phase II Rule. It required most States with Phase I budget programs to submit a Phase II plan to achieve incremental reductions not addressed by Phase I rules. The Phase II Rule also identified the additional NO_X budget reductions (incremental reductions) that States would have to achieve by regulating large (greater than one ton per day emissions) IC engines. EPA calculated the amount of incremental reductions required by recalculating the overall budget to reflect a control level of 82 percent from natural gas-fired lean-burn IC engines with greater than one ton per day NO_X emissions. Illinois EPA drafted revisions to the SIP (35 Ill. Adm. Code Parts 211 and 217) based on guidance from EPA dated September 19, 2004, which contained an example model rule (the Model Rule).

On April 6, 2007, Illinois EPA filed proposed amendments to 35 Ill. Adm. Code parts 211 and 217 in order to satisfy the requirements of EPA's Phase II Rule with the Illinois Office of the Clerk of the Pollution Control Board (the Board). The Board issued a First Notice Opinion and Order on April 19, 2007, and the public process started on April 20, 2007, when the Board issued a Notice of Hearings. The first hearing occurred on May 21, 2007, in Springfield, and the second on June 19, 2007, in Chicago. Most notably, the State received one set of comments from ANR Pipeline Company, Natural Gas Pipeline Company, Trunkline Gas Company, and Panhandle Eastern Pipeline Company (the Pipeline Consortium). Illinois EPA addressed the comments from the Pipeline Consortium and made changes where necessary prior to finalization of the Phase II Rule. The Second Notice Opinion and Order of the Board was issued on August 9, 2007, and the Joint Committee on Administrative Rules' Certifications of No Objections was dated September 18, 2007. On this same date, the Final Opinion and Order of the Board for the proposed rules were adopted. The Notice of Adopted Amendments was

published in the *Illinois Register,* volume 31, issue 41, pp. 14254–14295, on October 12, 2007.

In the Phase II Rule, EPA calculated the 2007 base year NO_X emissions inventory from which Illinois needed additional reductions of 7,055 tons per ozone season, which in Illinois starts on April 1 and ends on October 31. EPA based the calculation upon achieving an 82 percent reduction at all IC engines in Illinois with greater than one ton per day of NO_X emissions. On March 13, 2009, Illinois EPA provided a budget demonstration that showed reductions in NO_X emissions for large IC engines and turbines in the State amounting to 7,055 tons per ozone season, thereby satisfying requirements of the Phase II Rule.

II. Who Is Affected by the New Rule and the Amended Rules?

Ill. Adm. Code parts 211 and 217 apply to the entire State of Illinois, and apply to any person who owns or operates a large stationary reciprocating IC engine, turbine, or other smaller stationary IC engines.

III. What Does Approval of This Rule Accomplish?

EPA established the incremental difference requirements for affected States, including Illinois, in the April 21, 2004, **Federal Register** (69 FR 21604). The State's budget demonstration shows that the State will be able to reduce emissions of NO_X to meet the Phase II incremental difference of 7,055 tons of NO_X for the ozone season.

Approval of the State's rules ensures the Federal enforceability of NO_X emissions reductions. The State's rules affect NO_X SIP Call IC engines, turbines, and any other stationary IC engine subject to NO_X control in the State's rules. The emission reductions for some large engines will be permanent and year-round resulting from low emission combustion measures retrofitted to existing engines. Low emission combustion measures cannot be cycled off once the changes are made to the engine. The combustion control technology is a permanent, physical change to the design and operation of the engine which, when implemented, is expected to reduce emissions of NO_X year-round. The State's rules include provisions which the source must follow to demonstrate compliance with the rules. EPA expects environmental and health benefits to be permanent.

IV. How Are Owners and Operators Expected To Comply With the New Requirement?

Illinois Adm. Code part 217.392 includes a requirement that an owner or operator of a large IC engine or turbine shall not operate an affected engine during the ozone season, unless there is a compliance plan which meets the requirements of the rule. The rule prohibits operation of affected engines after January 1, 2008, except in compliance with the requirements. Included in the compliance plan is a requirement that the projected NO_X emissions from the engine be included in a Federally enforceable permit. This information will enable the State to determine if reductions from the covered sources should meet the Phase II budget increment. The failure of a source to meet the required NO_X reductions is a violation of the provisions of the permit. The State of Illinois is expected to enforce non-compliance with its rules by reviewing monitoring and testing information submitted by the owners and operators of the affected engines and turbines.

V. What Action Is EPA Taking?

EPA is approving revisions to Ill. Adm. Code parts 211 and 217 for incorporation into the Illinois SIP. The revisions were submitted by Illinois EPA and the rules pertain to definitions and general provisions, and control of Nitrogen Oxides, respectively, and include: 211.740 (Brakehorsepower); 211.1740 (Diesel Engine); 211.1920 (Emergency or Standby Unit); 211.3300 (Lean-burn Engine); 211.5640 (Rich-burn Engine); 217.101 (Measurement Methods); 217.102 (Abbreviations and Units); 217.104 (Incorporation by Reference); 217.386 (Applicability); 217.388 (Control and Maintenance Requirements); 217.390 (Emissions Averaging Plan); 217.392 (Compliance); 217.394 (Testing and Monitoring); 217.396 (Recordkeeping and Reporting); and section 217 appendix G. EPA is taking this action because we have determined that the rule satisfies the requirements of the Clean Air Act and the NO_X SIP Call Phase II Rule. The State has shown, through its budget demonstration, that it can achieve the Phase II budget increment through source compliance with the State's rules affecting IC engines and turbines in conjunction with the State's permitting program. Meeting the Phase II budget increment and the Phase I increment means the State will meet its total overall ozone season NO_X budget and bring about reductions in ozone concentrations in the State and downwind from Illinois.

We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments, as Illinois drafted the SIP revisions based on the Model Rule. However, in the Proposed Rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the State plan if relevant adverse written comments are filed. This rule will be effective August 25, 2009 without further notice unless we receive relevant adverse written comments by July 27, 2009. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period; therefore, any parties interested in commenting on this action should do so at this time. If we do not receive any comments, this action will be effective August 25, 2009.

VI. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive

Order 13132 (64 FR 43255, August 10, 1999);

• Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on Tribal governments or preempt Tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 25, 2009. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: June 11, 2009.

Walter W. Kovalick Jr,

Acting Regional Administrator, Region 5.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart O—Illinois

■ 2. Section 52.720 is amended by adding paragraph (c)(184) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(184) On October 23, 2007, the Illinois Environmental Protection Agency submitted revisions to its State implementation plan for the Oxides of Nitrogen (NO_X) SIP Call Phase II. The State has submitted revisions to 35 Illinois Administrative Code (Ill. Adm. Code) Parts 211 and 217. The rules pertain to definitions and general provisions, and control of Nitrogen Oxides (NO_X), respectively. The rules satisfy the requirements of EPA's NO_X SIP Call Phase II Rule (the Phase II Rule).

(i) *Incorporation by reference.* (A) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, Part 211: Definitions and General Provisions, Subpart B: Definitions, Sections: 211.740 Brakehorsepower; 211.1740 Diesel Engine; 211.1920 Emergency or Standby Unit; 211.3300 Lean-burn Engine; and 211.5640 Rich-burn Engine; effective September 25, 2007. (B) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, Part 217: Nitrogen Dioxide Emissions, Subpart A: General Provisions, Sections: 217.101 Measurement Methods; 217.102 Abbreviation and Units; Subpart Q: Stationary Reciprocating Internal Combustion Engines and Turbines, Sections 217.386 Applicability; 217.388 Control and Maintenance Requirements; 217.390 Emissions Averaging Plan; 217.392 Compliance; 217.394 Testing and Monitoring; 217.396 Recordkeeping and Reporting; and 217 Appendix G: Existing Reciprocating Internal Combustion Engines Affected by the NO_X SIP Call; *effective September 25, 2007.*

(ii) Additional material. Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, Part 217: Nitrogen Dioxide Emissions, Subpart A: General Provisions, Section 217.104 Incorporation by Reference; effective September 25, 2007.

[FR Doc. E9–14855 Filed 6–25–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 58

Ambient Air Quality Surveillance

CFR Correction

In Title 40 of the Code of Federal Regulations, Parts 53 to 59, revised as of July 1, 2008, on page 271, in appendix G to part 58, Table 2 is corrected to read as follows:

Appendix G to Part 58—Uniform Air Quality Index (AQI) and Daily Reporting

* * * * *

TABLE 2—BREAKPOINTS FOR THE AQI

These breakpoints							Equal these AQI's	
O_3 (ppm) 8-hour	O_3 (ppm) 1-hour [1]	$PM_{2.5}$ (μg/m³)	PM_{10} (μg/m³)	CO (ppm)	SO_2 (ppm)	NO_2 (ppm)	AQI	Category
0.000–0.059		0.0–15.4	0–54	0.0–4.4	0.000–0.034	([3])	0–50	Good.
0.060–0.075		15.5–40.4	55–154	4.5–9.4	0.035–0.144	([3])	51–100	Moderate.
0.076–0.095	0.125–0.164	40.5–65.4	155–254	9.5–12.4	0.145–0.224	([3])	101–150	Unhealthy for Sensitive Groups.
0.096–0.115	0.165–0.204	[4] 65.5–150.4	255–354	12.5–15.4	0.225–0.304	([3])	151–200	Unhealthy.
0.116–0.374	0.205–0.404	[4] 150.5–250.4	355–424	15.5–30.4	0.305–0.604	0.65–1.24	201–300	Very Unhealthy.
([2])	0.405–0.504	[4] 250.5–350.4	425–504	30.5–40.4	0.605–0.804	1.25–1.64	301–400	
([2])	0.505–0.604	[4] 350.5–500.4	505–604	40.5–50.4	0.805–1.004	1.65–2.04	401–500	Hazardous.

[1] Areas are generally required to report the AQI based on 8-hour ozone values. However, there are a small number of areas where an AQI based on 1-hour ozone values would be more precautionary. In these cases, in addition to calculating the 8-hour ozone index value, the 1-hour ozone index value may be calculated, and the maximum of the two values reported.

[2] 8-hour O_3 values do not define higher AQI values (≥ 301). AQI values of 301 or greater are calculated with 1-hour O_3 concentrations.

[3] NO_2 has no short-term NAAQS, and can generate an AQI only above the value of 200.

[4] If a different SHL for $PM_{2.5}$ is promulgated, these numbers will change accordingly.

* * * * *

[FR Doc. E9–15326 Filed 6–25–09; 8:45 am]

BILLING CODE 1505–01–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2008–0770; FRL–8413–6]

Chlorantraniliprole; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of chlorantraniliprole in or on almonds; nut, tree, crop group 14, and pistachios. E.I. Du Pont de Nemours and Company requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA). This regulation also establishes time-limited rotational crop tolerances for residues of chlorantraniliprole in or on cowpeas, forage and hay; field peas, vines and hay; forage, fodder and straw of cereal grains, crop group 16; grass forage, fodder and hay, crop group 17; leaves of root and tuber vegetables, crop group 2, leeks, nongrass animal feeds (forage, fodder, straw and hay), crop group 18; okra; onions, green; onions, Welsh; peanuts, hay; shallots; soybeans, forage and hay; strawberries and sugarcane, sugar. The time-limited tolerances expire on April 25, 2010.

DATES: This regulation is effective June 26, 2009. Objections and requests for hearings must be received on or before August 25, 2009, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2008–0770. All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Kable Bo Davis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 306–0415; e-mail address: *davis.kable@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to those engaged in the following activities:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Access Electronic Copies of this Document?

In addition to accessing electronically available documents at *http://www.regulations.gov*, you may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr*. You may also access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR cite at *http://www.gpoaccess.gov/ecfr*.

C. Can I File an Objection or Hearing Request?

Under section 408(g) of FFDCA, 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation

in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2008–0770 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk as required by 40 CFR part 178 on or before August 25, 2009.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket that is described in **ADDRESSES**. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit this copy, identified by docket ID number EPA–HQ–OPP–2008–0770, by one of the following methods:

• *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

II. Petition for Tolerance and Notice of Proposed Rulemaking

In the **Federal Register** of December 3, 2008 (73 FR 73640) (FRL–8390–4), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 8F7409) by E.I. du Pont de Nemours and Company, DuPont Crop Protection, 1090 Elkton Road, Newark, DE 19711. The petition requested that 40 CFR 180.628 be amended by establishing tolerances for residues of the insecticide chlorantraniliprole, 3-bromo-*N*-[4-chloro-2-methyl-6-[(methylamino) carbonyl]phenyl]-1-(3-chloro-2-pyridinyl)-1 *H*-pyrazole-5-carboxamide, in or on almond hulls at 5.0 parts per million (ppm), nut, tree, crop group 14 at 0.07 ppm and pistachios at 0.07 ppm. That notice referenced a summary of the petition prepared by E.I. du Pont de Nemours and Company, DuPont Crop Protection, the registrant, which is available to the public in the docket, *http://www.regulations.gov*. There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA has reduced the recommended tolerance of 0.07 ppm for nut, tree, group 14 and pistachios to 0.04 ppm. The reason for these changes are explained in Unit IV.D.

In the **Federal Register** of October 1, 2008 (73 FR 57040–57046) (FRL–8382–4), EPA issued a proposed rule pursuant to sections 408(e) of the Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d)(3). The rule proposed that 40 CFR 180.628 be amended by establishing time-limited tolerances for indirect or inadvertent residues of chlorantraniliprole, 3-bromo-*N*-[4-chloro-2-methyl-6-[(methylamino) carbonyl]phenyl]-1-(3-chloro-2-pyridinyl)-1 *H*-pyrazole-5-carboxamide, in or on cowpeas, forage and hay at 0.20 parts per million (ppm); field peas, vines and hay at 0.20 ppm; forage, fodder and straw of cereal grains, crop group 16 at 0.20 ppm, grass forage, fodder and hay, crop group 17 at 0.20 ppm; leaves of root and tuber vegetables, crop group 2 at 0.20 ppm; leeks at 0.20 ppm; nongrass animal feeds (forage, fodder, straw and hay), crop group 18 at 0.20 ppm; okra at 0.70 ppm; onions, green at 0.20 ppm; onions, Welsh at 0.20 ppm; peanuts, hay at 0.20 ppm; shallots at 0.20 ppm; soybeans, forage and hay at 0.20 ppm; strawberries at 1.2 ppm; and sugarcane, sugar at 0.20 ppm. The proposal established a 60–day public comment period. There were no comments received in response to the proposed rule.

This final rule completes Agency action on both the petition from E.I. Du Pont de Nemours and Company, DuPont Crop Protection, and EPA's proposed rulemaking of October 1, 2008.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue....''

Consistent with section 408(b)(2)(D) of FFDCA, and the factors specified in section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for the petitioned-for tolerances for residues of chlorantraniliprole on almond, hulls at 5.0 ppm, nut, tree, group 14 at 0.04 ppm and pistachio at 0.04 ppm. EPA's assessment of exposures and risks associated with establishing tolerances follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Chlorantraniliprole is not genotoxic, neurotoxic, immunotoxic, carcinogenic, or teratogenic. Chlorantraniliprole has been found to have low acute toxicity by the oral, dermal, and inhalation routes of exposure and has little to no irritation effect on the eyes or skin. Additionally, chlorantraniliprole is not a dermal sensitizer. There was only one toxicity study in the toxicity database that indicated that chlorantraniliprole yielded an adverse effect (18–month oral/mouse). This study was used to establish a point of departure based on hepatocellular effects for chronic risk.

Specific information on the studies received and the nature of the adverse effects caused by chlorantraniliprole as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document *Chlorantraniliprole (DPX-E2Y45). Human Health Risk Assessment for Proposed Uses on the Tree Nut Group and Pistachios and for Increases in the Established Tolerances for Pome Fruits, Stone Fruits, Grapes and Raisins due to the Removal of Adjuvant Restrictions from the Label for Pome Fruits, Stone*

Fruits, and Grapes, page 21 in docket ID number EPA–HQ–OPP–2008–0770.

B. Toxicological Endpoints

For hazards that have a threshold below which there is no appreciable risk, a toxicological point of departure (POD) is identified as the basis for derivation of reference values for risk assessment. The POD may be defined as the NOAEL in the toxicology study identified as appropriate for use in risk assessment. However, if a NOAEL cannot be determined, the LOAEL or a Benchmark Dose (BMD) approach is sometimes used for risk assessment. Uncertainty/safety factors (UFs) are used in conjunction with the POD to take into account uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. Safety is assessed for acute and chronic dietary risks by comparing aggregate food and water exposure to the pesticide to the acute population adjusted dose (aPAD) and chronic population adjusted dose (cPAD). The aPAD and cPAD are calculated by dividing the POD by all applicable UFs. Aggregate short-term, intermediate-term, and chronic-term risks are evaluated by comparing food, water, and residential exposure to the POD to ensure that the margin of exposure (MOE) called for by the product of all applicable UFs is not exceeded. This latter value is referred to as the Level of Concern (LOC).

For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect greater than that expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm*.

A summary of the toxicological endpoints for chlorantraniliprole used for human risk assessment can be found at *http://www.regulations.gov* in document *Chlorantraniliprole (DPX-E2Y45). Human Health Risk Assessment for Proposed Uses on the Tree Nut Group and Pistachios and for Increases in the Established Tolerances for Pome Fruits, Stone Fruits, Grapes and Raisins due to the Removal of Adjuvant Restrictions from the Label for Pome Fruits, Stone Fruits, and Grapes*, page 10 in docket ID number EPA–HQ–OPP–2008–0770.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses*. In evaluating dietary exposure to chlorantraniliprole, EPA considered exposure under the petitioned-for tolerances as well as all existing chlorantraniliprole tolerances in 40 CFR 180.628. EPA assessed dietary exposures from chlorantraniliprole in food as follows:

i. *Acute exposure*. Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1–day or single exposure.

No such effects were identified in the toxicological studies for chlorantraniliprole; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure*. In conducting the chronic dietary exposure assessment EPA used the food consumption data from the United States Department of Agriculture (USDA) 1994–1996 and 1998 Continuing Survey of Food Intake by Individuals (CSFII). As to residue levels in food, EPA assumed all foods for which there are tolerances were treated and contain tolerance-level residues.

iii. *Cancer*. Chlorantraniliprole was classified as ''Not likely to be Carcinogenic to Humans'' based on evidence showing no treatment-related tumors in the submitted chronic and oncogenicity studies in rats and mice, and subchronic studies in mice, dogs, and rats, and no mutagenic concerns in the genotoxicity studies. Therefore, an exposure assessment to evaluate cancer risk is unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information*. EPA did not use anticipated residue and/or PCT information in the dietary assessment for chlorantraniliprole. Tolerance level residues and/or 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water*. The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for chlorantraniliprole in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of chlorantraniliprole. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm*.

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and Screening Concentration in Ground Water (SCI-GROW) models, the estimated drinking water concentrations (EDWCs) of chlorantraniliprole for acute exposures are estimated to be 26.862 parts per billion (ppb) for surface water and 1.06 ppb for ground water. The estimated drinking water concentrations (EDWCs) of chlorantraniliprole for chronic exposures are 3.650 parts per billion (ppb) for surface water and 1.06 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model.

For chronic dietary risk assessment, the water concentration of value 3.650 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure*. The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Chlorantraniliprole is currently registered for the following uses that could result in residential exposures: Turfgrass and ornamental plants. EPA assessed residential exposure using the following assumptions. Although residential exposure could occur, due to the lack of toxicity identified for short- and intermediate-term durations via relevant routes of exposure, no risk is expected from these exposures. Additional information on residential exposure assumptions can be found at *www.regulations.gov* (Docket ID EPA–HQ–OPP–2007–0275, pages 36 through 37).

4. *Cumulative effects from substances with a common mechanism of toxicity*. Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found chlorantraniliprole to share a common mechanism of toxicity with any other substances, and chlorantraniliprole does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that chlorantraniliprole does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *http://www.epa.gov/pesticides/cumulative*.

D. Safety Factor for Infants and Children

1. *In general*. Section 408(b)(2)(c) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA safety factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity*. There were no effects on fetal growth or post-natal development up to the limit dose of 1,000 milligrams/kilogram/day (mg/kg/day) in rats or rabbits in the developmental or 2–generation reproduction studies. Additionally, there were no treatment related effects on the numbers of litters, fetuses (live or dead), resorptions, sex ratio, or post-implantation loss and no effects on fetal body weights, skeletal ossification, and external, visceral, or skeletal malformations or variations.

3. *Conclusion*. EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for chlorantraniliprole is complete.

ii. There is no indication that chlorantraniliprole is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that chlorantraniliprole results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2–generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to chlorantraniliprole in drinking water. EPA used similarly conservative assumptions to assess post-application exposure of children as well as incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by chlorantraniliprole.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic pesticide exposures are safe by comparing aggregate exposure estimates to the aPAD and cPAD. The aPAD and cPAD represent the highest safe exposures, taking into account all appropriate SFs. EPA calculates the aPAD and cPAD by dividing the POD by all applicable UFs. For linear cancer risks, EPA calculates the probability of additional cancer cases given the estimated aggregate exposure. Short-term, intermediate-term, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the POD to ensure that the MOE called for by the product of all applicable UFs is not exceeded.

1. *Acute risk*. An acute aggregate risk assessment takes into account exposure estimates from acute dietary consumption of food and drinking water. No adverse effect resulting from a single-oral exposure was identified and no acute dietary endpoint was selected. Therefore, chlorantraniliprole is not expected to pose an acute risk.

2. *Chronic risk*. Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to chlorantraniliprole from food and water will utilize <1% of the cPAD for (children 1–2 years) the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of chlorantraniliprole is not expected.

3. *Short-term risk*. Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Although short-term residential exposure could occur with the use of chlorantraniliprole, no toxicological effects resulting from short-term dosing were observed. Therefore, the aggregate risk is the sum of the risk from food and water and will not be greater than the chronic aggregate risk.

4. *Intermediate-term risk*. Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Although intermediate-term residential exposure could result from the use of chlorantraniliprole, no toxicological effects resulting from intermediate-term dosing were observed. Therefore, the aggregate risk is the sum of the risk from food and water and will not be greater than the chronic aggregate risk.

5. *Aggregate cancer risk for U.S. population*. Chlorantraniliprole has been classified as a ''not likely human carcinogen.'' It is not expected to pose a cancer risk to humans.

6. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to chlorantraniliprole residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology liquid chromotagraphy/mass spectrometry/mass spectrometry (LC/MS/MC) is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; e-mail address: *residuemethods@epa.gov*.

B. International Residue Limits

There are no international residue limits that affect the Agency's recommendations at this time. There are no Canadian, CODEX or Mexican maximum residue limits (MRLs) for chlorantraniliprole that exists at this time.

C. Response to Comments

There were no comments received in response to the notice of filing or proposed rule.

D. Revisions to Petitioned-For Tolerances

EPA has determined that the appropriate tolerance level for the tree nut group and pistachios is 0.04 ppm. Residue field trial data for chloroantraniliprole on almonds and pecans showed that the highest observed residue level on nutmeats was 0.016 ppm. Almonds and pecans are representative commodities for the tree nut group and pistachios. Evaluation of these field trial data with EPA's statistical modeling procedures for field residue data indicates that a tolerance of 0.04 ppm will be sufficient for the labeled uses on tree nuts and pistachios.

The petitioner has requested a tolerance of 0.07 ppm for these commodities. A higher value was requested because the field trials were conducted without use of an adjuvant but the petitioner now seeks approval of a pesticide label allowing the use of

adjuvants. Adjuvants may increase residue levels of the pesticide by altering the pattern of deposition, retention and penetration. In the case of chlorantraniliprole, several supervised side-by-side studies conducted on grape, peach, plum, and cherry with chlorantraniliprole alone and in the presence of an adjuvant, methylated seed oils or non-ionic surfactants showed that the adjuvants increased the level of chlorantraniliprole by an average factor of 2.1. EPA does not believe, however, that use of an adjuvant would increase chlorantraniliprole residues in nutmeats from the tree nut crop group and pistachios because these foods have very limited exposure to an applied non-systemic chemical such as chlorantraniliprole due to the physical barrier, known as the exocarp (i.e., husk or hull), surrounding the edible commodity. Thus, the Agency does not expect any increase in residue with the use of an adjuvant on the tree nut group or pistachios and EPA has revised the requested tolerance amount for these commodities downward to 0.04 ppm.

V. Conclusion

Therefore, tolerances are established for residues of chlorantraniliprole, 3-bromo-*N*-[4-chloro-2-methyl-6-[(methylamino) carbonyl]phenyl]-1-(3-chloro-2-pyridinyl)-1 *H*-pyrazole-5-carboxamide, in or on almond, hulls at 5.0 ppm, nut, trees, group 14 at 0.04 ppm and pistachios at 0.04 ppm. In addition, time-limited rotational crop tolerances are established for residues of chlorantraniliprole in or on cowpeas, forage and hay at 0.20 parts per million (ppm); field peas, vines and hay at 0.20 ppm; forage, fodder and straw of cereal grains, crop group 16 at 0.20 ppm, grass forage, fodder and hay, crop group 17 at 0.20 ppm; leaves of root and tuber vegetables, crop group 2 at 0.20 ppm; leeks at 0.20 ppm; nongrass animal feeds (forage, fodder, straw and hay), crop group 18 at 0.20 ppm; okra at 0.70 ppm; onions, green at 0.20 ppm; onions, Welsh at 0.20 ppm; peanuts, hay at 0.20 ppm; shallots at 0.20 ppm; soybeans, forage and hay at 0.20 ppm; strawberries at 1.2 ppm; and sugarcane, sugar at 0.20 ppm.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

Pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency hereby certifies that this proposed action will not have significant negative economic impact on a substantial number of small entities. Establishing a pesticide tolerance or an exemption from the requirement of a pesticide tolerance is, in effect, the removal of a regulatory restriction on pesticide residues in food and thus such an action will not have any negative economic impact on any entities, including small entities.

VII. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 11, 2009.

Debra Edwards,

Director, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.628 is amended by alphabetically adding the following commodities to the table in paragraph (a), and revising paragraph (d) to read as follows:

§ 180.628 Chlorantraniliprole; tolerances for residues.

(a) * * *

Commodity	Parts per million
Almond, hulls	5.0
* * *	* *
Nut, tree, group 14	0.04
* * *	* *
Pistachio	0.04
* * *	* *

* * * * *

(d) *Indirect or inadvertent residues.* Time-limited tolerances are established for indirect or inadvertent residues of the insecticide chlorantraniliprole (3-bromo- *N* -[4-chloro-2-methyl-6-

[(methylamino)carbonyl]phenyl]-1-(3-chloro-2-pyridinyl)-1*H*-pyrazole-5-carboxamide) in or on the following commodities. The tolerances will expire and are revoked on the dates specified in the following table.

Commodity	Parts per million	Expiration/ revocation date
Animal feed, nongrass, group 18	0.20	04/10/10
Cowpea, forage	0.20	04/10/10
Cowpea, hay	0.20	04/10/10
Field pea, hay	0.20	04/10/10
Field pea, vine	0.20	04/10/10
Grain, cereal, forage, fodder and straw, group 16	0.20	04/10/10
Grass, forage, fodder and hay, group 17	0.20	04/10/10
Leek	0.20	04/10/10
Okra	0.70	04/10/10
Onion, green	0.20	04/10/10
Onion, Welsh	0.20	04/10/10
Peanut, hay	0.20	04/10/10
Shallot	0.20	04/10/10
Soybean, forage	0.20	04/10/10
Soybean, hay	0.20	04/10/10
Strawberry	1.20	04/10/10
Sugarcane	0.20	04/10/10
Vegetable, leaves of root and tuber, group 2	0.20	04/10/10

[FR Doc. E9–14996 Filed 6–25–09; 8:45 am]
BILLING CODE 6560–50–S

GENERAL SERVICES ADMINISTRATION

41 CFR Part 102–118

[FMR Amendment 2009–04; FMR Case 2009–102–4; Docket 2009–0002; Sequence 3]

RIN 3090–AI91

Federal Management Regulation; Transportation Payment and Audit

AGENCY: Office of Governmentwide Policy, General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: The General Services Administration (GSA) is amending the Federal Management Regulation (FMR) covering Transportation Payment and Audit. This final rule updates information and corrects mailing and web site addresses.

DATES: *Effective Date:* This final rule is effective June 26, 2009.

FOR FURTHER INFORMATION CONTACT: The Regulatory Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 208–7312, for information pertaining to status or publication schedules. For clarification of content, contact Patrick O'Grady at (202) 208–4493. Please cite FMR case 2009–102–4, Amendment 2009–04.

SUPPLEMENTARY INFORMATION:

A. Background

Federal Management Regulation (FMR) part 102–118 (41 CFR part 102–118, *Transportation Payment and Audit*) was last reviewed and amended on September 24, 2004 (69 FR 57617). GSA collaborated with four agencies to conduct a review and determine if it is still current and accurate. This final rule reflects the changes recommended by GSA and the other four agencies. Because the changes only apply to administrative matters, GSA has determined it is not necessary to comment on this amendment.

B. Substantive Changes

This revision eliminates references to the GSA's Federal Supply Service, which was reorganized after the regulation was last published and is now called the GSA's Federal Acquisition Service (FAS). It also updates addresses and names of other GSA business lines, and it provides a new address for courier mail for the Civilian Board of Contract Appeals.

C. Executive Order 12866

GSA has determined that this final rule is not a significant regulatory action for the purposes of Executive Order 12866.

D. Regulatory Flexibility Act

This final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* Because the final rule only applies to internal agency management, it will not have a significant effect on the public.

E. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FMR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

F. Small Business Regulatory Enforcement Fairness Act

This final rule is exempt from Congressional review under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Part 102–118

Accounting, Claims, Government property management, Reporting and recordkeeping requirements, Surplus Government property, Transportation.

Dated: May 29, 2009.

Paul F. Prouty,

Acting Administrator of General Services.

■ For the reasons set forth in the preamble, GSA is amending 41 CFR part 102–118 as set forth below:

PART 102–118—TRANSPORTATION PAYMENT AND AUDIT

■ 1. The authority citation for 41 CFR part 102–118 continues to read as follows:

Authority: 31 U.S.C. 3726; 40 U.S.C. 121(c), and 49 U.S.C. 10721, 13712, and 15504.

■ 2. Amend part 102–118 by removing ''Federal Supply Service Audit Division (FBA), 1800 F Street, NW., Washington, DC 20405'' wherever it appears, and adding ''Transportation Audit Division (QMCA), Crystal Plaza 4, Room 300, 2200 Crystal Drive, Arlington, VA 22202'' in its place.

■ 3. Amend § 102–118.35 by revising the definition of ''Government Bill of Lading (GBL)'' to read as follows:

§ 102–118.35 What definitions apply to this part?

* * * * *

Government bill of lading (GBL) is the transportation document used as a receipt of goods, evidence of title, and a contract of carriage for Government international shipments.

* * * * *

§§ 102–118.175 and 102–118.180 [Removed]

■ 4. Remove §§ 102–118.175 and 102–118.180.

§ 102–118.240 [Amended]

■ 5. Amend § 102–118.240 by removing ''Federal Supply Service'' in the address and adding ''Federal Acquisition Service'' in its place; removing ''General Products Commodity Center (7FXM–WS)'' and adding ''Inventory Management Branch (QSDACDB–WS)'' in its place; and removing ''6A24'' and adding ''6A00'' in its place.

§ 102–118.245 [Amended]

■ 6. Amend § 102–118.245 by removing ''Federal Supply Service'' in the address and adding ''Federal Acquisition Service'' in its place; removing ''General Products Commodity Center (7FXM–WS)'' and adding ''Inventory Management Branch (QSDACDB–WS)'' in its place; and removing ''6A24'' and adding ''6A00'' in its place.

■ 7. Revise § 102–118.270 to read as follows:

§ 102–118.270 Must my agency establish a prepayment audit program?

Yes, under 31 U.S.C. 3726, your agency is required to establish a prepayment audit program. Your agency must send a preliminary copy of your prepayment audit program to: General Services Administration, Office of Travel, Transportation and Asset Management (MT), 1800 F Street, NW., Washington, DC 20405.

§ 102–118.290 [Amended]

■ 8. Amend § 102–118.290 by removing ''General Accounting Office'' and ''U. S. General Accounting Office'' wherever it appears and adding ''U.S. Government Accountability Office'' in its place.

§ 102–118.380 [Amended]

■ 9. Amend § 102–118.380 by removing ''Office of Transportation and Personal Property (MT)'' and adding ''Office of Travel, Transportation and Asset Management (MT)'' in its place; and by removing ''*http://policyworks.gov/org/main/MT*''.

§ 102–118.495 [Amended]

■ 10. Amend § 102–118.495, by removing ''General Services Board of Contract Appeals (GSBCA)'' in the section heading and adding ''Civilian Board of Contract Appeals (CBCA)'' in its place; and in the section text by removing ''GSBCA'' and adding ''CBCA'' in its place.

■ 11. Revise § 102–118.580 to read as follows:

§ 102–118.580 May a TSP appeal a prepayment audit decision of the GSA Audit Division?

(a) Yes, the TSP may appeal to the Civilian Board of Contract Appeals (CBCA) under guidelines established in this Subpart F, or file a claim with the United States Court of Federal Claims. The TSP's request for review must be received by the CBCA in writing within 6 months (not including time of war) from the date the settlement action was taken or within the periods of limitation specified in 31 U.S.C. 3726, as amended, whichever is later. The TSP must address requests:

(1) By United States Postal Service to: Civilian Board of Contract Appeals (CBCA), 1800 F Street, NW., Washington, DC 20405.

(2) In person or by courier to: Civilian Board of Contract Appeals, 6th floor, 1800 M Street, NW., Washington, DC 20036.

(b) The CBCA will accept legible submissions via facsimile (FAX) on (202) 606–0019.

§ 102–118.585 [Amended]

■ 12. Amend § 102–118.585 by removing ''GSBCA'' in the section heading and the first sentence and adding ''CBCA'' in its place.

§ 102–118.595 [Amended]

■ 13. Amend § 102–118.595 by removing ''GSBCA'' in the section heading and the section text and adding ''CBCA'' in its place.

§ 102–118.650 [Amended]

■ 14. Amend § 102–118.650 by removing ''GSA Board of Contract Appeals (GSBCA)'' and adding ''Civilian Board of Contract Appeals (CBCA)'' in its place.

■ 15. Revise § 102–118.655 to read as follows:

§ 102–118.655 Are there time limits on a TSP request for an administrative review by the CBCA?

(a) Yes, the CBCA must receive a request for review from the TSP within six months (not including time of war) from the date the settlement action was taken or within the periods of limitation specified in 31 U.S.C. 3726, as amended, whichever is later. Address requests:

(1) By United States Postal Service to: Civilian Board of Contract Appeals (CBCA), 1800 F Street, NW., Washington, DC 20405.

(2) In person or by courier to: GSA Civilian Board of Contract Appeals, 6th floor, 1800 M Street, NW., Washington, DC 20036.

(b) The CBCA will accept legible submissions via facsimile (FAX) on (202) 606–0019.

§ 102–118.660 [Amended]

■ 16. Amend § 102–118.660 by removing ''GSBCA'' in the section heading and the first sentence and adding ''CBCA'' in its place.

§ 102–118.665 [Amended]

■ 17. Amend § 102–118.665 by removing ''GSBCA'' in the section heading and the section text and adding ''CBCA'' in its place.

[FR Doc. E9–15161 Filed 6–25–09; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 192 and 195

[Docket No. PHMSA–2008–0334]

RIN 2137–AE42

Pipeline Safety: Incorporation by Reference Update: American Petroleum Institute (API) Standards 5L and 1104

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The Pipeline and Hazardous Materials Safety Administration (PHMSA) is confirming the effective date of April 14, 2009, for the direct final rule that appeared in the **Federal Register** on April 14, 2009. The direct final rule incorporated by reference the most recent editions of API Specification 5L, ''Specification for Line Pipe'' and API 1104, ''Welding of Pipelines and Related Facilities.''

DATES: The effective date for the direct final rule that appeared in the **Federal Register** on April 14, 2009 (74 FR 17099) is confirmed as April 14, 2009.

FOR FURTHER INFORMATION CONTACT: For information about the technical standards, contact Mike Israni, (202) 366–4571, or by e-mail at *mike.israni@dot.gov.* For all other

information contact John Gale by phone at (202) 366–4046.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of April 14, 2009, PHMSA published a direct final rule adopting the most recent editions of two consensus technical standards, the American Petroleum Institute (API) 5L (44th edition) and API 1104 (20th edition). Through use of these consensus standards, pipeline operators will be able to use current technology, materials, and practices. The incorporation of the most recent editions of these standards improves clarity, consistency, and accuracy, reduces unnecessary burdens on the regulated community and will provide, at minimum, an equivalent level of safety. PHMSA did not eliminate the use of the current referenced standards but simply allowed the additional use of these new standards. PHMSA may in the future propose to eliminate the incorporation of the existing referenced standards.

Standards Incorporated by Reference

The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113) directs Federal agencies to use voluntary consensus standards in lieu of government-written standards whenever possible. Voluntary consensus standards are standards developed or adopted by voluntary bodies that develop, establish, or coordinate technical standards using agreed upon procedures.

PHMSA's Office of Pipeline Safety participates in more than 25 national voluntary consensus standards committees. PHMSA's policy is to adopt voluntary consensus standards when they are applicable to pipeline design, construction, maintenance, inspection, and repair. PHMSA has the ultimate responsibility to ensure the best interests of public safety are being served. PHMSA reviews and approves for incorporation by reference updated versions based on this directive. When PHMSA believes some aspect of the standard does not meet this directive, it will not incorporate the new edition, or that part of the standard that it believes is contradictory with the directive. In recent years, PHMSA has adopted dozens of new and revised voluntary consensus standards into its gas pipeline (49 CFR Part 192) regulations, its liquefied natural gas (LNG) (49 CFR Part 193) regulations, and its hazardous liquid pipeline (49 CFR Part 195) regulations.

Parts 192, 193, and 195 incorporate by reference all or parts of more than 60 standards and specifications developed and published by technical organizations, including the American Petroleum Institute, American Gas Association, American Society of Civil Engineers, American Society of Mechanical Engineers, American Society for Testing and Materials, Manufacturers Standardization Society of the Valve and Fittings Industry, National Fire Protection Association, Plastics Pipe Institute, and Pipeline Research Council International. These organizations update and revise their published standards every 3 to 5 years to reflect modern technology and best technical practices. PHMSA has reviewed the revised voluntary consensus standards being incorporated in this final rule.

New Editions of Standards

The following new editions of currently referenced standards are being incorporated by reference (IBR) in parts 192 and 195. These new editions refine, and clarify existing material in the standard and generally do not introduce new topics.

American Petroleum Institute (API)

•ANSI/API Spec 5L/ISO 3183 ''Specification for Line Pipe'' (44th edition, 2007) Referenced by 49 CFR 192.55(e); 192.112; 192.113; Item I, Appendix B to part 192; 195.106(b)(1)(i); 195.106(e).

Amendments to API 5L in the 44th edition include:

1. High default toughness criteria for PSL 2 pipe previously not specified, ensuring a higher toughness baseline for most critical products in the field.

2. Restrictive dimensional limits (including wall thickness, diameter, out-of-round, pipe end geometric irregularities) ensuring better field fit up and welding.

3. More comprehensive description of ultrasonic and radiographic methods and documentation testing providing a more consistent weld and body inspection and pipe traceability is improved through key inspection step.

4. New sour service and offshore requirements including restrictive documentation, processing, chemical composition, inspection and mechanical property controls ensuring well suited product applied to these critical applications.

• API 1104 ''Welding of Pipelines and Related Facilities,'' (20th edition, errata, 2008) Referenced in 49 CFR 192.227(a); 192.229(c)(1); and 192.241(c); Item II, Appendix B; 195.222; 195.228(b) and 195.214(a).

The 20th edition of API 1104 includes a new Appendix A. Appendix A describes the method to determine the maximum height and length of a weld imperfection that can remain in a girth weld and not be a threat to the integrity of a pipeline. Appendix A in the 19th edition is an old standard that was developed in the 1970's and at that time X 60 material was the strongest pipe available. Now X 80 is commonplace.

By letters dated September 26, 2008 and December 4, 2008, EVRAZ, Inc. and California Steel Industries, Inc., petitioned PHMSA to allow the immediate use of the 44th edition of API 5L. The petitioners explained that the failure to allow the use of the newer standard would adversely impact the metallurgy and tolerances of the pipe manufactured in their plants and that the impact was industry-wide. Due to the lead time of ordering steel pipe for major infrastructure projects, the petitioners urgently requested that PHMSA allow the use of the newer standard in order to avoid adverse impacts on their customers' projects involving thousands of tons of pipe and hundreds of workers.

The direct final rule was issued under the procedures set forth in 49 CFR 190.339. That provision allows for incorporation by reference of industry standards by direct final rule. If an adverse comment or notice of intent to file an adverse comment is received, a timely document would be published in the **Federal Register** withdrawing this direct final rule in whole or in part. PHMSA did not receive any adverse comments.

Issued in Washington, DC, on June 22, 2009 under the authority delegated in part 1.

Jeffrey D. Wiese,

Acting Deputy Administrator.

[FR Doc. E9–15045 Filed 6–25–09; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

49 CFR Part 1570

[Docket No. TSA–2008–0011]

RIN 1652–AA65

False Statements Regarding Security Background Checks

AGENCY: Transportation Security Administration, DHS.

ACTION: Final rule.

SUMMARY: On July 31, 2008, TSA published an interim rule prohibiting public transportation agencies, railroad carriers, and their respective contractors and subcontractors from knowingly

misrepresenting Federal guidance or regulations concerning security background checks for certain individuals. This final rule follows publication of the July 31, 2008 interim rule, and makes no changes at this final rule stage.

DATES: *Effective Date:* June 26, 2009.

FOR FURTHER INFORMATION CONTACT: Ellen Siegler, Assistant Chief Counsel, TSA–2, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6002; telephone (571) 227–2723; facsimile (571) 227–1379; e-mail *Ellen.Siegler@dhs.gov*.

ADDRESSES:

Availability of Rulemaking Document

You can get an electronic copy using the Internet by—

(1) Searching the electronic Federal Docket Management System (FDMS) Web page at *http://www.regulations.gov;*

(2) Accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html;* or

(3) Visiting TSA's Security Regulations Web page at *http://www.tsa.gov* and accessing the link for ''Research Center'' at the top of the page.

In addition, copies are available by writing or calling the individual in the **FOR FURTHER INFORMATION CONTACT** section. Make sure to identify the docket number of this rulemaking.

SUPPLEMENTARY INFORMATION:

Small Entity Inquiries

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires TSA to comply with small entity requests for information and advice about compliance with statutes and regulations within TSA's jurisdiction. Any small entity that has a question regarding this document may contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Persons can obtain further information regarding SBREFA on the Small Business Administration's Web page at *http://www.sba.gov/advo/laws/law_lib.html.*

Good Cause for Immediate Effective Date

This rule will be effective upon publication in the **Federal Register.** Section 553(d) of the Administrative Procedure Act 5 U.S.C. 553, allows an agency, upon finding good cause, to make a rule effective immediately. There is good cause for making this final rule effective immediately. An interim final rule (IFR), published on July 31, 2008, is already in effect. There is no need to provide advance notice that this final rule will become effective because this final rule is substantively identical to the IFR; it does not prohibit any conduct not already prohibited by the IFR.

I. Summary

On July 31, 2008, TSA issued an IFR codifying in the Code of Federal Regulations (CFR) sections 1414(e) and 1522(e) of the 9/11 Act, which prohibits public transportation agencies, railroad carriers, and their respective contractors and subcontractors from knowingly misrepresenting Federal guidance or regulations concerning security background checks for covered individuals. 73 FR 44665. Under 49 CFR 1570.13, as added by the IFR, entities operating mass transit systems, passenger rail systems, and freight rail carriers must understand TSA's regulations and guidance and represent these background checks accurately to their employees.

The public comment period on the IFR expired on September 2, 2008. TSA received no comments. For the reasons set forth in the IFR, TSA is continuing without change the provisions of 49 CFR 1570.13.

II. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501. *et seq.*) requires that a Federal agency consider the impact of paperwork and other information collection burdens imposed on the public and, under the provisions of PRA section 3507(d), obtain approval from the Office of Management and Budget (OMB) for each collection of information it conducts, sponsors, or requires through regulations. TSA has determined that there are no current or new information collection requirements associated with this rule.

III. Economic Impact Analyses

Regulatory Evaluation Summary

Changes to Federal regulations must undergo several economic analyses. First, Executive Order (E.O.) 12866, Regulatory Planning and Review (58 FR 51735, October 4, 1993), directs each Federal agency to propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (19 U.S.C. 2531–2533) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. Fourth, the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation). Because this rule does not add any requirements to those in the statute and in the July 31, 2008, IFR, TSA has not performed a cost/benefit analysis.

Executive Order 12866 Assessment

Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993) provides for making determinations as to whether a regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Order. Executive Order 12866 classifies a rule as significant if it meets any one of a number of specified conditions, including economic significance, which is defined as having an annual impact on the economy of $100 million. A regulation is also considered a significant regulatory action if it raises novel legal or policy issues.

This regulation is not significant under E.O. 12866. This final regulation will have no economic impact because the regulation makes no changes to 49 CFR 1570.13.

Regulatory Flexibility Act Assessment

The Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), requires agencies to perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities when the Administrative Procedure Act (APA) requires notice and comment rulemaking. TSA has not assessed whether this rule will have a significant economic impact on a substantial number of small entities, as defined in the RFA. When an agency publishes a rulemaking without prior notice and an opportunity for comment, the RFA analysis requirements do not apply. This rulemaking is a final rule that follows an IFR that TSA issued on July 31, 2008. Therefore, no RFA analysis is provided.

International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from establishing any standards or engaging

in related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. TSA has assessed the potential effect of this rulemaking and has determined that it will not create any unnecessary obstacles to foreign commerce.

Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments. Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in a $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.''

This rulemaking does not contain such a mandate. The requirements of Title II of the Act, therefore, do not apply and TSA has not prepared a statement under the Act.

IV. Executive Order 13132, Federalism

TSA has analyzed this final rule under the principles and criteria of E.O. 13132, Federalism. We have determined that this action will not have a substantial direct effect on the States, or the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, have determined that this action does not have federalism implications.

V. Environmental Analysis

TSA has reviewed this action for purposes of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4347) and has determined that this action will not have a significant effect on the human environment.

VI. Energy Impact Analysis

The energy impact of the action has been assessed in accordance with the Energy Policy and Conservation Act (EPCA), Public Law 94–163, as amended (42 U.S.C. 6362). We have determined that this rulemaking is not a major regulatory action under the provisions of the EPCA.

List of Subjects in 49 CFR Part 1570

Appeals, Commercial drivers license, Criminal history background checks, Explosives, Facilities, Hazardous materials, Incorporation by reference, Maritime security, Motor carriers, Motor vehicle carriers, Ports, Seamen, Security measures, Security threat assessment, Vessels, Waivers.

The Amendments

■ For the reasons set forth in the preamble, the interim rule for part 1570 of Title 49 of the Code of Federal Regulations, adding § 1570.13, published July 31, 2008, at 73 FR 44665, is adopted as final, without change.

Issued in Arlington, VA, on June 22, 2009.

Gale D. Rossides,

Acting Administrator.

[FR Doc. E9–15080 Filed 6–25–09; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

RIN 0648–XP91

Atlantic Highly Migratory Species; Inseason Action to Close the Commercial Non–Sandbar Large Coastal Shark Fisheries in the Shark Research Fishery and Atlantic Region

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

ACTION: Fishery closures.

SUMMARY: NMFS is closing the commercial fisheries for non–sandbar large coastal sharks (LCS) in both the shark research fishery and Atlantic region. This action is necessary because NMFS estimated that these fisheries have reached or exceeded 80 percent of the available quota.

DATES: The commercial non–sandbar LCS fisheries in both the shark research fishery and the Atlantic region are closed effective 11:30 p.m. local time July 1, 2009, until the effective date of the final 2010 shark season specifications in which NMFS will publish a separate document in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Karyl Brewster–Geisz or Guý DuBeck, 301–713–2347; fax 301–713–1917.

SUPPLEMENTARY INFORMATION: The Atlantic shark fisheries are managed under the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP), its amendments, and its implementing regulations found at 50 CFR part 635 issued under authority of the Magnuson–Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

Under § 635.5(b)(1), shark dealers are required to report every two weeks. Dealer reports for fish received between the 1st and 15th of any month must be received by NMFS by the 25th of that month. Dealer reports for fish received between the 16th and the end of any month must be received by NMFS by the 10th of the following month. In addition, shark landings within the shark research fishery are monitored via scientific observer reports. Under § 635.28(b)(2), when NMFS projects that fishing season landings for a specific shark quota have reached or are about to reach 80 percent of the available quota, NMFS will file for publication with the Office of the Federal Register a notice of closure for that shark species group that will be effective no fewer than 5 days from the date of filing. From the effective date and time of the closure until NMFS announces, via a notice in the **Federal Register**, that additional quota is available and the season is reopened, the fishery for that specific quota is closed, even across fishing years.

On December 24, 2008 (73 FR 79005), NMFS announced that the non–sandbar LCS quota for the shark research fishery for the 2009 fishing year would be 37.5 metric tons (mt) dressed weight (dw) (82,673 lb dw). Scientific observer reports through June 15, 2009, indicate that 34.9 mt dw or 93 percent of the available quota for non–sandbar LCS Atlantic shark research fishery has been taken. This amount exceeds the 80 percent limit specified in the regulations. Accordingly, NMFS is closing the commercial non–sandbar LCS fishery in the shark research fishery as of 11:30 p.m. local time July 1, 2009.

On December 24, 2008, NMFS announced that the non–sandbar LCS quota in the Atlantic region would be 187.8 mt dw (414,024 lb dw). Dealer reports through May 31, 2009, indicate that 138.9 mt dw or 74 percent of the available quota for non–sandbar LCS has been taken. Dealer reports indicate that 19 percent of the quota was taken in April and 18 percent taken in May. Based on dealer reports in April and May, NMFS estimates that approximately 19 percent of the quota could be taken in June. Based on this projection, the non–sandbar LCS Atlantic region fishery could reach 92 percent of the quota, which exceeds the

80 percent limit specified in the regulations. Accordingly, NMFS is closing the commercial non–sandbar LCS fishery in the Atlantic region as of 11:30 p.m. local time July 1, 2009.

As such, as of July 1, 2009, all commercial non–sandbar LCS fisheries in all regions and fisheries will be closed. All other Atlantic shark fisheries remain open.

During this closure, a fishing vessel, issued an Atlantic Shark LAP and a valid shark research permit with a NMFS–approved observer onboard, pursuant to § 635.4, may not possess or sell a non–sandbar LCS. A shark dealer, issued a permit pursuant to § 635.4, may not purchase or receive non–sandbar LCS from a vessel issued an Atlantic Shark LAP and a valid shark research permit with a NMFS–approved observer onboard, except that a permitted shark dealer or processor may possess sharks that were harvested, off–loaded, and sold, traded, or bartered, prior to the effective date of the closure and were held in storage. Additionally, a shark dealer issued a federal permit, pursuant to § 635.4, may in accordance with state regulations, purchase or receive a non–sandbar LCS if the shark was harvested, off–loaded, and sold, traded, or bartered from a vessel that fishes only in state waters and had not been issued a Shark LAP, HMS Angling permit, or HMS CHB permit under § 635.4.

Classification

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA (AA), finds that providing for prior notice and public comment for this action is impracticable and contrary to the public interest because the fisheries are currently underway, and any delay in this action would cause overharvest of the quotas and be inconsistent with management requirements and objectives. Similarly, affording prior notice and opportunity for public comment on this action is contrary to the public interest because if the quotas are exceeded, the affected public is likely to experience reductions in the available quotas and a lack of fishing opportunities in future seasons. Thus, for these reasons, the AA also finds good cause to waive the 30-day delay in effective date pursuant to 5 U.S.C. 553 (d)(3). This action is required under § 635.28(b)(2) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 23, 2009.

Kristen C. Koch,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E9–15198 Filed 6–25–09; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 74, No. 122
Friday, June 26, 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.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2007–1131; FRL–8921–6]

Approval and Promulgation of Air Quality Implementation Plans; Illinois; Oxides of Nitrogen Regulations, Phase II

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a request submitted by the Illinois Environmental Protection Agency (Illinois EPA) on October 23, 2007, to revise the Illinois State Implementation Plan (SIP). The rules submitted by Illinois EPA satisfy the requirements of EPA's NO_X SIP Call Phase II Rule (the Phase II Rule). We are proposing to approve these regulations based on Illinois' demonstration that the State will meet the emissions targets set forth in the Phase II Rule through reductions from stationary internal combustion (IC) engines and turbines which are identified in the NO_X plan submittal. Limiting NO_X emissions from IC engines and turbines will enable the State to meet the 7,055 ton reduction requirement contained in the Phase II Rule, thereby improving air quality and protecting the health of Illinois citizens.

DATES: Comments must be received on or before July 27, 2009.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2007–1131, by one of the following methods:

1. *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *E-mail: mooney.john@epa.gov.*
3. *Fax:* (312) 692–2551.
4. *Mail:* John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Please see the direct final rule which is located in the Final Rules section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Andy Chang, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–0258, *chang.andy@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If we do not receive any adverse comments in response to this rule, we do not contemplate taking any further action. If EPA receives adverse comments, we will withdraw the direct final rule, and will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule, which is located in the Final Rules section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

Dated: June 11, 2009.

Walter W. Kovalick Jr.,

Acting Regional Administrator, Region 5.

[FR Doc. E9–14857 Filed 6–25–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2009–0353; FRL–8923–4]

Revisions to the California State Implementation Plan, California Air Resources Board Consumer Products Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the California Air Resources Board's Consumer Products portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from consumer products. We are approving State rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by July 27, 2009.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2009–0353, by one of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions.
2. *E-mail: steckel.andrew@epa.gov.*
3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments 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 Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected

should be clearly identified as such and should not be submitted through *http://www.regulations.gov* or e-mail. *http://www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. 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.

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Stanley Tong, EPA Region IX, (415) 947–4122, *tong.stanley@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

Table of Contents

I. The State's Submittal
A. What regulations did the State submit?
B. Are there other versions of these regulations?
C. What is the purpose of the submitted regulation revisions?
II. EPA's Evaluation and Action
A. How is EPA evaluating these regulations?
B. Do the regulations meet the evaluation criteria?
C. EPA recommendations to further improve the regulations.
D. Public comment and final action.
III. Statutory and Executive Order Reviews

I. The State's Submittal

A. What regulations did the State submit?

Table 1 lists the regulations addressed by this proposal with the dates that they were adopted by the State and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED REGULATIONS

Regulation	Regulation Title	Adopted/ amended	Submitted
California Code of Regulations Title 17, Division 3, Chapter 1, Subchapter 8.5—Consumer Products.	Article 1—Antiperspirants and Deodorants	05/06/2005	03/27/2008
California Code of Regulations Title 17, Division 3, Chapter 1, Subchapter 8.5—Consumer Products.	Article 2—Consumer Products	09/26/2007	03/27/2008
California Code of Regulations Title 17, Division 3, Chapter 1, Subchapter 8.5—Consumer Products.	Article 3—Aerosol Coating Products	09/26/2007	03/27/2008
California Air Resources Board—Test Method 310	Method 310—Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products.	05/06/2005	03/27/2008

These submittals became complete by operation of law on September 27, 2008.

B. Are there other versions of these regulations?

We approved a version of CARB's Antiperspirant and Deodorant Regulation into the SIP on August 21, 1995 (60 FR 43379). CARB adopted and submitted revisions to the SIP-approved version on the following dates. While we are acting on only the most recently submitted version, we have reviewed materials provided with previous submittals.

Antiperspirant and deodorant hearing date	Amended	Submitted to EPA
September 28, 1995	January 26, 1996	August 27, 1996.
November 21, 1996	September 25, 1997	December 18, 1998.
November 21, 1996	October 3, 1997.	
November 19, 1998	November 19, 1999	Not submitted—methyl acetate exempted.
October 26, 2000	October 26, 2000	April 3, 2002.

We approved a version of CARB's Consumer Products Regulation into the SIP on August 21, 1995 (60 FR 43379). CARB adopted and submitted revisions to the SIP-approved version on the following dates. While we are acting on only the most recently submitted version, we have reviewed materials provided with previous submittals.

Consumer products hearing date	Amended	Submitted to EPA
September 28, 1995	January 16, 1996	August 27, 1996.
November 21, 1996	September 25, 1997	December 18, 1998.
November 21, 1996	October 3, 1997.	

Consumer products hearing date	Amended	Submitted to EPA
March 27, 1997	March 27, 1997.	
July 24, 1997	May 20, 1998.	
November 19, 1998	November 19, 1999	Not submitted—methyl acetate exempted.
October 28, 1999	August 14, 2000	April 3, 2002.
May 25, 2000	February 12, 2001.	
June 24, 2004	May 6, 2005	March 27, 2008.

We approved the following version of CARB's Aerosol Coating Products Regulation into the SIP on September 13, 2005 (70 FR 53930).

Aerosol coating products hearing date	Amended	Submitted to EPA
May 1, 2001 ..	June 22, 2000.	March 13, 2002.

EPA has not approved any prior version of CARB Test Method 310 into the SIP.

C. What is the purpose of the submitted regulation revisions?

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control VOC emissions.

The California Health and Safety Code (Section 41712(b)) requires CARB to ''adopt regulations to achieve the maximum feasible reduction in volatile organic compounds emitted by consumer products, if the state board determines that adequate data exists to establish both of the following:

(1) The regulations are necessary to attain state and federal ambient air quality standards.

(2) The regulations are commercially and technologically feasible and necessary.''

CARB's consumer products regulations are found under the California Code of Regulations Title 17 Chapter 1 Subchapter 8.5 and include:

Article 1—Antiperspirants and Deodorants

Article 2—Consumer Products

Article 3—Aerosol Coating Products

Article 4—Alternative Control Plan

Article 5—Hairspray Credit Program

The following are brief descriptions of CARB's consumer product regulations and the amendments adopted by CARB, which we propose to approve into the SIP.

1. Antiperspirants and Deodorants

CARB's Antiperspirants and Deodorants (APDO) regulation limits the percent of high volatility organic compounds (HVOC) and medium volatility organic compounds (MVOC) in products. The original SIP-approved regulation contained two tiers of HVOC/MVOC limits, which took effect in 1992 and 1995. Amendments adopted by CARB include updating the definition of VOC to be more consistent with EPA's definition in 40 CFR 50.100(s), extending the 18-month sell-through period to 3 years to incorporate changes in State law, repealing a zero percent limit for HVOC for aerosol antiperspirants, and clarifying the definition of ''deodorant'' to distinguish products covered under the APDO regulation from products covered under CARB's general consumer products regulation.

CARB's SIP-approved regulation originally contained an aggressive limit of zero percent HVOC for aerosol antiperspirants. CARB later determined that this limit was not technically feasible, even with a compliance extension, and repealed it in an October 26, 2000 hearing. CARB's April 3, 2002 submittal letter to EPA estimated that this would result in a shortfall in VOC emissions reductions of approximately 1.3 tons per day (tpd) statewide in 2010. CARB indicated, however, that their Mid-term Measure II Consumer Products regulation would achieve approximately 21 tpd of VOC emissions reductions, which more than offset the shortfall. EPA is proposing to act on the APDO and Consumer Products submittals together.

CARB's APDO regulation is more stringent than EPA's national Consumer Products rule (40 CFR part 59, subpart C) in the following ways:

(a) Contains more stringent two tier HVOC/MVOC limits.

(b) Limits sell-through period to 3 years (EPA does not have a limit for the sell-through period).

(c) Requires compliance by laboratory testing or calculation.

(d) Prohibits use of toxic air contaminants.

(e) Covers retailers.

2. Consumer Products

CARB's Consumer Products regulation limits the VOC content in products such as air fresheners, automotive products, bathroom cleaners, hair care products, and insecticides. CARB's 2006 Initial Statement of Reasons (ISOR) indicates consumer products are a significant source of VOC emissions in California and accounted for approximately 260 tpd of VOC emissions in 2005. CARB's ISOR further indicates that as a result of their consumer products regulations over the last 15 years, statewide VOC emissions from consumer products were reduced by over 170 tpd (40 percent reduction) in 2010. Appendix A of the ISOR further points out that ''emissions from Consumer Products, in 2020, will be the largest source of VOC emissions in the South Coast Air Basin, and the third largest source in the San Joaquin Valley Air Basin.''

Revisions to the SIP-approved regulation adopted by CARB include repealing the aerosol adhesives VOC limit, postponing the second-tier VOC limit for hairsprays and approximately doubling the number of consumer product categories for regulation.

CARB originally adopted the VOC limit for aerosol adhesives in 1989 with two tiers. The first tier established a VOC limit of 75 percent, effective January 1, 1995, and the second tier established a VOC limit of 25 percent effective January 1, 1997. CARB indicates that the aerosol adhesives category is small, approximately 0.4 tpd and that most manufacturers were ''having significant difficulty meeting the 25 percent VOC standard.'' Technical problems encountered included freeze thaw stability and solvents drying too slowly, too fast, or dissolving into the substrate. In May 2000, CARB repealed the 25 percent

VOC limit and adopted three new aerosol adhesive categories. EPA's VOC content limit for household aerosol adhesives remains at 75 percent. 40 CFR part 59, subpart C, Table 1.

CARB also indicated it had to postpone the second-tier VOC hairspray limit of 55 percent for 17 months from January 1998 until June 1999. Although CARB concluded that the 55 percent limit was technically feasible, additional time was required by manufacturers to complete product development and testing. CARB explained in its staff report that the delayed implementation would not compromise its SIP commitment because air pollution control districts had not claimed the reductions until the beginning of the 1999 summer ozone season.

Other amendments adopted by CARB include clarifying definitions, requiring notifications for products sold towards the end of a sell-through period, prohibiting solid air fresheners or toilet/urinal care products from containing para-dichlorobenzene (a toxic air contaminant/hazardous air pollutant) and clarifying that for products manufactured after January 1, 2007, the ''most restrictive limit'' applies to any representation made anywhere on the label, packaging, and all affixed labels. CARB states that it established the sell-through period and most restrictive limits because of a finding that older non-compliant products remained on shelves long after the three year sell-through period and CARB enforcement investigations finding representations made on the principal display panel that were inconsistent with representations on the rest of the label or packaging. CARB noted that ''labels have appeared to have been changed to avoid reformulation to meet VOC limits.'' CARB ISOR May 7, 2004, page V–52. CARB's amendments also clarify that codes indicating date of manufacture are public information and cannot be claimed as confidential.

CARB's 1992 SIP-approved regulation covered approximately 50 categories/subcategories of consumer products. Since that time, CARB has added additional consumer product categories for regulation and has further reduced the VOC limits in existing categories. The amended rule covers 112 categories/subcategories of consumer products.

CARB's Consumer Products regulation is more stringent than EPA's national Consumer Products rule (40 CFR part 59, subpart C) in the following ways:

(a) Contains more stringent two-tier VOC limits.

(b) Covers more categories of consumer products.

(c) Limits the sell-through period to 3 years.

(d) Requires compliance by laboratory testing or calculation.

(e) Prohibits use of toxic air contaminants and ozone depleting substances.

(f) Covers retailers.

3. Aerosol Coating Products

EPA approved CARB's Aerosol Coating Products regulation (adopted May 1, 2001) into the SIP on September 13, 2005. CARB adopted minor updates to test methods in the regulation at a public hearing in 2004 and clarifications to overlapping requirements between the Aerosol Coating Products and Consumer Products regulations at a hearing on November 17, 2006. These amendments covered Rubber and Vinyl Protectants, Fabric Protectants, Vinyl/Fabric/Leather/Polycarbonate Coatings, cosmetic products, and other products used on the human body. The purpose of the 2006 amendments was to clarify that each of these products would be regulated under only one of these two regulations. The amendment also clarified that cosmetics and other products used on the human body are regulated only under the Consumer Products regulation and exempted from CARB's Aerosol Coatings regulation.

4. Method 310

CARB Method 310 incorporates by reference a number of other test methods including those from US EPA, the American Society for Testing and Materials (ASTM), and the National Institute for Occupational Safety and Health (NIOSH). Method 310 also: contains procedures to separate the propellant from the non-propellant portions of aerosol products; allows analysis of the propellant and non-propellant portions for total VOC, exempt VOC or prohibited compounds such as toxic air contaminants; determines the low vapor pressure VOC status of compounds and mixtures; and identifies the reactive organic compounds in aerosol coating products.

The 2005 amendments to Method 310 include updating references to many of the ASTM and EPA test methods and adding an equation to calculate the VOC content of low vapor pressure compounds and/or mixtures.

EPA's technical support document (TSD) has more information on CARB's consumer products regulations.

II. EPA's Evaluation and Action

A. How is EPA evaluating the regulations?

Generally, SIP rules must be enforceable (see section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for each category of sources covered by a Control Techniques Guidelines (CTG) document as well as each major source in nonattainment areas (see section 182(a)(2) and (b)(2)), and must not relax existing requirements (see sections 110(l) and 193). California's consumer products regulations cover VOC area sources and not stationary sources. While there are no applicable CTGs for these source categories, in 1998 EPA promulgated national rules to regulate VOC emissions from consumer products (63 FR 48831, September 11, 1998) and aerosol coating products (73 FR 15621, March 24, 2008). EPA's national rules largely parallel CARB's earlier SIP-approved rules. The amendments we are proposing to approve today are more stringent than EPA's standards.

Rules, guidance and policy documents that we use to evaluate enforceability and RACT requirements consistently include the following:

1. Portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044, November 24, 1987.

2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook).

3. State Implementation Plans, General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990 (57 FR 13498; April 16, 1992).

4. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).

5. 40 CFR Part 59 Subpart C, National Volatile Organic Compound Emission Standards for Consumer Products; Subpart E, National VOC Emission Standards for Aerosol Coatings.

B. Do the regulations meet the evaluation criteria?

We believe CARB's Consumer Products regulations are consistent with the relevant rules and policy and guidance documents regarding enforceability, RACT, and SIP relaxations. CARB's Antiperspirants and Deodorants, Consumer Products, and Aerosol Coating Products regulations contain more stringent limits and cover more than twice the number of categories covered by EPA's national Consumer Products rule. CARB found,

however, that some technology-forcing limits, such as the aerosol adhesives limit originally adopted in 1989, were not achievable. In those cases, CARB identified limits that were achievable and offset any shortfall in emission reductions through greater reductions in other consumer product categories. The TSDs have more information on our evaluation.

C. EPA Recommendations to Further Improve the Regulations

The TSD for CARB Method 310 suggests an amendment to clarify an equation's legend. EPA recommends that CARB adopt this clarifying amendment the next time it modifies Method 310.

D. Public Comment and Final Action

Because EPA believes the submitted regulations fulfill all relevant requirements, we are proposing to fully approve them consistent with section 110(k)(3) of the Act. We are also proposing to approve CARB Method 310 to support compliance with CARB's APDO, Consumer Products, and Aerosol Coating Products regulations. We will accept comments from the public on this proposal for the next 30 days. Unless we receive convincing new information during the comment period, we intend to publish a final approval action that will incorporate these regulations into the federally enforceable SIP.

III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

• Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

• Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

• Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: June 17, 2009.

Jane Diamond,

Acting Regional Administrator, Region IX.

[FR Doc. E9–15144 Filed 6–25–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2009–0272; FRL–8923–3]

Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District and South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) and South Coast Air Quality Management District (SCAQMD) portions of the California State Implementation Plan (SIP). These revisions concern particulate matter emissions from open burning; wood burning fireplaces and heaters; and the storage, handling, and transportation of coke, coal, and sulfur. We are proposing to approve local rules that regulate these emissions under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by July 27, 2009.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2009–0272, by one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions.

• *E-mail: steckel.andrew@epa.gov.*

• *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments 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 Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *http://www.regulations.gov* or e-mail. *http://www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public

comment. 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.

Docket: The index to the docket for this action is available electronically at *http://www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.*, copyrighted material), and some may not be publicly available in either location (*e.g.*, CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Mae Wang, EPA Region IX, (415) 947–4124, *wang.mae@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

Table of Contents

I. The State's Submittal
A. What rules did the State submit?
B. Are there other versions of these rules?
C. What is the purpose of the submitted rule revisions?
II. EPA's Evaluation and Action
A. How is EPA evaluating the rules?
B. Do the rules meet the evaluation criteria?
C. EPA recommendations to further improve the rules.
D. Public Comment and Final Action.
III. Statutory and Executive Order Reviews.

I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the rules addressed by this proposal with the dates that the rules were amended by the local air agencies and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULES

Local agency	Rule #	Rule title	Amended	Submitted
SJVUAPCD	4103	Open Burning	05/17/07	04/06/09
SJVUAPCD	4901	Wood Burning Fireplaces and Wood Burning Heaters	10/16/08	12/23/08
SCAQMD	1158	Storage, Handling, and Transport of Coke, Coal and Sulfur	07/11/08	12/23/08

On April 20, 2009, the submittal of SJVUAPCD Rule 4901 and SCAQMD Rule 1158 was determined to meet the completeness criteria in 40 CFR part 51, appendix V, which must be met before formal EPA review. On May 13, 2009, the submittal of SJVUAPCD Rule 4103 was determined to meet the completeness criteria.

B. Are there other versions of these rules?

A version of SJVUAPCD Rule 4103 was approved into the SIP on April 11, 2006 (71 FR 18216). A version of SJVUAPCD Rule 4901 was approved into the SIP on September 30, 2003 (68 FR 56181). A version of SCAQMD Rule 1158 was approved into the SIP on June 10, 2002 (67 FR 39616).

C. What is the purpose of the submitted rule revisions?

Section 110(a) of the Clean Air Act (CAA) requires states to submit regulations that control volatile organic compounds, nitrogen oxides, particulate matter, and other air pollutants which harm human health and the environment. These rules were developed as part of local air districts' programs to control these pollutants.

The purpose of SJVUAPCD Rule 4103 is to regulate open burning activities and minimize smoke impacts on the public. The purpose of SJVUAPCD Rule 4901 is to limit emissions of carbon monoxide and particulate matter from wood burning fireplaces, wood burning heaters, and outdoor wood burning devices. The purpose of SCAQMD Rule 1158 is to reduce emissions of particulate matter from the storage, handling, and transport of coke, coal, and sulfur. EPA's technical support documents (TSDs) have more information about these rules.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rules?

Generally, SIP rules must be enforceable (see section 110(a) of the CAA) and must not relax existing requirements (see sections 110(l) and 193). In addition, SIP rules must implement Reasonably Available Control Measures (RACM), including Reasonably Available Control Technology (RACT), in moderate PM nonattainment areas, and Best Available Control Measures (BACM), including Best Available Control Technology (BACT), in serious PM nonattainment areas (see CAA sections 189(a)(1) and 189(b)(1)). SJVUAPCD regulates a PM–10 maintenance area so must continue to fulfill the requirements of BACM/BACT. SCAQMD regulates a serious PM–10 nonattainment area (see 40 CFR part 81), so SCAQMD Rule 1158 must fulfill the requirements of BACM/BACT.

Guidance and policy documents that we used to help evaluate rules consistently include the following guidance documents:

1. *Requirements for Preparation, Adoption, and Submittal of Implementation Plans,* U.S. EPA, 40 CFR part 51.

2. *Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,* EPA (May 25, 1988). [The Bluebook]

3. Addendum to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990, 59 FR 41998 (August 16, 1994).

4. *PM–10 Guideline Document* (EPA–452/R–93–008).

5. *2007 Ozone Plan,* San Joaquin Valley Air Pollution Control District (April 30, 2007). *http://www.arb.ca.gov/planning/sip/2007sip/sjv8hr/sjvozone.htm.*

6. *Minimum BACM/RACM Control Measures for Residential Wood Combustion Rules,* EPA Region IX (February 17, 2009).

7. *2008 $PM_{2.5}$ Plan,* San Joaquin Valley Air Pollution Control District (April 30, 2008). *http://www.valleyair.org/air_quality_plans/aq_proposed_pm25_2008.htm.*

B. Do the rules meet the evaluation criteria?

We believe that SJVUAPCD Rules 4103 and 4901, and SCAQMD Rule 1158, are consistent with the relevant policy and guidance regarding enforceability, BACM/BACT, and SIP relaxations. The TSDs have more information on our evaluation.

C. EPA Recommendations To Further Improve the Rules

The TSD for SJVUAPCD Rule 4901 describes additional revisions that do not affect EPA's current action but are recommended for the next time the local agency modifies the rule.

D. Public Comment and Final Action

Because EPA believes the submitted rules fulfill all relevant requirements, we are proposing to fully approve them as described in section 110(k)(3) of the CAA. We will accept comments from

the public on this proposal for the next 30 days. Unless we receive convincing new information during the comment period, we intend to publish a final approval action that will incorporate these rules into the federally enforceable SIP.

III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: June 8, 2009.

Jane Diamond,

Acting Regional Administrator, Region IX.

[FR Doc. E9–15145 Filed 6–25–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2009–0239; FRL–8411–5]

Metolachlor, S-Metolachlor, Bifenazate, Buprofezin, and 2,4-D; Proposed Tolerance Actions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to modify, establish and revoke certain tolerances for the herbicides metolachlor and S-metolachlor and correct the tolerance guava (from guave) on bifenazate and buprofezin and 2,4-D on cranberry. The regulatory actions proposed in this document are in follow-up to the Agency's reregistration program under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and tolerance reassessment program under the Federal Food, Drug, and Cosmetic Act (FFDCA), section 408(q).

DATES: Comments must be received on or before August 25, 2009.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2009–0239, by one of the following methods:

- *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2009–0239. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line 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 regulations.gov or e-mail. The regulations.gov website 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 regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the 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.

Docket: All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. 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, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m.,

Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Jane Smith, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–0048; e-mail address: *smith.jane-scott@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in Unit II.A. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

A. What Action is the Agency Taking?

EPA is proposing to modify, revoke, and establish specific tolerances for residues of the herbicides metolachlor, S-metolachlor, bifenazate, buprofezin, and 2,4-D in or on commodities listed in the regulatory text.

EPA is proposing these tolerance actions to implement the tolerance recommendations made during the reregistration and tolerance reassessment processes (including follow-up on canceled or additional uses of pesticides). As part of these processes, EPA is required to determine whether each of the amended tolerances meets the safety standard of FFDCA. The safety finding determination of ''reasonable certainty of no harm'' is discussed in detail in each Reregistration Eligibility Decision (RED) and Report of the Food Quality Protection Act (FQPA) Tolerance Reassessment Progress and Risk Management Decision (TRED) for the active ingredient. REDs and TREDs recommend the implementation of certain tolerance actions, including modifications to reflect current use patterns, meet safety findings, and change commodity names and groupings in accordance with new EPA policy. Printed copies of many REDs and TREDs may be obtained from EPA's National Service Center for Environmental Publications (EPA/NSCEP), P.O. Box 42419, Cincinnati, OH 45242–2419; telephone number: 1–800–490–9198; fax number: 1–513–489–8695; Internet at *http://www.epa.gov/ncepihom* and from the National Technical Information Service (NTIS), 5285 Port Royal Rd., Springfield, VA 22161; telephone number: 1–800–553–6847 or (703) 605–6000; Internet at *http://www.ntis.gov*. Electronic copies of REDs and TREDs are available on the Internet at *http://www.epa.gov/pesticides/reregistration/status.htm* and in the public docket, at *http://www.regulations.gov*.

The selection of an individual tolerance level is based on crop field residue studies designed to produce the maximum residues under the existing or proposed product label. Generally, the level selected for a tolerance is a value slightly above the maximum residue found in such studies, provided that the tolerance is safe. The evaluation of whether a tolerance is safe is a separate inquiry. EPA recommends the raising of a tolerance when data show that:

1. Lawful use (sometimes through a label change) may result in a higher residue level on the commodity.

2. The tolerance remains safe, notwithstanding increased residue level allowed under the tolerance.

In REDs, Chapter IV on ''Risk management, Reregistration, and Tolerance reassessment'' typically describes the regulatory position, FQPA assessment, cumulative safety determination, determination of safety for U.S. general population, and safety for infants and children. In particular, the human health risk assessment document which supports the RED describes risk exposure estimates and whether the Agency has concerns. In TREDs, the Agency discusses its evaluation of the dietary risk associated with the active ingredient and whether it can determine that there is a reasonable certainty (with appropriate mitigation) that no harm to any population subgroup will result from aggregate exposure. EPA also seeks to harmonize tolerances with international standards set by the Codex Alimentarius Commission, as described in Unit III.

Explanations for proposed modifications in tolerances can be found in the RED and TRED document and in more detail in the Residue Chemistry Chapter document which supports the RED and TRED. Copies of the Residue Chemistry Chapter documents are found in the Administrative Record and EPA's

electronic copies are available through EPA's electronic public docket and comment system, regulations.gov at *http://www.regulations.gov*. You may search for docket ID number EPA–HQ–OPP–2009–0239, EPA–HQ–OPP–2002–0223, EPA–HQ–OPP–2007–0445, EPA–HQ–OPP–2007–0674, EPA–HQ–OPP–2007–0097, and EPA–HQ–OPP–2007–1170, then click on that docket ID number to view its contents.

EPA has determined that the aggregate exposures and risks are not of concern for the above-mentioned pesticide active ingredients based upon the data identified in the RED or TRED which lists the submitted studies that the Agency found acceptable.

EPA has found that the tolerances that are proposed in this document to be modified, are safe; i.e., that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residues, in accordance with FFDCA section 408(b)(2)(C). (Note that changes to tolerance nomenclature do not constitute modifications of tolerances). These findings are discussed in detail in each RED or TRED. The references are available for inspection as described in this document under **SUPPLEMENTARY INFORMATION**.

In the **Federal Register** notices published August 8, 2007 (72 FR 44439) (FRL–8138–8) and May 21, 2008 (73 FR 29456) (FRL–8362–1), EPA proposed to revoke, modify, and establish specific tolerances for residues of the herbicides metolachlor and S-metolachlor as well as tolerances for other pesticide chemicals. These proposals provided a 60–day comment period which invited public comment for consideration and for support of tolerance retention under FFDCA standards. These proposed actions were finalized on September 10, 2008 (73 FR 52607) (FRL–8379–3) and September 17, 2008 (73 FR 53732) (FRL–8375–2). The Agency received comments to the proposal published August 8, 2007 on S-metolachlor in which we indicated we would respond in the future. This action responds to those comments and addresses other tolerance actions associated with metolachlor, S-metolachlor, bifenazate and buprofezin. The proposal published May 21, 2008 provides related information on metolachlor and S-metolachlor.

1. *Metolachlor/S-metolachlor*. The Agency received comments from Syngenta (EPA–HQ–2007–0445–0013) in response to the **Federal Register** proposal published August 8, 2007 (73 FR 53732) as follows:

(i) Revocation of tolerance in stone fruit–Use of S-Metolachlor in stone fruit is an important tool for Canadian fruit producers and therefore, it would be beneficial to maintain U.S. tolerances to avoid any trade irritant issues for these crops being exported from Canada to the U.S. Canada currently has a tolerance of 0.1 ppm for S-metolachlor in apples, apricots, cherries, peaches/nectarines, pears and plums.

(ii) Increase in tolerance for Crop Group 6A from 0.3 ppm to 0.5 ppm–Canada currently has a tolerance of 0.3 ppm for S-metolachlor in peas and snap beans. An increase in the U.S. tolerance could result in a trade irritant for these crops exported from the U.S. to Canada.

(iii) Decrease in tolerance for Crop Group 6C from 0.3 ppm to 0.1 ppm–Canada currently has a tolerance of 0.3 ppm for S-metolachlor in dry beans. A decrease in the U.S. tolerance could result in a trade irritant for these crops exported from Canada to the U.S.

(iv) Increase in tolerance for egg and meat from 0.02 pm to 0.04 ppm–Canada currently has a tolerance of 0.02 ppm for S-metolachlor in eggs, meat of cattle, goats, hogs, poultry and sheep. An increase in the U.S. tolerance could result in a trade irritant for these animal products exported from the U.S. to Canada.

(v) Increase tolerance in animal liver from 0.05 ppm to 0.1 ppm–Canada currently has a tolerance of 0.05 ppm for S-metolachlor in liver of cattle and poultry. An increase in the U.S. tolerance could result in a trade irritant for these animal products exported from the U.S. to Canada.

The Agency responded to Syngenta's first comment (i) on September 17, 2008 (73 FR 53732). In response to the remaining comments (ii)–(v), the Agency has re-evaluated new and existing data for the legume crop group 6, and existing data for cattle meat, fat and liver, poultry meat, fat and egg for both metolachlor and S-metolachlor which, in general, the Agency agrees with the comments. The maximum S-metolachlor residue field trial data in/on legume vegetables support the harmonization of the corresponding legume vegetable crop group 6 tolerances with the Canadian MRLs at 0.3 ppm for existing S-metolachor tolerances and the establishment of a tolerance of 0.3 ppm in/on pea and bean, succulent shelled, subgroup 6B where maximum residues were 0.14 ppm. Extrapolating the residue data from the ruminant feeding study to a 1x feeding level for cattle, goats, horses, and sheep the maximum combined residues of concern for metolachlor and S-metolachlor would be 0.01 ppm in meat and fat and 0.03 ppm in liver; and considering the harmonization of tolerances with Canadian MRLs under the North American Free Trade Agreement (NAFTA), the Agency determined that the tolerances should be decreased for cattle, goat, horse, and sheep liver to 0.05 ppm and meat and fat to 0.02 ppm. Based on feeding studies in hens dosed up to 3.9x the maximum theoretical dietary burden, metolachlor and S-metolachlor residues of concern were not detected (< 0.02 ppm the levels of quantitation (LOQ)) in eggs, liver, fat, meat and meat byproducts and the importance of harmonizing MRLs with Canada, the Agency determined the tolerances for eggs and poultry meat and fat should be 0.02 ppm and poultry meat byproducts (which includes liver) should be 0.05 ppm The Agency inadvertently published the harmonized tolerances for residues of S-metolachlor in/on cattle meat and liver, poultry meat and egg in the **Federal Register** published September 17, 2008 (73 FR 53732) before proposing and receiving comment which we are correcting with this action. Therefore, EPA proposes the tolerances in 40 CFR 180.368(a)(2) for the combined S-metolachlor residues of concern be established for pea and bean, succulent shelled, subgroup 6B at 0.30 ppm; increased in/on pea and bean, dried shelled, except soybean, subgroup 6C from 0.10 ppm to 0.30 ppm; decreased in/on vegetable, legume, edible podded, subgroup 6A from 0.50 ppm to 0.30 ppm; cattle, goat, horse, and sheep, liver from 0.10 to 0.05 ppm; cattle, goat, horse, and sheep, meat and fat from 0.04 to 0.02 ppm; egg and poultry, meat and fat from 0.04 to 0.02 ppm; and poultry, meat byproducts from 0.04 to 0.05 ppm. Also, EPA proposes the tolerances in 40 CFR 180.368(a)(1) for the combined metolachlor residues of concern be increased in/on pea and bean, dried shelled, except soybean, subgroup 6C from 0.10 ppm to 0.3 ppm; decreased in/on vegetable, legume, edible podded, subgroup 6A from 0.50 ppm to 0.30 ppm; cattle, goat, horse, and sheep, liver from 0.10 to 0.05 ppm; cattle, goat, horse, and sheep, meat and fat from 0.04 to 0.02 ppm; egg and poultry, meat and fat from 0.04 to 0.02 ppm; and poultry, meat byproducts from 0.04 to 0.05 ppm. The Agency determined that the increased tolerances are safe; i.e. there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue.

Additional rotational crop field trials conducted with S-metolachlor on wheat and oats indicate that the maximum residues levels were 0.40 ppm in/on oat forage, 0.50 ppm in/on oat hay, 0.09 ppm in/on oat straw, <0.08 ppm in/on wheat and oat grain, 0.47 ppm in/on wheat forage, 0.26 ppm in/on wheat hay, and 0.28 ppm in/on wheat straw.

Based on these residues levels and translating these data to the other small grains, the Agency has determined that the tolerances should be 0.50 ppm for barley, oat, wheat and millet hay; 0.10 ppm for millet, grain; and 0.50 ppm for millet, forage and straw. Based on residue data conducted on soybean, corn, wheat and sorghum, the maximum residues found on aspirated grain fractions were 0.63 ppm; therefore, the Agency has determined that the tolerance for aspirated grain fractions (AGF) should be 0.7 ppm. Rice straw is no longer considered a significant animal feed item, therefore, tolerances are no longer required for rice straw. Therefore, EPA proposes tolerances in 40 CFR 180.368(a)(2) be established for the combined S-metolachlor residues of concern in/on grain, aspirated fractions at 0.70 ppm; and in 40 CFR 180.368(d)(2) be revoked on rice, straw at 0.50 ppm; decreased on barley, oat, and wheat, hay from 1.0 ppm to 0.50 ppm; established on millet, grain at 0.10 ppm; millet, forage at 0.50 ppm; millet, hay at 0.50 ppm; and millet, straw at 0.50 ppm.

Additional rotational crop field trials conducted on wheat and oats with metolachlor indicate that the maximum total residue levels were 0.35 ppm in/on forage, 0.45 ppm in/on hay, 0.42 ppm in/on straw, and 0.03 ppm in/on grain. Based on these residue levels and translating these data to the other small grains, the Agency has determined that the tolerances for metolachlor residues should be 0.80 ppm for barley, millet, oat, and wheat hay; 0.10 ppm for barley, buckwheat, millet, oat, rice, rye, and wheat grain; and 0.50 ppm for millet, oat, rye, and wheat forage and 0.80 ppm for barley, millet, oat, rye, and wheat straw. Rice straw is no longer considered a significant animal feed item, therefore, tolerances are no longer required for rice straw. Currently, since there are no active registrations with uses of metolachlor on spinach, the tolerance on spinach at 0.50 ppm should be revoked. Therefore, EPA proposes the tolerances in 40 CFR 180.368(d)(1) for the combined residues of concern for metolachlor be established on barley, millet, oat, and wheat, hay at 0.80 ppm; increased on barley, millet, oat, rye, and wheat straw from 0.50 ppm to 0.80 ppm; and revoked on rice, straw at 0.50 ppm and in 40 CFR 180.368(a)(1) revoked on spinach at 0.50 ppm. The Agency determined that the increased tolerances are safe; i.e. there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue.

In this action, the Agency has proposed modifications to the tolerances for the legume vegetable subgroups (6A, 6B, and 6C) such that all of the subgroups (6A, 6B, and 6C) have the same tolerance of 0.30 ppm for both metolachlor and S-metolachlor consequently, these tolerances should be consolidated as the vegetable, legume, group 6 at 0.30 ppm. Therefore, EPA proposes the tolerances be revised in 40 CFR 180.368(a)(1) and (a)(2) for the combined residues of concern for metolachlor and S-metolachlor from vegetable, legume, edible-podded, subgroup 6A; pea and bean, succulent shelled, subgroup 6B; and pea and bean, dried shelled, except soybean, subgroup 6C to vegetable, legume, succulent or dried, group 6.

2. *Bifenazate*. The Agency proposes the tolerance in 40 CFR 180.572(a) be corrected to read guava rather than guave.

3. *Buprofezin*. The Agency proposes the tolerance in 40 CFR 180.511(a) be corrected to read guava rather than guave.

4. *2,4-D*. In the **Federal Register** of June 6, 2007 (72 FR 31221) (FRL–8122-7), the Agency incorrectly proposed a tolerance action that included the commodity cranberry in berry, group 13 at 0.2 ppm in 40 CFR 180.142(a). That action removed the individual cranberry tolerance at 0.5 ppm in 40 CFR 180.142(a). The proposal was finalized September 12, 2007 (72 FR 52013) (FRL–8142–2). The berry crop group 13 is not inclusive of cranberries. Further, reestablishing the cranberry tolerance at 0.5 ppm will harmonize with the Canadian maximum residue level (MRL) under the North American Free Trade Agreement (NAFTA). Therefore, the Agency proposes reestablishing the tolerance in 40 CFR 180.142(a) for residues of 2,4-D in/on cranberry at 0.5 ppm. The Agency determined that the increased tolerances are safe; i.e., there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue.

B. What is the Agency's Authority for Taking this Action?

A ''tolerance'' represents the maximum level for residues of pesticide chemicals legally allowed in or on raw agricultural commodities and processed foods. Section 408 of FFDCA, 21 U.S.C. 346a, as amended by FQPA of 1996, Public Law 104–170, authorizes the establishment of tolerances, exemptions from tolerance requirements, modifications in tolerances, and revocation of tolerances for residues of pesticide chemicals in or on raw agricultural commodities and processed foods. Without a tolerance or exemption, food containing pesticide residues is considered to be unsafe and therefore ''adulterated'' under section 402(a) of FFDCA, 21 U.S.C. 342(a). Such food may not be distributed in interstate commerce (21 U.S.C. 331(a)). For a food-use pesticide to be sold and distributed, the pesticide must not only have appropriate tolerances under the FFDCA, but also must be registered under FIFRA (7 U.S.C. 136 *et seq.*). Food-use pesticides not registered in the United States must have tolerances in order for commodities treated with those pesticides to be imported into the United States.

C. When Do These Actions Become Effective?

EPA is proposing that the actions herein become effective on the date of publication of the final rule in the **Federal Register**.

Any commodities listed in this proposal treated with the pesticides subject to this proposal, and in the channels of trade following the tolerance revocations, shall be subject to FFDCA section 408(1)(5), as established by FQPA. Under this unit, any residues of these pesticides in or on such food shall not render the food adulterated so long as it is shown to the satisfaction of the Food and Drug Administration that:

1. The residue is present as the result of an application or use of the pesticide at a time and in a manner that was lawful under FIFRA, and

2. The residue does not exceed the level that was authorized at the time of the application or use to be present on the food under a tolerance or exemption from the requirement of a tolerance. Evidence to show that food was lawfully treated may include records that verify the dates when the pesticide was applied to such food.

III. Are the Proposed Actions Consistent With International Obligations?

The tolerance actions in this proposal are not discriminatory and are designed to ensure that both domestically produced and imported foods meet the food safety standards established by FFDCA. The same food safety standards apply to domestically produced and imported foods.

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international Maximum Residue Limits (MRLs) established by the Codex

Alimentarius is a joint U.N. Food and Agriculture Organization/ World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level in a notice published for public comment. EPA's effort to harmonize with Codex MRLs is summarized in the tolerance reassessment section of individual REDs and TREDs, and in the Residue Chemistry document which supports the RED and TRED, as mentioned in Unit II.A. Specific tolerance actions in this proposed rule and how they compare to Codex MRLs (if any) are discussed in Unit II.A.

IV. Statutory and Executive Order Reviews

In this proposed rule, EPA is proposing to establish tolerances under FFDCA section 408(e), and also modify and revoke specific tolerances established under FFDCA section 408. The Office of Management and Budget (OMB) has exempted these types of actions (e.g., establishment and modification of a tolerance and tolerance revocation for which extraordinary circumstances do not exist) from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this proposed rule has been exempted from review under Executive Order 12866 due to its lack of significance, this proposed rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This proposed rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any other Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency previously assessed whether establishment of tolerances, exemptions from tolerances, raising of tolerance levels, expansion of exemptions, or revocations might significantly impact a substantial number of small entities and concluded that, as a general matter, these actions do not impose a significant economic impact on a substantial number of small entities. These analyses for tolerance establishments and modifications, and for tolerance revocations were published on May 4, 1981 (46 FR 24950) and on December 17, 1997 (62 FR 66020) (FRL–5753–1), respectively, and were provided to the Chief Counsel for Advocacy of the Small Business Administration. Taking into account this analysis, and available information concerning the pesticides listed in this proposed rule, the Agency hereby certifies that this proposed rule will not have a significant negative economic impact on a substantial number of small entities. In a memorandum dated May 25, 2001, EPA determined that eight conditions must all be satisfied in order for an import tolerance or tolerance exemption revocation to adversely affect a significant number of small entity importers, and that there is a negligible joint probability of all eight conditions holding simultaneously with respect to any particular revocation. (This Agency document is available in the docket of this proposed rule). Furthermore, for the pesticide named in this proposed rule, the Agency knows of no extraordinary circumstances that exist as to the present proposal that would change the EPA's previous analysis. Any comments about the Agency's determination should be submitted to the EPA along with comments on the proposal, and will be addressed prior to issuing a final rule. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This proposed rule directly regulates growers, food processors, food handlers, and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. For these same reasons, the Agency has determined that this proposed rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.'' This proposed rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this proposed rule.

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 19, 2009

Steven Bradbury,

Acting Director, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR chapter I be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

2. Section 180.142 is amended by adding alphabetically the following commodity to the table in paragraph (a) to read as follows:

§ 180.142 2,4-D; tolerances for residues.

(a) General. * * *

Commodity	Parts per million
* * * * *	*
Cranberry	0.5
* * * * *	*

* * * * *

3. Section 180.368 is amended by revising the table in paragraph (a)(1), (a)(2), (d)(1) and (d)(2) to read as follows:

§ 180.368 Metolachlor; tolerances for residues.

(a) *General.* (1) * * *

Commodity	Parts per million
Almond, hulls	0.30
Animal feed, nongrass, group 18	1.0
Cattle, fat	0.02
Cattle, kidney	0.20
Cattle, liver	0.05
Cattle, meat	0.02
Cattle, meat byproducts, except kidney and liver	0.04
Corn, field, forage	6.0
Corn, field, grain	0.10
Corn, field, stover	6.0
Corn, sweet, forage	6.0
Corn, sweet, kernel plus cob with husks removed	0.10
Corn, sweet, stover	6.0
Cotton, gin byproducts	4.0
Cotton, undelinted seed	0.10
Dill	0.50
Egg	0.02
Goat, fat	0.02
Goat, kidney	0.20
Goat, liver	0.05
Goat, meat	0.02
Goat, meat byproducts, except kidney and liver	0.04
Grass, forage	10
Grass, hay	0.20
Horse, fat	0.02
Horse, kidney	0.20
Horse, liver	0.05
Horse, meat	0.02
Horse, meat byproducts, except kidney and liver	0.04
Milk	0.02
Nut, tree, group 14	0.10
Okra	0.50
Peanut	0.20
Peanut, hay	20
Peanut, meal	0.40
Potato	0.20
Poultry, fat	0.02
Poultry, meat	0.02
Poultry, meat byproducts	0.05
Safflower, seed	0.10
Sheep, fat	0.02
Sheep, kidney	0.20
Sheep, liver	0.05
Sheep, meat	0.02
Sheep, meat byproducts, except kidney and liver	0.04
Sorghum, grain, forage	1.0
Sorghum, grain, grain	0.30
Sorghum, grain, stover	4.0
Soybean, forage	5.0
Soybean, hay	8.0
Soybean, seed	0.20
Tomato	0.10
Vegetable, foliage of legume, subgroup 7A, except soybean	15.0
Vegetable, legume, succulent or dried, group 6	0.30

(2) * * *

Commodity	Parts per million
Asparagus	0.10
Beet, sugar, molasses	2.0
Beet, sugar, roots	0.5
Beet, sugar, tops	15.0
Brassica, head and stem, subgroup 5A	0.60
Cattle, fat	0.02
Cattle, kidney	0.20
Cattle, liver	0.05
Cattle, meat	0.02
Cattle, meat byproducts, except kidney and liver	0.04
Corn, field, grain	0.10
Corn, field, forage	6.0
Corn, field, stover	6.0
Corn, pop, grain	0.10
Corn, pop, stover	6.0
Corn, sweet, forage	6.0
Corn, sweet, kernel plus cob with husks removed	0.10
Corn, sweet, stover	6.0
Cotton, gin byproducts	4.0
Cotton, undelinted seed	0.10
Egg	0.02
Garlic, bulb	0.10
Grain, aspirated fractions	0.70
Goat, fat	0.02
Goat, kidney	0.20
Goat, liver	0.05
Goat, meat	0.02
Goat, meat byproducts, except kidney and liver	0.04
Grass, forage	10.0
Grass, hay	0.20
Horse, fat	0.02
Horse, kidney	0.20
Horse, liver	0.05
Horse, meat	0.02
Horse, meat byproducts, except kidney and liver	0.04
Milk	0.02
Onion, bulb	0.10
Onion, green	2.0
Peanut	0.20
Peanut, hay	20.0
Peanut, meal	0.40
Poultry, fat	0.02
Poultry, meat	0.02
Poultry, meat byproducts	0.05
Pumpkin	0.10
Safflower, seed	0.10
Shallot, bulb	0.10
Sheep, fat	0.02
Sheep, kidney	0.20
Sheep, liver	0.05
Sheep, meat	0.02
Sheep, meat byproducts, except kidney and liver	0.04
Sorghum, grain, forage	1.0
Sorghum, grain, grain	0.3
Sorghum, grain, stover	4.0
Soybean, forage	5.0
Soybean, hay	8.0
Soybean, seed	0.20
Spinach	0.50
Squash, winter	0.10
Sunflower, seed	0.50
Sunflower, meal	1.0
Tomato, paste	0.30
Vegetable, foliage of legume, except soybean, subgroup 7A	15.0
Vegetable, fruiting, except tabasco pepper, group 8	0.10
Vegetable, leaf petioles, subgroup 4B	0.10
Vegetable, legume, succulent or dried, group 6	0.30
Vegetable, root, except sugar beet, subgroup 1B	0.30
Vegetable, tuberous and corm, subgroup 1C	0.20

* * * * *

(d) *Indirect or inadvertent residues.* (1) * * *

Commodity	Parts per million
Animal feed, nongrass, group 18	1.0
Barley, grain	0.10
Barley, hay	0.80
Barley, straw	0.80
Buckwheat, grain	0.10
Millet, forage	0.50
Millet, grain	0.10
Millet, hay	0.80
Millet, straw	0.80
Oat, forage	0.50
Oat, grain	0.10
Oat, hay	0.80
Oat, straw	0.80
Rice, grain	0.10
Rye, forage	0.50
Rye, grain	0.10
Rye, straw	0.80
Wheat, forage	0.50
Wheat, grain	0.10
Wheat, hay	0.80
Wheat, straw	0.80

(2) * * *

Commodity	Parts per million
Animal feed, nongrass, group 18	1.0
Barley, grain	0.10
Barley, hay	0.50
Barley, straw	0.50
Buckwheat, grain	0.10
Millet, forage	0.50
Millet, grain	0.10
Millet, hay	0.50
Millet, straw	0.50
Oat, forage	0.50
Oat, grain	0.10
Oat, hay	0.50
Oat, straw	0.50
Rice, grain	0.10
Rye, forage	0.50
Rye, grain	0.10
Rye, straw	0.50
Wheat, forage	0.50
Wheat, grain	0.10
Wheat, hay	0.50
Wheat, straw	0.50

* * * * *

4. Section 180.511 is amended by removing the entry for ''Guave'' and adding the following commodity to the table in paragraph (a) to read as follows:

§ 180.511 Buprofezin; tolerances for residues.

(a) General. * * *

Commodity	Parts per million
Guava	0.3

* * * * *

5. Section 180.572 is amended by removing the entry for ''Guave'' and adding the following commodity to the table in paragraph (a) to read as follows:

§ 180.572 Bifenazate; tolerances for residues.

(a) General. * * *

Commodity	Parts per million
Guava	0.9

* * * * *

[FR Doc. E9–15139 Filed 6–25–09; 8:45 am]

BILLING CODE 6560–50–S

GENERAL SERVICES ADMINISTRATION

41 CFR Part 102–39

[FMR Case 2009–102–3; Docket No. 2009–0002, Sequence 3]

RIN 3090–AI92

Federal Management Regulation; Replacement of Personal Property Pursuant to the Exchange/Sale Authority

AGENCY: Office of Governmentwide Policy, General Services Administration (GSA).

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) is proposing to amend the Federal Management Regulation (FMR) by making changes to its policy on the replacement of personal property pursuant to the exchange/sale authority.

DATES: Interested parties should submit comments in writing on or before July 27, 2009 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by FMR case 2009–102–3 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by inputting ''FMR Case 2009–102–3'' under the heading ''Search Documents''. Select the link ''Send a Comment or Submission'' that corresponds with FMR Case 2009–102–3. Follow the instructions provided to complete the ''Public Comment and Submission Form''. Please include your name, company name (if any), and ''FMR Case 2009–102–3'' on your attached document.
- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat (VPR), 1800 F Street, NW., Room 4041, ATTN: Hada Flowers, Washington, DC 20405.

Instructions: Please submit comments only and cite FMR Case 2009–102–3 in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Holcombe, Office of Governmentwide Policy, Office of Travel, Transportation, and Asset Management (MT), (202) 501–3838 or e-mail at *robert.holcombe@gsa.gov.* For information pertaining to status or publication schedules contact the Regulatory Secretariat, 1800 F Street, NW., Room 4041, Washington, DC 20405, (202) 501–4755. Please cite FMR Case 2009–102–3.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule would remove the exchange/sale prohibition on aircraft and airframe structural components, subject to certain conditions. These commodities have been included on the list of properties normally ineligible for exchange/sale so that the acquisition and disposal of these commodities could be managed more closely. To conduct an exchange/sale of such commodities (which is encouraged to reduce the agency costs of managing their aircraft fleets), agencies have been required to submit deviation requests for approval by GSA. Adequate tools are now available for managing these assets without going through the time-consuming and onerous deviation process. Further, removing these commodities from the ''prohibited list'' should not have a detrimental impact on the donation of such property. Finally, although agencies would no longer need to request deviations from GSA, a provision would be added to alert agencies that they must comply with the restrictions and limitations on the disposal of aircraft and aircraft parts contained in 41 CFR part 102–33.

This proposed rule would also remove the prohibition on using scrap in an exchange/sale transaction when the property has utility and value at the time an exchange/sale determination is made. This clarification would address situations where the dismantling or removal of property may render the property as ''scrap'', but where replacement of similar property is still required.

Finally, this proposed rule would make a clerical correction to § 102–39.80 to clarify that the time limit restriction on use of exchange/sale exchange allowances is the same as the restriction for use of exchange/sale sales proceeds.

B. Executive Order 12866

This proposed rule is excepted from the definition of ''regulation'' or ''rule'' under Section 3(d)(3) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993 and, therefore, was not subject to review under Section 6(b) of that executive order.

C. Regulatory Flexibility Act

This proposed rule is not required to be published in the **Federal Register** for comment. Therefore, the Regulatory

Flexibility Act does not apply. However, this proposed rule is being published in order to elicit comments and to provide transparency in the promulgation of federal policies.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FMR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

E. Small Business Regulatory Enforcement Fairness Act

This proposed rule is exempt from Congressional review under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Part 102–39

Government property management and Personal property.

Dated: May 26, 2009.

Stan Kaczmarczyk,

Acting Associate Administrator, Office of Governmentwide Policy.

For the reasons set forth in the preamble, GSA proposes to amend 41 CFR part 102–39 as set forth below:

PART 102–39—REPLACEMENT OF PERSONAL PROPERTY PURSUANT TO THE EXCHANGE/SALE AUTHORITY

1. The authority citation for 41 CFR part 102–39 continues to read as follows:

Authority: 40 U.S.C. 121(c); 40 U.S.C. 503.

2. Amend § 102–39.60—

a. In paragraph (a) by removing the fifth entry ''15 Aircraft and airframe structural components (except FSC Class 1560 Airframe Structural Components).'';

b. Revising paragraph (e); and

c. Adding paragraph (m).

The revision and addition read as follows:

§ 102–39.60 What restrictions and prohibitions apply to the exchange/sale of personal property?

* * * * *

(e) Property with a condition code of scrap, as defined at FMR 102–36.40, except:

(1) Property that has utility and value at the point in time when a determination is made to use the exchange/sale authority; or

(2) Scrap gold for fine gold.

* * * * *

(m) Aircraft and aircraft parts, unless there is full compliance with all aircraft and aircraft parts restrictions and limitations in FMR part 102–33 (41 CFR part 102–33).

§ 102–39.80 [Amended]

3. Amend § 102–39.80, second sentence, by adding ''exchanged or'' before ''sold''.

[FR Doc. E9–15157 Filed 6–25–09; 8:45 am]

BILLING CODE 6820–14–P

AGENCY FOR INTERNATIONAL DEVELOPMENT

48 CFR Parts 704, 713, 714, 715, 744, and 752

RIN 0412–AA63

Partner Vetting in USAID Acquisitions

AGENCY: United States Agency for International Development.

ACTION: Proposed rule.

SUMMARY: The U.S. Agency for International Development (USAID) is considering implementation of a Partner Vetting System for USAID assistance and acquisition awards. The purpose of the Partner Vetting System is to help ensure that USAID funds and other resources do not inadvertently benefit individuals or entities that are terrorists, supporters of terrorists or affiliated with terrorists, while also minimizing the impact on USAID programs and its implementing partners. In order to apply the Partner Vetting System to USAID acquisitions, USAID is proposing to amend 48 CFR Chapter 7. The agency will not apply the Partner Vetting System to USAID acquisitions until after review of the public comments submitted under this proposed rule and promulgation of a final rule by USAID.

DATES: Submit comments on or before August 25, 2009.

ADDRESSES: You may submit comments, identified by RIN number 0412–AA63, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: AIDARPartnerVetting@usaid.gov.* Include RIN number 0412–AA63 in the subject line of the message.
- *Fax:* 202–216–3135.
- *Mail:* U.S. Agency for International Development, Office of Acquisition & Assistance, Policy Division, 1300 Pennsylvania Avenue, NW., Room 7.9–8, Washington, DC 20523–0001.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be included in the public docket without change and will be made available online at *http://www.regulations.gov*, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Jennifer Norling, *Telephone:* 202–712–1807, *E-mail: AIDARPartnerVetting@usaid.gov.*

SUPPLEMENTARY INFORMATION:

Public Participation: USAID welcomes all comments on this proposed rule, but would most particularly appreciate comments addressing the proposed process for separating source selection from vetting. Additionally, we would appreciate comments on the proposed timing for vetting.

Because security screening precautions have slowed the delivery and dependability of surface mail and hand delivery to USAID/Washington, USAID recommends sending all comments to the Federal eRulemaking Portal. The e-mail address and fax number listed above are provided in the event that submission to the Federal eRulemaking Portal is not convenient (all comments must be in writing to be reviewed). You may submit comments by electronic mail, avoiding the use of any special characters and any form of encryption.

A. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, USAID established a new system of records (see 72 FR 39042), entitled the ''Partner Vetting System'' (PVS) to support the vetting of key individuals of non-governmental organizations (NGOs) who apply for USAID contracts, grants, cooperative agreements, or other funding and of NGOs who apply for registrations with USAID as Private and Voluntary Organizations. In January 2009, USAID published a final rule (74 FR 9) to add PVS to its Privacy Act regulation, 22 CFR 215, and to exempt portions of this system of records from one or more provisions of the Privacy Act. The supplementary information to this final rule provided a comprehensive discussion of the legal basis for partner vetting.

The effective date for the PVS Privacy Act final rule has been extended three times, most recently on May 4, 2009 (see 74 FR 20871) and at this time, USAID

has not yet made a final decision whether to implement PVS. If and when USAID decides to implement PVS, it will be implemented incrementally, with an initial pilot program in several USAID locations worldwide.

USAID intends to apply PVS to both assistance and acquisitions. In order to apply PVS to USAID acquisitions, USAID must amend 48 CFR Chapter 7, which is USAID's procurement regulation. As required by 41 U.S.C. Chapter 7, Section 418b, agencies must publish a notice in the **Federal Register** when a proposed procurement regulation has a significant effect beyond the internal operating procedures of the agency and provide for a public comment period for receiving and considering the views of all interested parties.

USAID seeks comments through this proposed rule to help ensure successful implementation of PVS to USAID acquisitions that minimizes the impact on our programs and contractors while still protecting against the possibility that USAID funds could benefit terrorist groups. USAID will only finalize this rule if USAID approves PVS and after reviewing public comments received in response to this proposed rule.

Need for partner vetting. Consistent with applicable law and agency policy, USAID already has taken a number of steps to help ensure that agency funds and other resources do not inadvertently benefit individuals or entities that are terrorists, supporters of terrorists or affiliated with terrorists. USAID recognizes, however, that more can be done to ensure adequate due diligence in certain situations. Accordingly, to complement its requirements for terrorist financing clauses, terrorist financing certifications, and review of public lists of designated groups and individuals, USAID established PVS.

Among other things, PVS will facilitate the management and collection of information from individuals, officers, employees, or other officials of organizations that seek to receive USAID funding. The information will be used to conduct national security screening of such individuals and organizations to ensure that USAID funds do not inadvertently or otherwise provide support to entities or individuals associated with terrorism. To properly conduct this screening, it is necessary to collect information on ''key individuals''—the principal officers and other key employees and personnel of USAID contractors.

To minimize the risk that USAID funds will be diverted to terrorists or for terrorist activities, USAID must take into account the range of activities it carries out and the range of circumstances under which those activities are implemented. Safeguards and scrutiny should be correlated with risk. Accordingly, USAID will perform a risk based assessment to determine the likelihood that the funds, goods, services, or other benefits to be provided could intentionally or inadvertently benefit terrorists or their supporters, including people or organizations who are not specifically designated by the U.S. Government but who may nevertheless be linked to terrorist activities. Key factors that USAID will consider in this assessment will include, but are not limited to, the nature of what is being provided (*e.g.,* cash, goods, services), the type of entity that will be implementing the activity (*e.g.,* U.S. Non-Governmental Organization (NGO), U.S. contractor, foreign NGO, foreign contractor, international organization), the geographic location of the activity, the safeguards available and how easily funds could be diverted or misused. Other considerations, while not necessarily factors in the risk assessment, include the urgency of the activity and the foreign policy importance of the activity.

Vetting and source selection. If PVS is approved and if this rule is finalized, USAID intends to apply PVS to acquisitions in a manner that protects the integrity of the source selection process and also ensures that USAID's Office of Security (SEC) is able to obtain information necessary to vet key individuals and protect that information from unnecessary disclosure. To accomplish this, no individual involved in the source selection process, including the contracting officer, will have access to the information offerors submit for partner vetting, other than to confirm the key individuals the offerors have submitted.

When an acquisition is subject to vetting, a provision in the solicitation will notify offerors of the vetting requirements and procedures. The contracting officer will instruct offerors when to submit the completed USAID Partner Information Form, USAID Form 500–13 (''the Form''), to the vetting official identified in the solicitation. Each Mission or office will have flexibility in determining the appropriate individual to be the vetting official, but the vetting official will be a U.S. citizen employee of USAID who is not involved in the source selection process. In addition to receiving the completed Forms, the vetting official will be responsible for responding to questions from offerors about information to be included on the Form, coordinating with SEC, and conveying the vetting determination to each vetted offeror and the contracting officer.

The Form identifies the information required for the key individuals of the offeror and required subcontractors. Key individuals include principal officers of the organization's governing body (*e.g.,* chairman, vice chairman, treasurer and secretary of the board of directors or board of trustees), the principal officer and deputy principal officer of the organization (*e.g.,* executive director, deputy director, president, vice president), the program manager or chief of party for the USG-financed program, and any other person with significant responsibilities for administration of the USG-financed activities or resources, including key personnel. The terms ''key individual'' and ''key personnel'' are not synonymous; all key personnel will be key individuals, but not vice versa.

Key personnel are those personnel directly responsible for management of the contract or whose professional/technical skills are certified by the requiring office as being essential for successful implementation of the activity. They are designated in the contract and require USAID approval as described in *Automated Directives System Chapter 302—USAID Direct Contracting.* All key personnel, whether or not they are employees of the offeror, are considered key individuals and must be vetted.

The contracting officer determines the appropriate stage of the acquisition cycle for offerors to submit the Form to the vetting official as specified in the solicitation. For negotiated procurements using FAR Part 15, this stage will typically be when the contracting officer establishes the competitive range (48 CFR 15.306(c)). For other acquisitions including those under FAR Part 13—Simplified Acquisition Procedures, FAR Part 14—Sealed Bidding, and task orders issued under Indefinite Quantity Contracts (IQCs) under FAR Part 16, this stage will most likely be just prior to award. Regardless of the point at which vetting begins, source selection proceeds separately from vetting. An offeror must pass vetting in order to be eligible for a USAID award, but this is not a source selection factor, nor a standard for determining the offeror's responsibility.

When vetting at the competitive range stage, after all vetting determinations are received from SEC, the vetting official notifies offerors that they either have passed or have not passed vetting. For offerors who have not passed, the vetting official will include in the notification as detailed a written

explanation of the basis of the vetting determination as SEC determines releasable. In determining what information may be released, SEC will take into consideration the classification or sensitivity of the information, the need to protect sources and methods, and status of ongoing law enforcement and intelligence community investigations or operations.

Concurrently, the vetting official also notifies the contracting officer that all vetting determinations have been provided to the offerors. The vetting official indicates to the contracting officer whether or not all offerors have passed vetting but will not provide the contracting officer with specific vetting information. The contracting officer may then request final revised proposals when discussions are completed. If not all offerors have passed vetting, then the contracting officer may provide as much time as is practicable for offerors to submit their revised final proposals. The additional time is intended to allow offerors to make changes to their proposals to accommodate any changes in key individuals and to request reconsideration of the vetting determination if appropriate. Offerors who change any key individuals for any reason, including but not limited to failure to pass vetting or for reasons related to their technical proposals, must submit their revised Form to the vetting official as soon as possible to allow for vetting of individuals not previously vetted.

The contracting officer makes the source selection decision independently from the vetting process. The contracting officer then confirms with the vetting official that the apparently successful offeror has passed vetting and proceeds with award. Only offerors who have passed the vetting process are eligible for award. When the contracting officer is ready to make award but the vetting official is unable to confirm that the apparently successful offeror has passed vetting, the contracting officer will wait as long as is practicable for the vetting official's confirmation. However, at such time as the Government's need for the contract precludes delaying the award any longer, the contracting officer will proceed with award to the next offeror(s) who represents the best value in accordance with the evaluation criteria of the solicitation and passes vetting.

Subcontracts. Partner vetting would also apply to subcontractors. In most circumstances, only those subcontracts for which consent is required in accordance with FAR clause 52.244–2 will be vetted. The contracting officer will not consent to a subcontract until the subcontractor's key individuals have passed vetting. When the agency considers it appropriate, additional subcontracts for certain classes of items (supplies and services) that are considered higher risk will also be vetted, even if consent is not required. The contracting officer will identify these classes of items in the solicitation and the contractor will be responsible for ensuring that these subcontracts at any tier are vetted before placing the subcontracts.

In the pre-award stage, offerors may instruct their prospective subcontractors who are subject to vetting to begin the process at any time after the contracting officer notifies them to submit their Form. After contract award, the contractor is responsible for directing prospective subcontractors to submit the Form as soon as possible after selecting them, in order to have the vetting determination from the vetting official in time to place the subcontract. Subcontractors will submit their Form directly to the vetting official, who will notify the subcontractor of the vetting determination and provide any releasable information from SEC. The vetting official will inform the contractor, or a subcontractor entering into a lower tier subcontract subject to vetting, of the vetting determination only. The prospective subcontractor may choose to share the information provided by the vetting official to the contractor.

Post-award vetting. As stated in the proposed clause at section (48 CFR) 752.204–71(c), contractors must resubmit the Form annually or when they replace key individuals with individuals who have not been previously vetted for that contract.

In order to implement partner vetting, USAID proposes to add a new subpart 704.70 to (48 CFR) AIDAR, with an associated solicitation provision and contract clause in (48 CFR) AIDAR part 752. Additionally, USAID proposes to amend (48 CFR) AIDAR parts 713, 714, and 715, and add new part 744 to include reference to the requirements at (48 CFR) AIDAR subpart 704.70.

B. Regulatory Planning and Review

Under Executive Order (E.O.) 12866, USAID must determine whether a regulatory action is ''significant'' and therefore subject to the requirements of the E.O. and subject to review by the Office of Management and Budget (OMB). USAID has determined that this Proposed Rule is not an ''economically significant regulatory action'' under Section 3(f)(1) of E.O.12866. The application of the Partner Vetting System to USAID acquisitions will not have an economic impact of $100 million or more. The regulation will not adversely affect the economy or any sector thereof, productivity, competition, jobs, the environment, nor public health or safety in a material way. However, as this proposed rule is a ''significant regulatory action'' under Section 3(f)(4) of the E.O., USAID will submit it to OMB for review.

C. Regulatory Flexibility Act

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), USAID has considered the economic impact of the rule and has determined that its provisions would not have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

The proposed changes to the (48 CFR) AIDAR use information collected via USAID Partner Information Form, USAID Form 500–13, which was approved in accordance with 44 U.S.C. 3501 by the Office of Management and Budget on August 19, 2008 (OMB Control Number 0412–0577).

List of Subjects in 48 CFR Parts 704, 713, 714, 715, 744, and 752

Government procurement.

For the reasons set forth in the preamble, the U.S. Agency for International Development proposes to amend 48 CFR chapter 7 as follows:

1. The authority citation for 48 CFR parts 704, 713, 714, 715, and 752 continues to read as follows:

Authority: Sec. 621, Pub. L. 87–195, 75 Stat. 445, (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

PART 704—ADMINISTRATIVE MATTERS

2. Add Subpart 704.70 to read as follows:

Subpart 704.70—Partner Vetting

Sec.

704.7001 Scope of subpart.
704.7002 Definitions.
704.7003 Policy.
704.7004 Procedures.
704.7004–1 Preaward requirements.
704.7004–2 Post award requirements.
704.7004–3 Subcontracts.
704.7005 Solicitation provision and contract clause.

Subpart 704.70—Partner Vetting

§ 704.7001 Scope of subpart.

This subpart prescribes the policies and procedures to apply partner vetting to USAID acquisitions.

704.7002 Definitions.

As used in this subpart—

Key individual means:

(1) Principal officers of the organization's governing body (*e.g.,* chairman, vice chairman, treasurer and secretary of the board of directors or board of trustees);

(2) The principal officer and deputy principal officer of the organization (*e.g.,* executive director, deputy director, president, vice president);

(3) The program manager or chief of party for the USG-financed program; and

(4) Any other person with significant responsibilities for administration of the USG-financed activities or resources, such as key personnel as described in Automated Directives System Chapter 302. Key personnel, whether or not they are employees of the prime contractor, must be vetted.

Vetting official means the USAID employee identified in the solicitation or contract as having responsibility for receiving vetting information, responding to questions about information to be included on the Partner Information Form, coordinating with the USAID Office of Security (SEC), and conveying the vetting determination to each offeror, potential subcontractors subject to vetting, and the contracting officer. The vetting official is not part of the contracting office and has no involvement in the source selection process.

704.7003 Policy.

In the interest of national security, USAID may determine that a particular acquisition is subject to partner vetting. In that case, USAID will require vetting of the key individuals of certain offerors, including key personnel whether or not they are employees of the offeror, and first tier subcontractors. When USAID conducts partner vetting, it will not award a contract to any offeror who does not pass vetting.

704.7004 Procedures.

704.7004–1 Preaward requirements.

(a) When USAID determines an acquisition to be subject to vetting, the contracting officer determines the appropriate stage of the acquisition cycle to require offerors to submit the completed USAID Partner Information Form, USAID Form 500–13, to the vetting official identified in the solicitation. The contracting officer must specify in the solicitation the stage at which the offerors will be required to submit the vetting Form.

(b) For negotiated procurements using FAR Part 15, this stage will typically be when the contracting officer establishes the competitive range (48 CFR 15.306(c)). However, the contracting officer may determine that vetting is more appropriate immediately prior to award and require only the apparently successful offeror to submit the completed Form.

(c) For other acquisitions including those under FAR Parts 13 and 14, and task orders issued under Indefinite Quantity Contracts under FAR Part 16, the contracting officer determines the appropriate time to require potential awardee(s) to submit the completed Partner Information Form to the vetting official.

(d) The source selection authority makes the source selection determination separately from the vetting process and without knowledge of vetting-related information other than that the apparently successful offeror has passed or not passed vetting.

(e) The contracting officer may only award to an offeror who has passed partner vetting.

704.7004–2 Post-award requirements.

For those acquisitions the agency has determined are subject to vetting, the contractor must submit the completed Form annually and any time it changes:

(a) Key individuals, including all key personnel, and

(b) Subcontractors for which vetting is required.

704.7004–3 Subcontracts.

(a) Vetting is required for all subcontracts for which consent is required under FAR clause 52.244–2, Subcontracts.

(b) The contracting officer must not consent to a subcontract with any subcontractor subject to partner vetting until that subcontractor has passed vetting.

(c) Vetting may be required for subcontracts at any tier for certain classes of items (supplies and services). The contracting officer must identify these classes of items in the solicitation.

(d) The contractor may instruct prospective subcontractors who are subject to partner vetting to submit the Form to the vetting official as soon as the contractor submits the Partner Information Form for its key individuals.

704.7005 Solicitation provision and contract clause.

(a) The contracting officer will insert the provision at 752.204–70 Partner Vetting Pre-Award Requirements, in all solicitations USAID identifies as subject to Partner Vetting.

(b)(1) The contracting officer will insert the clause at 752.204–71 Partner Vetting, in all solicitations and contracts USAID identifies as subject to partner vetting.

(2) The contracting officer will use the clause with its Alternate I when USAID determines that subcontracts at any tier for certain classes of supplies or services are subject to vetting.

PART 713—SIMPLIFIED ACQUISITION PROCEDURES

3. Add Section 713.106–370 to Subpart 713.1 to read as follows:

713.106–370 Partner Vetting.

If an acquisition is identified as subject to Partner Vetting, see (48 CFR) AIDAR 704.70 for the applicable procedures and requirements.

PART 714—SEALED BIDDING

4. Add Section 714.408–170 to Subpart 714.4 to read as follows:

714.408–170 Partner Vetting.

If an acquisition is identified as subject to Partner Vetting, see (48 CFR) AIDAR 704.70 for the applicable procedures and requirements.

PART 715—CONTRACTING BY NEGOTIATION

5. Add Subpart 715.70 to read as follows:

* * * * *

Subpart 715.70—Partner Vetting

715.70 Partner Vetting.

If an acquisition is identified as subject to Partner Vetting, see (48 CFR) AIDAR 704.70 for the applicable procedures and requirements.

6. Add Part 744 to read as follows:

PART 744—SUBCONTRACTING POLICIES AND PROCEDURES

Subpart 744.2—Consent to Subcontracts

744.202–170 Partner Vetting.

If an acquisition is identified as subject to Partner Vetting, see (48 CFR) AIDAR 704.70 for the applicable procedures and requirements.

PART 752—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

7. Amend part 752 by adding sections 752.204–70 and 752.204–71, to read as follows:

752.2 Texts of Provisions and Clauses.

* * * * *

752.204–70 Partner Vetting Pre-Award Requirements.

As prescribed in (48 CFR) AIDAR 704.7005(a), insert the following provision in all solicitations subject to vetting:

Partner Vetting Pre-Award Requirements (XXXX 2009)

(a) USAID has determined that any contract resulting from this solicitation is subject to partner vetting. Terms used in this provision are defined in paragraph (b) of the AIDAR clause at 752.204–71 Partner Vetting, of this solicitation. An offeror that has not passed vetting is ineligible for award.

(b) The following are the vetting procedures for this solicitation:

(1) Prospective offerors review the attached USAID Partner Information Form, USAID Form 500–13, and submit any questions about the Form or these procedures to the contracting officer by the deadline for questions in the solicitation.

(2) The contracting officer notifies the offeror when to submit the Form. For this solicitation, USAID will vet at [*insert in the provision the applicable stage of the source selection process at which the Contracting Officer will notify the offeror(s) who must be vetted*]. Within the timeframe set by the contracting officer in the notification, the offeror must complete and submit the Form to the vetting official named in paragraph (d) of the AIDAR clause at 752.204–71 Partner Vetting, of this solicitation. Note: Offerors who submit using non-secure methods of transmission do so at their own risk.

(3) The offerors must notify proposed subcontractors of this requirement when the subcontractors are subject to vetting.

(c) Vetting is conducted independently from any discussions the contracting officer may have with an offeror. The offeror and any subcontractor subject to vetting must not provide vetting information to other than the vetting official. The offeror and any subcontractor subject to vetting will communicate only with the vetting official regarding their vetting submission(s) and not with any other USAID or USG personnel, including the contracting officer or his/her representatives. Exchanges between the Government and an offeror about vetting information submitted by the offeror or any proposed subcontractor are clarifications in accordance with FAR 15.306(a). The contracting officer designates the vetting official as the only individual authorized to clarify the offeror's and proposed subcontractor's vetting information.

(d)(1) The vetting official notifies the offeror that it:

(i) Has passed vetting,

(ii) Has not passed vetting, or

(iii) Must provide additional information, and resubmit the Partner Information Form with the additional information within the number of days the vetting official specified in the notification.

(2) The vetting official will include in the notification any information that USAID's Office of Security determines releasable. In its determination, SEC will take into consideration the classification or sensitivity of the information, the need to protect sources and methods, or status of ongoing law enforcement and intelligence community investigations or operations.

(e) *Reconsideration.* (1) Within 7 calendar days after the date of the vetting official's notification, an offeror that has not passed vetting may request in writing to the vetting official that the Agency reconsider the vetting determination. The request should include any written explanation, legal documentation and any other relevant written material for reconsideration.

(2) Within 7 calendar days after the vetting official receives the request for reconsideration, the Agency will determine whether the offeror's additional information warrants a revised decision.

(3) The Agency's determination of whether reconsideration is warranted is final.

(f) *Revisions to vetting information.* (1) Offerors who change key individuals, whether the offeror has previously passed vetting or not, must submit a revised Partner Information Form to the vetting official. This includes changes to key personnel resulting from revisions to the technical proposal.

(2) The vetting official will follow the vetting process in paragraph (d) of this clause for any revision of the offeror's Form.

(g) *Award.* At the time of award, the contracting officer will confirm with the vetting official that the apparently successful offeror has passed vetting. The contracting officer may award only to an apparently successful offeror that has passed vetting.

752.204–71 Partner Vetting.

As prescribed in (48 CFR) AIDAR 704.7005(b), insert the following clause in all contracts subject to vetting:

Partner Vetting (XXXXX 2009)

(a) The contractor must comply with the vetting requirements for key individuals under this contract.

(b) Definitions. As used in this provision—

Key individual means:

(1) Principal officers of the organization's governing body (e.g., chairman, vice chairman, treasurer and secretary of the board of directors or board of trustees);

(2) The principal officer and deputy principal officer of the organization (*e.g.,* executive director, deputy director, president, vice president);

(3) The program manager or chief of party for the USG-financed program; and

(4) Any other person with significant responsibilities for administration of the USG-financed activities or resources, such as key personnel as described in Automated Directives System Chapter 302. Key personnel, whether or not they are employees of the prime contractor, must be vetted.

Vetting official means the USAID employee identified in paragraph (e) of this clause as having responsibility for receiving vetting information, responding to questions about information to be included on the USAID Partner Information Form, USAID Form 500–13, coordinating with the USAID Office of Security, and conveying the vetting determination to each offeror, potential subcontractors subject to vetting, and to the contracting officer. The vetting official is not part of the contracting office and has no involvement in the source selection process.

(c) The Contractor must submit a USAID Partner Information Form, USAID Form 500–13, to the vetting official identified below during the contract period—

(1) Annually by the anniversary date of contract award, and

(2) When the Contractor replaces key individuals with individuals who have not been previously vetting for this contract.

Note: USAID will not approve any key personnel who have not passed vetting.

(d) The designated vetting official is:

Vetting official: _____

Address: _____

_____

E-mail: _____

(for inquiries only)

(e)(1) The vetting official will notify the Contractor that it—

(i) Has passed vetting,

(ii) Has not passed vetting, or

(iii) Must provide additional information, and resubmit the Partner Information Form with the additional information within the number of days the vetting official specifies.

(2) The vetting official will include in the notification any information that USAID's Office of Security determines releasable. In its determination, SEC will take into consideration the classification or sensitivity of the information, the need to protect sources and methods, or status of ongoing law enforcement and intelligence community investigations or operations.

(f) *Reconsideration.* (1) Within 7 calendar days after the date of the vetting official's notification, the contractor or prospective subcontractor that has not passed vetting may request in writing to the vetting official that the Agency reconsider the vetting determination. The request should include any written explanation, legal documentation and any other relevant written material for reconsideration.

(2) Within 7 calendar days after the vetting official receives the request for reconsideration, the Agency will determine whether the Contractor's additional information warrants a revised decision.

(3) The Agency's determination of whether reconsideration is warranted is final.

(g) A notification that the Contractor has passed vetting does not constitute any other approval under this contract.

(h) When the Contractor anticipates awarding a subcontract for which consent is required under FAR clause 52.244–2, Subcontracts, the subcontract is subject to vetting. The prospective subcontractor must submit a USAID Partner Information Form, USAID Form 500–13, to the vetting official identified in paragraph (d) of this clause. The contracting officer must not consent to award of a subcontract to any organization that has not passed vetting when required.

(i) The Contractor agrees to incorporate the substance of paragraphs (a) through (g) of this clause in all subcontracts under this contract.

(End of clause)

Alternate I (XXX 2009). As prescribed in 704.7005(b)(2), substitute paragraphs (h) and (i) below for paragraphs (h) and (i) of the basic clause:

(h)(1) When the Contractor anticipates awarding a subcontract for which consent is required under FAR clause 52.244–2, Subcontracts, the subcontract is subject to vetting. The prospective subcontractor must submit a USAID Partner Information Form, USAID Form 500–13, to the vetting official identified in paragraph (d) of this clause. The contracting officer must not consent to award of a subcontract to any organization that has not passed vetting when required.

(2) In addition, prospective subcontractors at any tier providing the following classes of items (supplies and services):

_____

_____

_____

must pass vetting. Contractors must not place subcontracts for these classes of items until they receive confirmation from the vetting official that the prospective subcontractor has passed vetting.

(i) The Contractor agrees to incorporate the substance of this clause in all subcontracts under this contract.

Maureen A. Shauket,

Director, Office of Acquisition and Assistance, U.S. Agency for International Development.

[FR Doc. E9–15012 Filed 6–25–09; 8:45 am]

BILLING CODE 6116–01–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 605

[Docket No. FTA–2008–0044]

RIN 2132–AB00

School Bus Operations

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of proposed rulemaking; withdrawal.

SUMMARY: The Federal Transit Administration (FTA) hereby withdraws a notice of proposed rulemaking (NPRM) regarding school bus operations published in the **Federal Register** on November 18, 2008. FTA has determined that withdrawal of the NPRM is appropriate in consideration of public misperceptions with FTA's regulatory proposal.

DATES: *Effective Date:* The proposed rule, published on November 18, 2008 (73 FR 68375), is withdrawn as of June 26, 2009.

FOR FURTHER INFORMATION CONTACT: Michael L. Culotta, Attorney, Office of Chief Counsel, Federal Transit Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., East Building-5th Floor, Washington, DC 20590. *E-mail: Michael.Culotta@dot.gov. Telephone:* (202) 366–1936. *Facsimile:* (202) 366–3809.

SUPPLEMENTARY INFORMATION:

Background

On November 18, 2008, FTA issued a Notice of Proposed Rulemaking (NPRM) to amend its school bus operations regulations at 49 CFR part 605.[1] FTA issued the NPRM to make the regulations consistent with the changes to the Agency's authorization statute, 49 U.S.C. 5323(f), as amended by Section 3023(f) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU);[2] to provide clarification about the regulations in the context of the recent decision by the U.S. District Court for the Western District of New York in *Rochester-Genesee Regional Transportation Authority* v. *Hynes-Cherin*;[3] and generally, to update the regulation based on experience and industry practice. Through the NPRM, FTA intended to provide its grantees with a regulatory basis which would allow them to continue to provide the service that FTA historically has allowed through administrative adjudications, while simultaneously satisfying the statutory requirements of 49 U.S.C. 5323(f).

The comment period for the NPRM closed on February 18, 2009. FTA has received and considered all 233 written comments in response to the NPRM. Although FTA received a good deal of support for the NPRM, many commenters opposed it. Generally, critics of the NPRM believed that FTA was attempting to restrict opportunities for its grantees to provide transportation, when in fact, FTA was attempting to allow its grantees to provide service it historically has allowed. FTA finds, moreover, that many commenters misunderstood FTA's objectives to rectify a significantly outdated regulatory scheme.

The Withdrawal

In consideration of the foregoing, FTA hereby withdraws its NPRM on school bus operations for FTA Docket Number FTA–2008–0044, as published in the **Federal Register** on November 18, 2008 (73 FR 68375). FTA will revisit the issues addressed in the NPRM in the near future.

Issued in Washington, DC, on this 23rd day of June 2009.

Peter M. Rogoff,

Administrator.

[FR Doc. E9–15346 Filed 6–24–09; 4:15 pm]

BILLING CODE P

[1] Federal Transit Administration, Notice of Proposed Rulemaking on School Bus Operations, 73 FR 68375 (Nov. 18, 2008).

[2] Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) sec. 3023, 49 U.S.C. 5323(f) (2006).

[3] 531 F.Supp.2d 494 (W.D.N.Y. 2008).

Notices

Federal Register
Vol. 74, No. 122
Friday, June 26, 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.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

June 22, 2009.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) 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; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (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 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Research Service

Title: Web Forms for Research Data, Models, Materials, and Publications as well as Study and Event Registration.

OMB Control Number: 0518–0032.

Summary of Collection: OMB Circular 130 Management of Federal Information Resources, establishes that ''agencies will use electronic media and formats * * * in order to make government information more easily accessible and useful to the public'' * * * in order to provide information and services related to its program responsibilities defined at 7 CFR 2.65, the Agricultural Research Service (ARS) needs to obtain certain basic information from the public. Online forms allow the public to request from ARS research data, models, materials, and publications as well as registration for scientific studies and events.

Need and Use of the Information: ARS will use the information to respond to requests for specific services. The information will be collected electronically, by telephone, or by mail. If this collection is not conducted, ARS will be hindered from reducing the burden on its customers by providing them the most timely and efficient ways to request services.

Description of Respondents: Individuals or households.

Number of Respondents: 25,000.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 1,250.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E9–15050 Filed 6–25–09; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

June 22, 2009.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) 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; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (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 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Departmental Administration

Title: USDA PIV Request for Credential.

OMB Control Number: 0505–0022.

Summary of Collection: To obtain approval of information that must be provided by Federal contractors and other applicable individuals (including all employees and some affiliates) when applying for a USDA credential (identification card). The information is necessary to comply with the requirements outlined in Homeland Security Presidential Directive (HSPD) 12, and Federal Information Processing Standard (FIPS) 201, Personal Identity Verification (PIV) Phase I and II. USDA has completed Phase I and to comply with PIV II, USDA has implemented an automated identity proofing, registration, and issuance process

consistent with the requirements outlined in FIPS 201–1.

Need and Use of the Information: Information will be collected using form AD 1197, Request for USDA Identification (ID) Badge, to issue a site badge to grant individuals short term assess to facilities. USDA has chosen to use GSA's US/Access program for HSPD–12 credentialing and identity management. The automated system includes six separate and distinct roles to ensure no one single individual can issue a credential without further validation from another authorized role holder. If the information is not collected, Federal and non-Federal employees may not be permitted in some facilities and will not be allowed access to government computer systems.

Description of Respondents: Individuals or households.

Number of Respondents: 5,833.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 20,416.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E9–15051 Filed 6–25–09; 8:45 am]

BILLING CODE 3410–96–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request; Correction

June 22, 2009.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) 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; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (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 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Revisions of Fruits and Vegetables Import Regulations.

OMB Control Number: 0579–0293.

Summary of Collection: Under the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture is authorized to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pest not known to be widely distributed throughout the United States. The regulations contained in Title 7 of the Code of Federal Regulations, Part 319 (Subpart Fruits and Vegetables), Sections 319.56 through 319.56–47, implement the intent of the Act by prohibiting or restricting the importation of certain fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of fruit flies and other injurious plant pests that are new to the United States or not widely distributed within the United States.

Need and Use of the Information: The Animal and Plant Health Inspection Service (APHIS) will collect information using PPQ form 587 to collect the following information: (1) Country or locality of origin of the fruits or vegetables, (2) the anticipated port of first arrival, (3) the name and address of the importer in the United States, (4) the identity (scientific name preferred), and (5) quantity of the fruit and vegetable. Also, all imported fruits and vegetables are subject to inspection and have a phytosanitary certificate issued by an official of the National Plant Protection Organization of the exporting country certifying that treatment was applied in accordance with APHIS regulations.

Description of Respondents: Business or other for-profit; Not-for-profit institutions.

Number of Respondents: 1,120.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 2,768.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E9–15052 Filed 6–25–09; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

June 23, 2009.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) 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; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (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 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Housing Service

Title: 7 CFR 1944–N—Housing Preservation Grants.

OMB Control Number: 0575–0115.

Summary of Collection: The Rural Housing Service (RHS) is authorized to make grants to eligible applicants to provide repair and rehabilitation assistance so that very low- and low-income rural residents can obtain adequate housing. Such assistance is made by grantees to very low- and low-income persons, and to co-ops. Grant funds are used by grantees to make loans, grants, or other comparable assistance to eligible homeowners, rental unit owners, and co-ops for repair and rehabilitation of dwellings to bring them up to code or minimum property standards. These grants were established by Public Law 98–181, the Housing Urban Rural Recovery Act of 1983, which amended the Housing Act of 1949 (Pub. L. 93–383) by adding section 533, 42 U.S.C. S 2490(m), Housing Preservation Grants.

Need and Use of the Information: An applicant will submit a ''Statement of Activity'' that describes its proposed program. RHS will collect information to determine eligibility for a grant to justify its selection of the applicant for funding; to report program accomplishments and to justify and support expenditure of grant funds. RHS uses the information to determine if the grantee is complying with its grant agreement and to make decisions regarding continuing with modifying, or terminating grant assistance. If the information were not collected and presented to RHS, the Agency could not monitor the program or justify disbursement of grant funds.

Description of Respondents: Not-for-profit institutions; Business or other for-profit; Individuals or households; State, Local or Tribal Government.

Number of Respondents: 2,258.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Quarterly.

Total Burden Hours: 12,439.

Rural Housing Service

Title: 7 CFR 1944–B, Housing Applications Packaging Grants.

OMB Control Number: 0575–0157.

Summary of Collection: Section 509 of the Housing Act of 1949, as amended, authorizes the Rural Housing Service (RHS) to make grants to private and public nonprofit organizations and State and local governments to package housing applications for Section 502, 504, 514/515 and 533 to colonias and designated counties. Eligible organizations aid very low and low-income individuals and families in obtaining benefits from RHS housing programs. Various forms are used to confirm income verification for loan applicants, as a checklist to obtain a loan, and to check credit information about the applicants.

Need and Use of the Information: RHS field personnel will use this information to verify program eligibility requirements, to secure grant assistance, and for approval of housing application-packaging grants. The information will ensure that the program is administered in a manner consistent with legislative and administrative requirements. Without this information, RHS would be unable to determine if a grantee qualifies for grant assistance.

Description of Respondents: Not-for-profit institutions; Business or other for-profit; and State, Local or Tribal Government.

Number of Respondents: 200.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 500.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. E9–15137 Filed 6–25–09; 8:45 am]

BILLING CODE 3410–XT–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request; Correction

June 23, 2009.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) 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; (b) the accuracy of the agency's estimate of burden 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 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal & Plant Health Inspection Service

Title: National Poultry Improvement Plan (NPIP).

OMB Control Number: 0579–0007.

Summary of Collection: The National Poultry Improvement Plan (NPIP) is a voluntary Federal-State-industry mechanism for controlling certain poultry diseases and for improving poultry flocks and products through disease control techniques. The National Turkey Improvement Plan was combined with the NPIP in 1970 to create the NPIP, as it now exists. Emu, rhea, ostrich, and cassowary breeding flocks are also allowed participation in the Plan. The effective implementation of the NPIP necessitates the use of several information collection activities, including sentinel bird identification, as well as the creation and submission of flock testing reports, sales reports, breeding flock participation summaries, hatchery participation summaries, salmonella investigation reports, salmonella serotyping requests, and small chick order printouts. Authority for this program is contained in the U.S. Department of Agriculture Organic Act of 1944, as amended (7 U.S.C. 429). The cooperative work is carried out through a Memorandum of Understanding with the participating States.

Need and Use of the Information: Information is collected from various types of poultry breeders and flock owners to determine the number of eggs hatched and sold as well as to report outbreaks of diseases. This information allows APHIS officials to track, control, and prevent many types of poultry diseases. APHIS will use several forms to collect the needed information.

Description of Respondents: State, Local or Tribal Government; Federal Government; Farms.

Number of Respondents: 12,232.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 103,581.

Animal & Plant Health Inspection Service

Title: Animal Welfare.

OMB Control Number: 0579–0036.

Summary of Collection: The Laboratory Animal Welfare Act (AWA) (Pub. L. 89–544) enacted August 24, 1966, and as amended, required the U.S. Department of Agriculture (USDA), to regulate the humane care and handling of dogs, cats, guinea pigs, hamsters, rabbits, and nonhuman primates. This legislation was the result of extensive demand by organized animal welfare groups and private citizens requesting a Federal law covering the transportation, care, and handling of laboratory animals. The Animal and Plant Health Inspection Service (APHIS), Regulatory Enforcement and Animal Care (AC) has the responsibility to enforce the Animal Welfare Act (7 U.S.C. 2131–2156) and the provisions of 9 CFR, Subchapter A, which implements the Animal Welfare Act. The purpose of the AWA is to ensure that animal use in research facilities or exhibition purposes are provided humane care and treatment, to ensure humane treatment of the animal during transportation in commerce, and to protect the owners of animals from the theft of their animals by preventing the sale or use of animals which have been stolen. APHIS will collect information using several forms.

Need and Use of the Information: APHIS will collect health certificates, program of veterinary care, application for license and record of acquisition, disposition and transportation of animals. The information is used to ensure those dealers, exhibitors, research facilities, carriers, etc., are in compliance with the Animal Welfare Act and regulations and standards promulgated under this authority of the Act.

Description of Respondents: Business or other for-profit; Individuals or households.

Number of Respondents: 7,450.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 87,252.

Animal and Plant Health Inspection Service

Title: Lacey Act Declaration Requirements; Plants and Plant Products.

OMB Control Number: 0579–0349.

Summary of Collection: The Lacey Act, enacted in 1900 and significantly amended in 1988, is the United States' oldest Wildlife Protection Statute. The Act combats trafficking in ''illegal'' wildlife, fish, or plants. The Food, Conservation and Energy Act of 2008, which took effect May 22, 2008, amended the Lacey Act by expanding its protection to a broader range of plants and plant products (Section 8204, Prevention of Illegal Logging Practices).

Need and Use of the Information: Under the amended Lacey Act, importers are required to submit a declaration form (PPQ–505) for certain plants and plant products. The declaration must contain, among other things, the scientific name of the plant, value of the importation, quantity of the plant, and name of the country from which the plant was harvested. If species varies or is unknown, importers will have to declare the name of each species that may have been used to produce the product. Failure to collect this information would cause significant losses for importers of plants and plant products resulting in serious economic consequences to the U.S. industries.

Description of Respondents: Business or other for-profit.

Number of Respondents: 279,398.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 5,029,164.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E9–15138 Filed 6–25–09; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Funding Availability (NOFA) for Loan Guarantees Under Section 538 Guaranteed Rural Rental Housing Program (GRRHP) for Fiscal Year 2009

AGENCY: Rural Housing Service, USDA.

ACTION: NOFA.

SUMMARY: This NOFA supersedes the notice published January 21, 2009 (74 FR 3551–3558). Responses to the notice published January 21, 2009 (74 FR 3551–3558) will no longer be accepted.

This is a request for proposals for loan guarantees under the section 538 Guaranteed Rural Rental Housing Program pursuant to 7 CFR 3565.4 for Fiscal Year (FY) 2009. The Omnibus Appropriations Act, 2009, Public Law 111–8 (the Act) signed on March 11, 2009, states funds to be available from the rural housing fund for the section 538 guaranteed multi-family loans up to $129,090,000. The Act goes on to state: ''Provided further, That, for applications received under the 2009 notice of funding availability, section 538 multi-family housing guaranteed loans funded pursuant to this paragraph shall not be subject to a guarantee fee and the interest on such loans may not be subsidized.''

For FY 2009, there are also approximately $12,372,000 in additional funds for GRRHP properties that are located in a presidentially declared disaster area. Disaster funds may be used for new construction or repair and rehabilitation. Interest credit assistance will be available for responses that request and are eligible for disaster funds. To be eligible for these disaster funds, a property must be located in a county affected by hurricanes, floods, and other natural disasters occurring during 2008 for which the President declared a major disaster under Title IV of the Robert T. Stafford and Disaster and Emergency Assistance Act of 1974. Applicants must notify the Rural Development contact person for the respective State, as indicated in the ''Submission Address'' section of this NOFA, that their project is located in an eligible disaster zone and that they want the project considered for these funds.

Applicants for both, general program funding or disaster funds will submit proposals in the form of ''responses.'' The commitment of program dollars will be made to applicants of selected responses that have fulfilled the necessary requirements for obligation. Expenses incurred in developing applications will be at the applicant's risk. The following paragraphs outline the timeframes, eligibility requirements, lender responsibilities, and the overall response and application processes.

The GRRHP operates under 7 CFR part 3565. The GRRHP Origination and Servicing Handbook (HB–1–3565) is available to provide lenders and the general public with guidance on program administration. HB–1–3565, which contains a copy of 7 CFR part 3565 in Appendix 1, can be found at the Agency's Instructions Web site address *http://www.rurdev.usda.gov/regs/hblist.html#hbw6*.

Eligible lenders are invited to submit responses for the new construction and the acquisition with rehabilitation of affordable rural rental housing.

Also eligible is the revitalization, repair, and transfer (as stipulated in 7 CFR 3560.406) of existing direct section 515 housing (transfer costs are subject to Agency approval and must be an eligible use of loan proceeds as listed in 7 CFR 3565.205), and properties involved in the Agency's multi-family preservation and revitalization (MPR) program. Equity payments, as stipulated in 7 CFR 3560.406, in connection with the transfer of existing direct section 515 housing, are an eligible use of

guaranteed loan proceeds. In order to be considered, for a transfer, the direct section 515 housing and MPR projects must need repairs and undergo revitalization of a minimum of $6,500 cost per unit. The Agency will review responses submitted by eligible lenders, on the lender's letterhead, and signed by both the prospective borrower and lender. Although a complete application is not required in response to this NOFA of request for proposals, eligible lenders may submit a complete application concurrently with the response. Submitting a complete application will not have any effect on the respondent's NOFA response score.

DATES: Eligible responses to this NOFA will be accepted per this guidance until December 31, 2009 12 p.m. Eastern Time. FY 2009 funding will cease to be available after September 30, 2009. Funding of applications received after September 30, 2009 will be subject to appropriation of and availability of Fiscal Year 2010 funds.

Selected responses that develop into complete applications and meet all Federal environmental requirements will receive commitments until all funds are expended. A notice will be placed in the **Federal Register** if all FY 2009 funds are committed prior to September 30, 2009.

The Agency will select the responses that meet eligibility criteria and invite lenders to submit complete applications to the Agency. Those responses that are selected that subsequently submit complete applications that meet all program requirements and are received prior to or on July 20, 2009, but score less than 25 points, or score 25 points or more, but have a development cost ratio equal to or greater than 70 percent, may be selected for obligation after July 20, 2009, with the highest scoring responses receiving priority subject to availability of funds. After July 20, 2009, responses that develop into complete applications that meet all program requirements will be selected for further processing regardless of score, subject to the availability of funding.

The USDA Rural Development will prioritize the obligation requests received after July 20, 2009, using the highest score and the procedures outlined as follows. Once a complete application is received and approved by the State Office, an obligation request for 2009 funds will be submitted [via fax] by the State Office to the National Office. Obligation requests submitted to the National Office will be accumulated, but not obligated, throughout the week until the weekly obligation request submission deadline of midnight Eastern Time every Thursday. To the extent that funds remain available, the National Office will obligate the requests accumulated through the weekly request submission deadline of the previous week by the following Tuesday (*i.e.,* requests received from Friday, August 7, 2009, to Thursday, August 13, 2009, will be obligated by Tuesday, August 18, 2009). However, requests received prior to July 20, 2009, that are not eligible for obligation until after July 20, 2009, will be obligated no earlier than Tuesday, July 28, 2009. Funds will be allocated in scoring order, with the highest scoring requests being obligated first, until all funds are exhausted. In the event of a tie, priority will be given to the request for the project that: 1st—has the highest percentage of leveraging (lowest Loan to Cost); 2nd—is in the smaller rural community.

Eligible lenders mailing a response or application must provide sufficient time to permit delivery to the *submission address* on or before the closing deadline date and time. Acceptance by a U.S. Post Office or private mailer does not constitute delivery. Postage due responses and applications will not be accepted.

Submission Address: Eligible lenders will send responses to the contact person in the State Office where the project will be located. The lender will also send a copy of its response (copies of ''Lender Certification'' letter and ''Project Specific Data'' sheets only; do not include any application supporting documentation, *i.e.,* market studies, plans/specs, *etc.*) to: Tammy S. Daniels, Financial and Loan Analyst, USDA Rural Development Guaranteed Rural Rental Housing Program, Multi-Family Housing Guaranteed Loan Division, U.S. Department of Agriculture, South Agriculture Building, Room 1263, STOP 0781, 1400 Independence Avenue, SW., Washington, DC 20250–0781.

USDA Rural Development State Offices, their addresses, telephone numbers, and person to contact follows: [this information may also be found at *http://www.rurdev.usda.gov/recd_map.html*]

Note: Telephone numbers listed are not toll-free.

Alabama State Office, Suite 601, Sterling Centre, 4121 Carmichael Road, Montgomery, AL 36106–3683, (334) 279–3455, TDD (334) 279–3495, Vann L. McCloud.

Alaska State Office, 800 West Evergreen, Suite 201, Palmer, AK 99645, (907) 761–7740, TDD (907) 761–8905, Deborah Davis.

Arizona State Office, Phoenix Courthouse and Federal Building, 230 North First Ave., Suite 206, Phoenix, AZ 85003–1706, (602) 280–8768, TDD (602) 280–8706, Carol Torres.

Arkansas State Office, 700 W. Capitol Ave., Room 3416, Little Rock, AR 72201–3225, (501) 301–3250, TDD (501) 301–3279, Gregory Kemper.

California State Office, 430 G Street, #4169, Davis, CA 95616–4169, (530) 792–5830, TDD (530) 792–5848, Stephen Nnodim.

Colorado State Office, 655 Parfet Street, Room E100, Lakewood, CO 80215, (720) 544–2923, TDD (800) 659–2656, Mary Summerfield.

Connecticut

Served by Massachusetts State Office.

Delaware and Maryland State Office, 1221 College Park Drive, Suite 200, Dover, DE 19904, (302) 857–3600, TDD (302) 857–3585, Patricia M. Baker.

Florida & Virgin Islands State Office, 4440 N.W. 25th Place, Gainesville, FL 32606–6563, (352) 338–3465, TDD (352) 338–3499, Tresca Clemmons.

Georgia State Office, Stephens Federal Building, 355 E. Hancock Avenue, Athens, GA 30601–2768, (706) 546–2164, TDD (706) 546–2034, Wayne Rogers.

Hawaii State Office, (Services all Hawaii, American Samoa, Guam, and Western Pacific), Room 311, Federal Building, 154 Waianuenue Avenue, Hilo, HI 96720, (808) 933–8305, TDD (808) 541–2600, Don Étés.

Idaho State Office, Suite A1, 9173 West Barnes Dr., Boise, ID 83709, (208) 378–5630, TDD (208) 378–5644, Roni Atkins.

Illinois State Office, 2118 West Park Court, Suite A, Champaign, IL 61821–2986, (217) 403–6222, TDD (217) 403–6240, Barry L. Ramsey.

Indiana State Office, 5975 Lakeside Boulevard, Indianapolis, IN 46278, (317) 290–3100 (ext. 413), TDD (317) 290–3343, Paul Neumann.

Iowa State Office, 210 Walnut Street Room 873, Des Moines, IA 50309, (515) 284–4666, TDD (515) 284–4858, Heather Honkomp.

Kansas State Office, 1303 SW First American Place, Suite 100, Topeka, KS 66604–4040, (785) 271–2718, TDD (785) 271–2767, Tim Rogers.

Kentucky State Office, 771 Corporate Drive, Suite 200, Lexington, KY 40503, (859) 224–7325, TDD (859) 224–7422, Paul Higgins.

Louisiana State Office, 3727 Government Street, Alexandria, LA 71302, (318) 473–7962, TDD (318) 473–7655, Yvonne R. Emerson.

Maine State Office, 967 Illinois Ave., Suite 4, PO Box 405, Bangor, ME 04402–0405, (207) 990–9110, TDD (207) 942–7331, Dale D. Holmes.

Maryland

Served by Delaware State Office.

Massachusetts, Connecticut, & Rhode Island State Office, 451 West Street, Amherst, MA 01002, (413) 253–4333, TDD (413) 253–4590, Arlene Nunes.

Michigan State Office, 3001 Coolidge Road, Suite 200, East Lansing, MI 48823, (517) 324–5154, TDD (517) 337–6795, Ghulam R. Sumbal.

Minnesota State Office, 375 Jackson Street Building, Suite 410, St. Paul, MN 55101–1853, (651) 602–7804, TDD (651) 602–7830, Tom Osborne.

Mississippi State Office, Federal Building, Suite 831, 100 W. Capitol Street, Jackson, MS 39269, (601) 965–4326, TDD (601) 965–5850, Darnella Smith-Murray.

Missouri State Office, 601 Business Loop 70 West, Parkade Center, Suite 235, Columbia, MO 65203, (573) 876–0990, TDD (573) 876–9480, Anita J. Dunning.

Montana State Office, 900 Technology Blvd., Suite B, Bozeman, MT 59715, (406) 585–2565, TDD (406) 585–2562, Deborah Chorlton.

Nebraska State Office, Federal Building, Room 152, 100 Centennial Mall N, Lincoln, NE 68508, (402) 437–5594, TDD (402) 437–5093, Mike Buethe.

Nevada State Office, 1390 South Curry Street, Carson City, NV 89703–9910, (775) 887–1222 (ext. 25), TDD (775) 885–0633, William Brewer.

New Hampshire State Office, Concord Center, Suite 218, Box 317, 10 Ferry Street, Concord, NH 03301–5004, (603) 223–6046, TDD (603) 229–0536, Robert McCarthy.

New Jersey State Office, 5th Floor North Suite 500, 8000 Midlantic Dr., Mt. Laurel, NJ 08054, (856) 787–7740, TDD (856) 787–7730, George Hyatt, Jr.

New Mexico State Office, 6200 Jefferson St., NE., Room 255, Albuquerque, NM 87109, (505) 761–4944, TDD (505) 761–4938, Art Garcia.

New York State Office, The Galleries of Syracuse, 441 S. Salina Street, Suite 357 5th Floor, Syracuse, NY 13202, (585) 394–0525 ext. 4, TDD (315) 477–6447, Celeste Frohm.

North Carolina State Office, 4405 Bland Road, Suite 260, Raleigh, NC 27609, (919) 873–2063, TDD (919) 873–2003, William Hobbs.

North Dakota State Office, Federal Building, Room 208, 220 East Rosser, PO Box 1737, Bismarck, ND 58502, (701) 530–2049, TDD (701) 530–2113, Mark Wax.

Ohio State Office, Federal Building, Room 507, 200 North High Street, Columbus, OH 43215–2477, (614) 255–2418, TDD (614) 255–2554, Gerald Arnott.

Oklahoma State Office, 100 USDA, Suite 108, Stillwater, OK 74074–2654, (405) 742–1070, TDD (405) 742–1007, Tommy Earls.

Oregon State Office, 101 SW., Main, Suite 1410, Portland, OR 97204–3222, (503) 414–3353, TDD (503) 414–3387, Rod Hansen.

Pennsylvania State Office, One Credit Union Place, Suite 330, Harrisburg, PA 17110–2996, (717) 237–2281, TDD (717) 237–2261, Frank Wetherhold.

Puerto Rico State Office, 654 Munoz Rivera Avenue, IBM Plaza, Suite 601, Hato Rey, PR 00918, (787) 766–5095 (ext. 249), TDD (787) 766–5332, Lourdes Colon.

Rhode Island

Served by Massachusetts State Office.

South Carolina State Office, Strom Thurmond Federal Building, 1835 Assembly Street, Room 1007, Columbia, SC 29201, (803) 253–3432, TDD (803) 765–5697, Larry D. Floyd.

South Dakota State Office, Federal Building, Room 210, 200 Fourth Street, SW., Huron, SD 57350, (605) 352–1132, TDD (605) 352–1147, Roger Hazuka or Pam Reilly.

Tennessee State Office, Suite 300, 3322 West End Avenue, Nashville, TN 37203–1084, (615) 783–1375, TDD (615) 783–1397, Don Harris.

Texas State Office, Federal Building, Suite 102, 101 South Main, Temple, TX 76501, (254) 742–9758, TDD (254) 742–9712, Leon Carey or Michael Canales.

Utah State Office, Wallace F. Bennett Federal Building, 125 S. State Street, Room 4311, Salt Lake City, UT 84147–0350, (801) 524–4325, TDD (801) 524–3309, David E. Brown.

Vermont State Office, City Center, 3rd Floor, 89 Main Street, Montpelier, VT 05602, (802) 828–6026, TDD (802) 223–6365, Heidi Setien.

Virgin Islands

Served by Florida State Office.

Virginia State Office, Culpeper Building, Suite 238, 1606 Santa Rosa Road, Richmond, VA 23229, (804) 287–1596, TDD (804) 287–1753, CJ Michels.

Washington State Office, 1835 Black Lake Blvd., Suite B, Olympia, WA 98512, (360) 704–7730, TDD (360) 704–7760, Robert Lund,

Western Pacific

Territories Served by Hawaii State Office.

West Virginia State Office, Federal Building, 75 High Street, Room 320, Morgantown, WV 26505–7500, (304) 284–4872, TDD (304) 284–4836, Dianne Crysler.

Wisconsin State Office, 4949 Kirschling Court, Stevens Point, WI 54481, (715) 345–7600, TDD (715) 345–7614, Dave Schwobe.

Wyoming State Office, P.O. Box 11005, Casper, WY 82602, (307) 233–6715, TDD (307) 233–6733, Alan Brooks.

FOR FURTHER INFORMATION CONTACT: Tammy S. Daniels, Financial and Loan Analyst, USDA Rural Development Guaranteed Rural Rental Housing Program, Multi-Family Housing Guaranteed Loan Division, U.S. Department of Agriculture, South Agriculture Building, Room 1263, STOP 0781, 1400 Independence Avenue, SW., Washington, DC 20250–0781. *E-mail: tammy.daniels@wdc.usda.gov.* Telephone: (202) 720–0021. This number is not toll-free. Hearing or speech-impaired persons may access that number by calling the Federal Information Relay Service toll-free at (800) 877–8339.

Eligibility of Prior Year Selected Notice of Funding Availability

Responses: FY 2008 NOFA response selections that did not develop into complete applications within the time constraints stipulated by the corresponding State Office have been cancelled. A new response for the project may be submitted subject to the conditions of this NOFA.

FY 2008 NOFA responses that were selected by the Agency, with a complete application (including all Federal environmental documents required by 7 CFR part 1940, subpart G, a Form RD 3565–1, ''Application for Loan and Guarantee'' and the $2,500 application fee) submitted by the lender within 90 days from the date of notification of response selection (unless an extension was granted by the State office), will be eligible for FY 2009 program dollars and will compete for available FY 2009 funds without having to complete a FY 2009 response.

General Program Information

Program Purpose: The purpose of the GRRHP is to increase the supply of affordable rural rental housing through the use of loan guarantees that encourage partnerships between the Agency, private lenders, and public agencies.

Responses Must Be Submitted By: The Agency will only accept responses from GRRHP eligible or approved lenders as described in 7 CFR 3565.102 and 3565.103, respectively.

Qualifying Properties: Qualifying properties include new construction for multi-family housing units and the acquisition of existing structures with a minimum per unit rehabilitation expenditure requirement in accordance with 7 CFR 3565.252.

Also eligible is the revitalization, repair and transfer (as stipulated in 7 CFR 3560.406) of existing direct section 515 housing (transfer costs are subject to Agency approval and must be an eligible use of loan proceeds as listed in 7 CFR 3565.205) and properties involved in the Agency's MPR program. Equity payment, as stipulated in 7 CFR 3560.406, in the transfer of existing direct section 515 housing, is an eligible use of guaranteed loan proceeds. In order to be considered, the transfer of direct section 515 housing and MPR projects must need repairs and undergo revitalization of a minimum of $6,500 per unit.

Eligible Financing Sources: Any form of Federal, State, and conventional sources of financing can be used in conjunction with the loan guarantee, including Home Investment Partnership Program (HOME) grant funds, tax exempt bonds, and low income housing tax credits.

Maximum Guarantee: The Agency can guarantee the ''permanent'' loan. The Agency can only guarantee construction advances for the construction of the property if a guarantee for the permanent loan is requested for the same property. The Agency cannot, however, guarantee only the ''construction'' advances for the construction of a property.

The maximum guarantee for a permanent loan will be 90 percent of the unpaid principal and interest up to default and accrued interest 90 calendar days from the date the liquidation plan is approved by the Agency, as defined in 7 CFR 3565.452. Penalties incurred as a result of default are not covered by the guarantee. The Agency may provide a lesser guarantee based upon its evaluation of the credit quality of the loan. The Agency's liability under any guarantee will decrease or increase, in proportion to any decrease or increase in the amount of the unpaid portion of the loan, up to the maximum amount specified in the Loan Note Guarantee.

The maximum guarantee of construction advances will not at any time exceed the lesser of 90 percent of the amount of principal and interest up to default advanced for eligible uses of loan proceeds or 90 percent of the original principal amount and interest up to default of the loan. Penalties incurred as a result of default are not covered by the guarantee. The Agency may provide a lesser guarantee based upon its evaluation of the credit quality of the loan.

Reimbursement of Losses: Any losses will be split on a pro-rata basis between the lender and the Agency from the first dollar lost.

Interest Credit: The FY 2009 appropriation act does not permit interest credit.

Surcharges for Guarantee of Construction Advances: There is no surcharge for the guarantee of construction advances for FY 2009.

Program Fees for FY 2009: As a condition of receiving a loan guarantee, the Agency will charge the following fees to the lender.

(1) There is a flat fee of $500 when a lender requests USDA Rural Development to extend the term of a guarantee commitment.

(2) There is a flat fee of $500 when a lender requests USDA Rural Development to reopen an application when a commitment has expired.

(3) There is a flat fee of $1,250 when a lender requests USDA Rural Development to approve the transfer of property and assumption of the loan to an eligible prospective borrower.

(4) There is no lender application fee for lender approval in FY 2009.

Eligible Lenders: An eligible lender for the section 538 GRRHP as required by 7 CFR 3565.102 must be a licensed business entity or Housing Finance Agency (HFA) in good standing in the State or States where it conducts business. Lender eligibility requirements are contained in 7 CFR 3565.102. Please review 7 CFR 3565.102 for a complete list of all of the criteria. Below is a list of some of the eligible lender criteria under 7 CFR 3565.102:

(1) Licensed business entity that meets the qualifications and has the approval of the Secretary of Housing and Urban Development (HUD) to make multi-family housing loans that are insured under the National Housing Act. A complete list of HUD approved lenders can be found on the HUD Web site at *http://www.hud.gov.*

(2) A licensed business entity that meets the qualifications and has the approval of the Ginnie Mae or Freddie Mac or Fannie Mae corporations to make multi-family housing loans that are sold to the same corporations. A complete list of Freddie Mac approved lenders can be found in Freddie Mac's Web site at *http://www.freddiemac.com.* Fannie Mae approved lenders are found at *http://www.fanniemae.com.* For a list of Ginnie Mae issuers, contact Ginnie Mae at *http://www.ginniemae.gov.*

(3) A State or local HFA with a top-tier rating from Moody's or Standard & Poors, or member of the Federal Home Loan Bank system, and the demonstrated ability to underwrite, originate, process, close, service, manage, and dispose of multi-family housing loans in a prudent manner.

(4) Be a GRRHP approved lender, defined as an entity with a current executed multi-family housing Lender's Agreement with USDA Rural Development.

(5) Lenders that can demonstrate the capacity to underwrite, originate, process, close, service, manage, and dispose of multi-family housing loans in a prudent manner. In order to be approved the lender will have to have an acceptable level of financial soundness as determined by a lender rating service. The submission of materials demonstrating capacity will be required if the lender's response is selected. Lenders who are otherwise ineligible may become eligible if they maintain a correspondent relationship with an eligible lender that does have the capacity to underwrite, originate, process, close, service, manage, and dispose of multi-family housing loans in a prudent manner. In this case, the eligible lender must submit the response and application on company letterhead. All contractual and legal documentation will be signed between USDA Rural Development and the lender that submitted the response and application.

GRRHP Lender Approval Application: Lenders whose responses are selected will be notified by the USDA Rural Development to submit a request for GRRHP lender approval application within 30 days of notification. Lenders who request GRRHP approval must meet the standards in 7 CFR 3565. Lenders that have received GRRHP lender approval in the past and are in good standing do not need to reapply for GRRHP lender approval. Requirements for retaining approved lender status are defined in 7 CFR 3565.

Submission of Documentation for GRRHP Lender Approval: All lenders that have not yet received GRRHP lender approval must submit a complete lender application to: Director, Multi-Family Housing Guaranteed Loan Division, Rural Development, U.S. Department of Agriculture, Room 1263, STOP 0781, 1400 Independence Avenue, SW., Washington, DC 20250–0781. Lender applications must be identified as ''Section 538 Guaranteed Rural Rental Housing Program'' on the envelope.

As the Section 538 program does not have a formal application form, a complete application consists of a cover letter requesting GRRHP lender approval and the following documentation:

(1) Request for GRRHP lender approval on the lender's letterhead;

(2) Lenders who are HUD, Ginnie Mae, Freddie Mac or Fannie Mae multi-family approved lenders are required to show evidence of this status, such as a copy of a letter designating the distinction;

(3) The lender's Loan Origination, Loan Servicing, and Portfolio Management Handbooks. These handbooks should detail the lender's policies and procedures on loan origination through termination for multi-family loans;

(4) Portfolio performance data;

(5) Copies of standard documents that will be used in processing GRRHP loans;

(6) Resumes and qualifications of key personnel that will be involved in the GRRHP;

(7) Identification of standards and processes that deviate from those outlined in the GRRHP Origination and Servicing Handbook (HB–1–3565) found at *http://www.rurdev.usda.gov/regs/hblist.html#hbw6.*

(8) A copy of the most recent audited financial statements;

(9) Lender specific information including: (a) Legal name and address, (b) list of principal officers and their responsibilities, (c) certification that the officers and principals of the lender have not been debarred or suspended from Federal programs, (d) Form AD 1047, ''Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transaction'', (e) certification that the lender is not in default or delinquent on any Federal debt or loan, or possesses an outstanding finding of deficiency in a Federal housing program, and (f) certification of the lender's credit rating; and

(10) Documentation on bonding and insurance.

Additional Construction Lender Requirements

The Agency can guarantee the ''permanent'' loan. The Agency can only guarantee construction advances for the construction of the property if a guarantee for the permanent loan is requested for the same property. The Agency cannot, however, guarantee only the ''construction'' advances for the construction of a property.

A lender making a construction loan must demonstrate an ability to originate and service construction loans, in addition to meeting the other requirements of 7 CFR part 3565, subpart C. A lender who originates and services construction/permanent loans must agree to manage the construction and draw activities in the manner described in the Chapter 5 of HB–1–3565. Lenders must meet either the basic or the demonstrated eligibility test in Chapter 2, paragraphs 2.4 and 2.5 of HB–1–3565 and the lender approval requirements set forth in Chapter 2 paragraph 2.6 of HB–1–3565. Lenders must clearly identify policies and processes for multi-family construction lending. Lenders must also provide a summary of their multi-family construction lending activity in the same form as specified in Chapter 2, paragraph 2.5 of HB–1–3565. The Agency may, at its discretion, consider other types of construction loans—such as those for commercial development—as a substitute for multi-family construction experience.

Lender Responsibilities: Lenders will be responsible for the full range of loan origination, underwriting, management, servicing, compliance issues, and property disposition activities associated with their projects. The lender will be expected to provide guidance to the prospective borrower on the Agency requirements during the application phase. Once the guarantee is issued, the lender is expected to service each loan it underwrites or contract these services to another capable entity.

Discussion of NOFA Responses

Content of NOFA Responses: All responses require lender information and project specific data. Incomplete responses will not be considered for funding. Lenders will be notified of incomplete responses. Complete responses are to include a signed cover letter from the lender on the lender's letterhead and the following information:

(1) *Lender certification*—The lender must certify that the lender will make a loan to the prospective borrower for the proposed project, under specified terms and conditions subject to the issuance of the GRRHP guarantee. Lender certification must be on the lender's letterhead and signed by both the lender and the prospective borrower.

(2) *Project specific data*—The lender must submit the project specific data below on the lender's letterhead, signed by both the lender and the prospective borrower.

Data element	Information that must be included
Lender Name	Insert the lender's name.
Lender Tax ID #	Insert lender's tax ID #.
Lender Contact Name	Name of the lender contact for loan.
Mailing Address	Lender's complete mailing address.
Phone #	Phone # for lender contact.
Fax #	Insert lender's fax #.
E-mail Address	Insert lender contact e-mail address.
Borrower Name and Organization Type	State whether borrower is a Limited Partnership, Corporation, Indian Tribe, *etc.*
Equal Opportunity Survey	Optional Completion
Tax Classification Type	State whether borrower is for profit, not for profit, *etc.*
Borrower Tax ID #	Insert borrower's tax ID #.
Borrower DUNS #	Insert DUNS number.
Borrower Address, including County	Insert borrower's address and county.
Borrower Phone #	Insert borrower's phone #.
Principal or Key Member for the Borrower	Insert name and title.
Borrower Information and Statement of Housing Development Experience.	Attach relevant information.
New Construction, Acquisition with Rehabilitation, or the Revitalization, Repair, and Transfer (as stipulated in 7 CFR 3560.406) of Existing Direct Section 515 Housing or MPR.	State whether the project is new construction or acquisition with rehabilitation. Transfer costs, including equity payments, are subject to Agency approval and must be an eligible use of loan proceeds in 7 CFR 3565.205.
Project Location Town or City	Town or city in which the project is located.

Data element	Information that must be included
Project County	County in which the project is located.
Project State	State in which the project is located.
Project Zip Code	Insert zip code.
Project Congressional District	Congressional District for project location.
Project Name	Insert project name.
Project Type	Family, senior (all residents 55 years or older), or mixed.
Property Description and Proposed Development Schedule	Provide as an attachment.
Total Project Development Cost	Enter amount for total project.
# of Units	Insert the # of units in the project.
Ratio of 3–5 bedroom units to total units	Insert percentage of 3–5 bedroom units to total units.
Cost Per Unit	Total development cost divided by # of units.
Rent	Proposed rent structure.
Median Income for Community	Provide median income for the community.
Evidence of Site Control	Attach relevant information.
Description of Any Environmental Issues	Attach relevant information.
Loan Amount	Insert the loan amount.
Borrower's Proposed Equity.	
Tax Credits	Have tax credits been awarded? If tax credits were awarded, submit a copy of the award NOFA/evidence of award with your response. If not, when do you anticipate an award will be made (announced)? What is the [estimated] value of the tax credits?
Other Sources of Funds	List all funding sources other than tax credits and amounts for each source.
Loan to Total Development Cost	Guaranteed loan divided by the total development costs of project.
Debt Coverage Ratio	Net Operating Income divided by debt service payments.
Percentage of Guarantee	Percentage guarantee requested.
Collateral	Attach relevant information.
Empowerment Zone (EZ) or Enterprise Community (EC), Colonia, Tribal Lands, or State's Consolidated Plan or State Needs Assessment.	Yes or No. Is the project in a recognized EZ or EC, Colonia, on an Indian Reservation, or in a place identified in the State's Consolidated Plan or State Needs Assessment as a high need community for multi-family housing.
Is the Property Located in a Federally Declared Disaster Area	If yes, please provide documentation (*i.e.,* Presidential Declaration document).
Population	Provide the population of the county, city, or town where the project is or will be located.
Is a Guarantee for Construction Being Requested?	State yes or no. The Agency can guarantee the construction advances of the property if the guarantee for the permanent loan is requested for the same property.
Loan Term	Minimum 25-year term. Maximum 40-year term (includes construction period). May amortize up to 40 years. Balloon mortgages permitted after the 25th year.

Scoring of Priority Criteria for Selection of Projects: All 2009 responses will be scored based on the criteria set forth below to establish their priority for obligation of funds. Per 7 CFR 3565.5(b), priority will be given to projects: In smaller rural communities, in the most needy communities having the highest percentage of leveraging, having the lowest interest rate, having the highest ratio of 3–5 bedroom units to total units, or located in Empowerment Zones/Enterprise Communities or on tribal lands. In addition, the Agency may, at its sole discretion, set aside assistance for or rank projects that meet important program goals.

Prior to July 20, 2009, projects with an overall score of 25 points or more and a loan to development cost ratio less than 70 percent will be processed and, when ready, obligated on a first-come-first-serve basis, provided funds are available. Projects that score less than 25 points, and projects that score 25 points or more and do not have a loan to development cost ratio less than 70 percent, may be processed up to the point of obligation, but will not be obligated until after July 20, 2009. After July 20, 2009, the Agency will select the highest scoring proposals using the procedure outlined in the **DATES** section of this NOFA.

The six priority criteria for projects are listed below.

Priority 1—Projects located in eligible rural communities with the lowest populations will receive the highest points.

Population size	Points
0–10,000 people	15
10,001–15,000 people	10
15,001–20,000 people	5

Priority 2—The most needy communities as determined by the median income from the most recent census data will receive points. The Agency will allocate points to projects located in communities having the lowest median income. Points for median income will be awarded as follows:

Median income (dollars)	Points
Less than $45,000	20
$45,000–less than $55,000	15
$55,000–less than $65,000	10
$65,000–less than $75,000	5
$75,000 or more	0

Priority 3—Projects that demonstrate partnering and leveraging in order to develop the maximum number of units and promote partnerships with state and local communities will also receive points. Points will be awarded as follows:

Loan to total development cost ratio (percentage %)	Points
90–100	0

Loan to total development cost ratio (percentage %)	Points
Less than 90–70	15
Less than 70–50	20
Less than 50	30

Priority 4—The development of projects on Tribal Lands, or in an Empowerment Zone or Enterprise Community will receive points. The USDA Rural Development will attribute 20 points to projects that are developed in any of the locations described in this priority. The development of projects in a Colonia or in a place identified in the State's Consolidated Plan or State Needs Assessment as a high need community for multi-family housing will receive points. The USDA Rural Development will attribute 20 points to projects that are developed in any of the locations described in this priority.

Priority 5—The USDA Rural Development will award points to projects with the highest ratio of 3–5 bedroom units to total units as follows:

Ratio of 3–5 bedroom units to total units	Points
More than 50%	10
21%–50%	5
Less than 21%–more than 0%	1

Priority 6—NOFA responses for the revitalization, repair, and transfer (as stipulated in 7 CFR 3560.406) of existing direct section 515 housing and properties involved in the Agency's MPR program (transfer costs, including equity payments, are subject to Agency approval and must be an eligible use of loan proceeds listed in 7 CFR 3565.205) will receive an additional 30 points.

Notifications: Responses will be reviewed for completeness and eligibility. The USDA Rural Development will notify those lenders whose responses are selected via letter. The USDA Rural Development will request lenders without GRRHP lender approval to apply for GRRHP lender approval within 30 days upon receipt of notification of selection. For information regarding GRRHP lender approval, please refer to the section entitled ''*Submission of Documentation for GRRHP Lender Approval*'' in this NOFA.

Lenders will also be invited to submit a complete application to the USDA Rural Development State Office where the project is located.

Submission of GRRHP Applications: Notification letters will instruct lenders to contact the USDA Rural Development State Office immediately following notification of selection to schedule required agency reviews.

USDA Rural Development State Office staff will work with lenders in the development of an application package. In response to the NOFA, lenders must submit a response to the office address identified in the NOFA for the scoring and ranking of a proposed GRRHP project. The lender must provide the requested information concerning the project, to establish the purpose of the proposed project, its location, and how it meets the established priorities for funding. The Agency will determine the highest ranked responses based on priority criteria and a threshold score.

NOFA responses will at least include the following [but the Agency, at its sole discretion, may request additional information]:

(1) The Project

(a) A brief description of the proposed location of the project, including town, county, state, and congressional district.

(b) A description of the property and improvements, including lot size, number of units, building type, type of construction, *etc.,* including preliminary drawings, if available.

(c) The proposed development schedule.

(d) Total project development cost.

(e) The proposed rent structure and area median income (HUD published area median incomes can be found online at *http://www.huduser.org*).

(f) Evidence of site control by the proposed borrower or a purchase option.

(g) Description of any environmental issues that may affect the project.

(h) Amount of loan to be guaranteed.

(i) Type of project (*e.g.,* elderly or family).

(2) The Proposed Financing

(a) Proposed loan amount and the proposed borrower's equity.

(b) Estimated development budget (total and cost/unit) and the proposed sources and uses of funds. This information should include all proposed financing sources—the amount, type, rates and terms of loans, tax credits, or grant funds. Letters of application and commitment letters should be included, if available.

(c) Estimated loan-to-development cost ratio for the guaranteed loan.

(d) Proposed Agency guarantee percentage for guaranteed loan (under no condition can the percentage exceed 90 percent of the loan amount).

(e) Collateral—all security, in addition to the real property, proposed to secure the loan.

(3) The Proposed Borrower

(a) The name of the borrower and the type of ownership entity. List the general partners if a limited partnership, officers if a corporation or members of a Limited Liability Corporation.

(b) Borrower's contact name, mailing address, phone and fax numbers, and e-mail address.

(c) Certification that the borrower or principals of the ownership are not barred from participating in Federal housing programs and are not delinquent on any Federal debt.

(d) Borrower's unaudited or audited financial statements.

(e) Statement of borrower's housing development experience.

(4) Lender Eligibility and Approval Status

Evidence that the lender is either an approved lender for the purposes of the GRRHP or that the lender is eligible to apply for approved lender status. The lender's application for approved lender status can be submitted with the response but must be submitted to the National Office within 30 calendar days of the lender's receipt of the ''NOFA to Proceed with Application Processing'' letter.

(5) Competitive Criteria

Information that shows how the proposal is responsive to the selection criteria specified in the NOFA.

(6) Lender Certification

A commitment letter signed by the lender, on the lender's letterhead, indicating that the lender will make a loan to the borrower for the proposed project, under specified terms and conditions subject only to the issuance of a guarantee by the Agency. The deadline for the submission of a complete application and is 90 days from the date of notification of response selection. If the application is not received by the appropriate State Office within 90 days from the date of notification, the selection is subject to cancellation, thereby allowing another response that is ready to proceed with processing to be selected. The State Office has the ability to extend this 90-day deadline for receipt of an application only for good cause.

Obligation of Program Funds: The Agency will only obligate funds to projects that meet the requirements for obligation, including having undergone a satisfactory environmental review in accordance with the National Environmental Protection Act (NEPA) and completed Form RD 3565–1 for the selected project.

Conditional Commitment: Once the required documents for obligation are received and all NEPA requirements have been met, the USDA Rural

Development State Office will issue a conditional commitment, which stipulates the conditions that must be fulfilled before the issuance of a guarantee, in accordance with 7 CFR 3565.303.

Issuance of Guarantee: The USDA Rural Development Office will issue a guarantee to the lender for a project in accordance with 7 CFR 3565.303. No guarantee can be issued without a complete application, review of appropriate certifications, satisfactory assessment of the appropriate level of environmental review, and the completion of any conditional requirements.

Non-Discrimination Statement

USDA prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, *etc.*) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250–9410, or call (800) 795–3272 (voice), or (202) 720–6382 (TDD). ''USDA is an equal opportunity provider, employer, and lender.''

Dated: June 18, 2009.

Tammye H. Treviño,

Administrator, Rural Housing Service.

[FR Doc. E9–14940 Filed 6–25–09; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Funds Availability (NOFA) Inviting Applications for the Rural Community Development Initiative (RCDI) for Fiscal Year 2009

AGENCY: Rural Housing Service, USDA.

ACTION: Notice of solicitation of applications.

SUMMARY: This Notice announces the availability of $6,256,000 of competitive grant funds for the RCDI program through the Rural Housing Service (RHS), an agency within the USDA Rural Development mission area herein referred to as the Agency. Applicants must provide matching funds in an amount at least equal to the Federal grant. These grants will be made to qualified intermediary organizations that will provide financial and technical assistance to recipients to develop their capacity and ability to undertake projects related to housing, community facilities, or community and economic development. This Notice lists the information needed to submit an application for these funds.

DATES: The deadline for receipt of an application is 4 p.m. local time, September 24, 2009. The application date and time are firm. The Agency will not consider any application received after the deadline. Applicants intending to mail applications must provide sufficient time to permit delivery on or before the closing deadline date and time. Acceptance by the United States Postal Service or private mailer does not constitute delivery. Facsimile (FAX) and postage due applications will not be accepted.

ADDRESSES: Entities wishing to apply for assistance may download the application documents and requirements delineated in this Notice from the RCDI Web site: *http://www.rurdev.usda.gov/rhs/rcdi/index.htm.* Application information for electronic submissions may be found at *http://www.grants.gov.* Applicants may also request paper application packages from the Rural Development office in their state. A list of Rural Development offices is included in this Notice.

FOR FURTHER INFORMATION CONTACT: The Rural Development office for the state the applicant is located in. A list of Rural Development State Office contacts is included in this Notice.

Programs Affected

This program is listed in the Catalog of Federal Domestic Assistance under Number 10.446. This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials because it is not listed by the Secretary of Agriculture, pursuant to 7 CFR 3015.302, as a covered program.

Paperwork Reduction Act

The paperwork burden has been cleared by the Office of Management and Budget (OMB) under OMB Control Number 0575–0180.

National Environmental Policy Act

This document has been reviewed in accordance with 7 CFR part 1940–G, ''Environmental Program.'' Rural Development has determined that this NOFA does not constitute a major federal action significantly affecting the quality of the human environment, and an Environmental Impact Statement is not required. Furthermore, individual awards under this NOFA are hereby classified as Categorial Exclusions which do not require any additional documentation.

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Housing Service.

Funding Opportunity Title: Rural Community Development Initiative.

Announcement Type: Initial Announcement.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.446.

Part I—Funding Opportunity Description

Congress initially created the RCDI in Fiscal Year (FY) 2000 to develop the capacity and ability of nonprofit organizations, low-income rural communities, or federally recognized tribes to undertake projects related to housing, community facilities, or community and economic development in rural areas.

Part II—Award Information

Congress appropriated $6,256,000 in FY 2009 for the RCDI. Qualified private, nonprofit and public (including tribal) intermediary organizations proposing to carry out financial and technical assistance programs will be eligible to receive the funding. The intermediary will be required to provide matching funds in an amount at least equal to the RCDI grant. The respective minimum and maximum grant amount per intermediary is $50,000 and $300,000. The intermediary must provide a program of financial and technical assistance to a private nonprofit, community-based housing and development organization, a low-income rural community or a federally recognized tribe.

Part III—Eligibility Information

A. Eligible Applicants

1. Qualified private, nonprofit, including faith-based, and community organizations in accordance with 7 CFR Part 16, and public (including tribal) intermediary organizations. Definitions that describe eligible organizations and other key terms are listed below.

2. RCDI grantees that have an outstanding grant over 3 years old, as of the application due date in this Notice,

will not be eligible to apply for this round of funding. Grant and matching funds must be utilized in a timely manner to ensure that the goals and objectives of the program are met.

B. Program Definitions

Agency—The Rural Housing Service (RHS) or its successor.

Beneficiary—Entities or individuals that receive benefits from assistance provided by the recipient.

Capacity—The ability of a recipient to implement housing, community facilities, or community and economic development projects.

Federally recognized tribes—Tribal entities recognized and eligible for funding and services from the Bureau of Indian Affairs, based on the current notice in the **Federal Register** published by the Bureau of Indian Affairs. Tribally Designated Housing Entities are eligible RCDI recipients.

Financial assistance—Funds, not to exceed $10,000 per award, used by the intermediary to purchase supplies and equipment to build the recipient's capacity.

Funds—The RCDI grant and matching money.

Intermediary—A qualified private, nonprofit, or public (including tribal) organization that provides financial and technical assistance to multiple recipients.

Low-income rural community—An authority, district, economic development authority, regional council, or unit of government representing an incorporated city, town, village, county, township, parish, or borough.

Recipient—Under 7 CFR 15 section 15.2, Recipient means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, to whom Federal financial assistance is extended, directly or through another recipient, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary. Not all listed entities are eligible for all programs. Please check with the applicable state office for information regarding eligibility.

Rural and rural area—Any area other than (i) a city or town that has a population of greater than 50,000 inhabitants; and (ii) the urbanized area contiguous and adjacent to such city or town.

Technical assistance—Skilled help in improving the recipient's abilities in the areas of housing, community facilities, or community and economic development.

C. Cost Sharing or Matching

Matching funds—Cash or confirmed funding commitments. Matching funds must be at least equal to the grant amount. These funds can only be used for eligible RCDI activities. In-kind contributions such as salaries, donated time and effort, real and nonexpendable personal property and goods and services cannot be used as matching funds. Grant funds and matching funds must be used in equal proportions. This does not mean funds have to be used equally by line item. The request for advance or reimbursement and supporting documentation must show that RCDI fund usage does not exceed the cumulative amount of matching funds used. Grant funds will be disbursed pursuant to relevant provisions of 7 CFR parts 3015, 3016, and 3019, as applicable. Verification of matching funds must be submitted with the application.

The intermediary is responsible for demonstrating that matching funds are available, and committed to the RCDI proposal. Matching funds may be provided by the intermediary or a third party. Other Federal funds may be used as matching funds if authorized by statute and the purpose of the funds is an eligible RCDI purpose. Matching funds must be used to support the overall purpose of the RCDI program. RCDI funds will be disbursed on an advance or reimbursement basis. Matching funds cannot be expended prior to execution of the RCDI Grant Agreement. No reimbursement will be made for any funds expended prior to execution of the RCDI Grant Agreement unless the grantee is a non-profit or educational entity and has requested and received written Agency approval of the costs prior to the actual expenditure. This exception is applicable for up to 90 days prior to grant closing and only applies to grantees that have received written approval but have not executed the RCDI Grant Agreement. The Agency cannot retroactively approve reimbursement for expenditures prior to execution of the RCDI Grant Agreement.

D. Other Program Requirements

1. The recipient and beneficiary, but not the intermediary, must be located in an eligible rural area. The physical location of the recipient's office that will be receiving the financial and technical assistance must be in an eligible rural area. If the recipient is a low-income community, the median household income of the area where the office is located must be at or below 80 percent of the State or national median household income, whichever is higher. The applicable Rural Development State Office can assist in determining the eligibility of an area. A listing of Rural Development State Offices is included in this Notice.

2. The recipients must be private nonprofit, including faith-based organizations, community-based housing and development organizations, low-income rural communities, or federally recognized tribes based on the RCDI definitions of these groups.

3. Documentation must be submitted to verify recipient eligibility. Acceptable documentation varies depending on the type of recipient. Private nonprofit faith or community-based housing and development organizations must provide a certificate of incorporation and good standing from the Secretary of the State of incorporation, or other similar and valid documentation of nonprofit status. For low-income rural community recipients, the Agency requires evidence that the entity is a public body and census data verifying that the median household income of the community where the office receiving the financial and technical assistance is located is at, or below, 80 percent of the State or national median household income, whichever is higher. For Federally recognized tribes, the Agency needs the page listing their name from the current **Federal Register** list of tribal entities recognized and eligible for funding services (see the definition of Federally recognized tribes in this Notice for details on this list).

4. Individuals cannot be recipients.

5. The intermediary must provide matching funds at least equal to the amount of the grant. Verification of matching funds must be submitted with the application.

6. The intermediary must provide a program of financial and technical assistance to the recipient.

7. The intermediary organization must have been legally organized for a minimum of 3 years and have at least 3 years prior experience working with private nonprofit community-based housing and development organizations, low-income rural communities, or tribal organizations in the areas of housing, community facilities, or community and economic development.

8. Proposals must be structured to utilize the grant funds within 3 years from the date of the award.

9. Each applicant, whether singularly or jointly, may only submit one application for RCDI funds under this NOFA. This restriction does not

preclude the applicant from providing matching funds for other applications.

10. Recipients can benefit from more than one RCDI application; however, after grant selections are made, the recipient can only benefit from multiple RCDI grants if the type of financial and technical assistance the recipient will receive is not duplicative.

11. The intermediary and the recipient cannot be the same entity. The recipient can be a related entity to the intermediary, if it meets the definition of a recipient.

12. A nonprofit recipient must provide evidence that it is a valid nonprofit when the intermediary applies for the RCDI grant. Organizations with pending requests for nonprofit designations are not eligible.

13. If the recipient is a low-income rural community, identify the unit of government to which the financial and technical assistance will be provided, *e.g.,* town council or village board. The financial and technical assistance must be provided to the organized unit of government representing that community, not the community at large.

14. Recipients located in a rural area that is also a census designated place (CDP) are eligible recipients.

15. If a grantee has an outstanding RCDI grant over 3 years old, as of the application due date in this Notice, it is not eligible to apply for this round of funding.

16. The indirect cost category in the project budget should be used only when a grant applicant has a federally negotiated indirect cost rate. A copy of the current rate agreement must be provided with the application.

Eligible Fund Uses

Fund uses must be consistent with the RCDI purpose. A nonexclusive list of eligible grant uses includes the following:

1. Provide technical assistance to develop recipients' capacity and ability to undertake projects related to housing, community facilities, or community and economic development, *i.e.,* the intermediary hires a staff person to provide technical assistance to the recipient or the recipient hires a staff person, under the supervision of the intermediary, to carry out the technical assistance provided by the intermediary.

2. Develop the capacity of recipients to conduct community development programs, *e.g.,* homeownership education or training for business entrepreneurs.

3. Develop the capacity of recipients to conduct development initiatives, *e.g.,* programs that support micro-enterprise and sustainable development.

4. Develop the capacity of recipients to increase their leveraging ability and access to alternative funding sources by providing training and staffing.

5. Develop the capacity of recipients to provide the technical assistance component for essential community facilities projects.

6. Assist recipients in completing pre-development requirements for housing, community facilities, or community and economic development projects by providing resources for professional services, e.g., architectural, engineering, or legal.

7. Improve recipient's organizational capacity by providing training and resource material on developing strategic plans, board operations, management, financial systems, and information technology.

8. Purchase of computers, software, and printers, limited to $10,000 per award, at the recipient level when directly related to the technical assistance program being undertaken by the intermediary.

9. Provide funds to recipients for training-related travel costs and training expenses related to RCDI.

Ineligible Fund Uses

1. Pass-through grants, capacity grants, and any funds provided to the recipient in a lump sum that are not reimbursements.

2. Funding a revolving loan fund (RLF).

3. Construction (in any form).

4. Salaries for positions involved in construction, renovations, rehabilitation, and any oversight of these types of activities.

5. Intermediary preparation of strategic plans for recipients.

6. Funding prostitution, gambling, or any illegal activities.

7. Grants to individuals.

8. Funding a grant where there may be a conflict of interest, or an appearance of a conflict of interest, involving any action by the Agency.

9. Paying obligations incurred before the beginning date without prior Agency approval or after the ending date of the grant agreement.

10. Purchasing real estate.

11. Improvement or renovation of the grantee's, or recipient's office space or for the repair or maintenance of privately owned vehicles.

12. Any other purpose prohibited in 7 CFR parts 3015, 3016, and 3019, as applicable.

13. Using funds for recipient's general operating costs.

14. Using grant or matching funds for Individual Development Accounts.

15. Purchasing vehicles.

Program Examples

The purpose of this initiative is to develop or increase the recipient's capacity through a program of financial and technical assistance to perform in the areas of housing, community facilities, or community and economic development. Strengthening the recipient's capacity in these areas will benefit the communities they serve. The RCDI structure requires the intermediary (grantee) to provide a program of financial and technical assistance to recipients. The recipients will, in turn, provide programs to their communities (beneficiaries). The following are examples of eligible and ineligible purposes under the RCDI program. (These examples are illustrative and are not meant to limit the activities proposed in the application. Activities that meet the objective of the RCDI program will be considered eligible.)

1. The intermediary must work directly with the recipient, not the ultimate beneficiaries. As an example: The intermediary provides training to the recipient on how to conduct homeownership education classes. The recipient then provides ongoing homeownership education to the residents of the community—the ultimate beneficiaries. This ''train the trainer'' concept fully meets the intent of this initiative. The intermediary is providing technical assistance that will build the recipient's capacity by enabling them to conduct homeownership education classes for the public. This is an eligible purpose. However, if the intermediary directly provided homeownership education classes to individuals in the recipient's service area, this would not be an eligible purpose because the recipient would be bypassed.

2. If the intermediary is working with a low-income community as the recipient, the intermediary must provide the technical assistance to the entity that represents the low-income community and is identified in the application. Examples of entities representing a low-income community are a village board or a town council. If the intermediary provides technical assistance to the board of directors of the low-income community on how to establish a cooperative, this would be an eligible purpose. However, if the intermediary works directly with individuals from the community to establish the cooperative, this is not an eligible purpose. The recipient's capacity is built by learning skills that will enable them to support sustainable

economic development in their communities on an ongoing basis.

3. The intermediary may provide technical assistance to the recipient on how to create and operate a RLF. The intermediary may not monitor or operate the RLF. RCDI funds, including matching funds, cannot be used to fund RLFs.

Part IV—Application and Submission Information

A. Address To Request Application Package

Entities wishing to apply for assistance may download the application documents and requirements delineated in this Notice from the RCDI Web site: *http://www.rurdev.usda.gov/rhs/rcdi/index.htm.* Application information for electronic submissions may be found at *http://www.grants.gov.* Applicants may also request paper application packages from the Rural Development office in their state. A list of Rural Development offices is included in this Notice.

B. Content and Form of Application Submission

If the applicant is ineligible or the application is incomplete, the Agency will inform the applicant in writing of the decision, reasons therefore, and its appeal rights, and no further evaluation of the application will occur.

A complete application for RCDI funds must include the following:

1. A summary page, double-spaced between items, listing the following: (This information should not be presented in narrative form.)

a. Applicant's name,

b. Applicant's address,

c. Applicant's telephone number,

d. Name of applicant's contact person and telephone number,

e. Applicant's fax number,

f. County where applicant is located,

g. Congressional district number where applicant is located,

h. Amount of grant request,

i. Applicant's Tax Identification Number,

j. Data Universal Numbering System (DUNS) number (Applicant Only),

k. Number of recipients, and

l. Equal Opportunity Survey, OMB No. 1890–0014 Exp. 02/28/09 (optional completion by applicant).

2. Source and amount of matching funds.

3. A detailed Table of Contents containing page numbers for each component of the application.

4. A project overview, no longer than five pages, including the following items, which will also be addressed separately and in detail under ''Building Capacity'' of the ''Evaluation Criteria.''

a. The type of technical assistance to be provided to the recipients and how it will be implemented.

b. How the capacity and ability of the recipients will be improved.

c. The overall goals to be accomplished.

d. The benchmarks to be used to measure the success of the program.

5. Organizational documents, such as a certificate of incorporation and a current good standing certification from the Secretary of State where the applicant is incorporated and other similar and valid documentation of non-profit status, from the intermediary that confirms it has been legally organized for a minimum of 3 years as the applicant entity.

6. Verification of matching funds, *i.e.,* a copy of a bank statement if matching funds are in cash or a copy of the confirmed funding commitment from the funding source. The verification of matching funds must be submitted with the application. The applicant will be contacted by the Agency prior to grant award to verify that the matching funds continue to be available. The applicant will have 10 working days from the date contacted to submit verification of matching funds. If the applicant is unable to provide the verification within that timeframe, the application will be considered ineligible. The applicant must maintain bank statements on file or other documentation for a period of at least three years after grant closing except that the records shall be retained beyond the three-year period if audit findings have not been resolved.

7. Applicant should verify that they have a DUNS number. Applicants can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at 1–866–705–5711.

8. The following information for each recipient:

a. Recipient's entity name,

b. Complete address (mailing and physical location, if different),

c. County where located,

d. Number of Congressional district where recipient is located, and

e. Contact person's name and telephone number.

9. Submit evidence that each recipient entity is eligible:

a. Nonprofits—provide a current valid letter confirming non-profit status from the Secretary of the State of incorporation or the IRS, a current good standing certification from the Secretary of the State of incorporation, or other valid documentation of nonprofit status of each recipient.

b. Low-income rural community—provide evidence the entity is a public body, and a copy of the 2000 census data to verify the population, and evidence that the median household income is at, or below, 80 percent of either the State or national median household income. We will only accept data from *http://www.census.gov.* The specific instructions to retrieve data from this site are detailed under the ''Evaluation Criteria'' for ''Population'' and ''Income.''

c. Federally recognized tribes—provide the page listing their name from the **Federal Register** list of tribal entities published by the Bureau of Indian Affairs on April 4, 2008 (73 FR 18553)or a subsequent updated list in the **Federal Register**.

10. Each of the ''Evaluation Criteria'' must be addressed specifically and individually by category. Present these criteria in narrative form. Documentation must be limited to three pages per criterion. The ''Population'' and ''Income'' criterions for recipient locations can be provided in the form of a list; however, the source of the data must be included on the page(s).

11. A timeline identifying specific activities and proposed dates for completion.

12. A detailed project budget that includes the RCDI grant amount and matching funds for the duration of the grant. This should be a line-item budget, by category. Categories such as salaries, administrative, other, and indirect costs that pertain to the proposed project must be clearly defined. Supporting documentation listing the components of these categories must be included. The budget should be dated: year 1, year 2, year 3, as applicable.

13. Form SF–424, ''Application for Federal Assistance.'' (Do not complete Form SF–424A, ''Budget Information.'' A separate line-item budget should be presented as described in No. 11 of this section.)

14. Form SF–424B, ''Assurances—Non-Construction Programs.''

15. Form AD–1047, ''Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions.''

16. Form AD–1048, ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions.

17. Form AD–1049, ''Certification Regarding Drug-Free Workplace Requirements.''

18. Certification of Non-Lobbying Activities.

19. Standard Form LLL, ''Disclosure of Lobbying Activities,'' if applicable.

20. Form RD 400–4, ''Assurance Agreement,'' for the applicant and each recipient. If forms are not provided for each recipient organization at time of application, they must be provided upon notice of award.

Recipients may not be deleted from the list submitted with the application to avoid submission of this form.

21. Identify and report any association or relationship with Rural Development employees.

The required forms and certifications can be downloaded from the RCDI Web site at: *http://www.rurdev.usda.gov/rhs/rcdi/index.htm.*

C. Other Submission Information

The original application package must be submitted to the Rural Development State Office where the applicant's headquarters is located. A listing of Rural Development State Offices is included in this Notice. Applications will not be accepted via facsimile or electronic mail.

Applicants may file an electronic application at *http://www.grants.gov*. Grants.gov contains full instructions on all required passwords, credentialing, and software. Follow the instructions at Grants.gov for registering and submitting an electronic application.

If a system problem or technical difficulty occurs with an electronic application, please use the customer support resources available at the *Grants.gov* Web site.

Technical difficulties submitting an application through Grants.gov will not be a reason to extend the application deadline. If an application is unable to be submitted through Grants.gov, a paper application must be received in the appropriate Rural Development State Office by the deadline noted previously.

First time Grants.gov users should carefully read and follow the registration steps listed on the web site. These steps need to be initiated early in the application process to avoid delays in submitting your application online.

In order to register with the Central Contractor Registry (CCR), your organization will need a DUNS number. Be sure to complete the Marketing Partner ID (MPID) and Electronic Business Primary Point of Contact fields during the CCR registration process. These are mandatory fields that are required when submitting grant applications through Grants.gov. Additional application instructions for submitting an electronic application can be found by selecting this funding opportunity on Grants.gov.

The deadline for receipt of an application is 4 p.m. local time September 24, 2009. The application deadline date and time are firm and apply to submission of the original application to the Rural Development State Office where the applicant's headquarters is located. The Agency will not consider any application received after the deadline. A listing of Rural Development State Offices, their addresses, telephone numbers, and contact person is provided elsewhere in this Notice. Applicants intending to mail applications must provide sufficient time to permit delivery on or before the closing deadline date and time. Acceptance by the United States Postal Service or private mailer does not constitute delivery. Facsimile (FAX), electronic mail or postage due applications will not be accepted.

D. Funding Restrictions

Meeting expenses. In accordance with 31 U.S.C. 1345, ''Expenses of Meetings,'' appropriations may not be used for travel, transportation, and subsistence expenses for a meeting. RCDI grant funds cannot be used for these meeting-related expenses. Matching funds may be used to pay for these expenses. RCDI funds may be used to pay for a speaker as part of a program, equipment to facilitate the program, and the actual room that will house the meeting. RCDI funds can be used for travel, transportation, or subsistence expenses for training and technical assistance purposes. Any meeting or training not delineated in the application must be approved by the Agency to verify compliance with 31 U.S.C. 1345. Travel and per diem expenses will be similar to those paid to Agency employees. Rates are based upon location. Rate information can be obtained from the applicable Rural Development State Office.

Grantees and recipients will be restricted to traveling coach class on common carrier airlines. Grantees and recipients may exceed the Government rate for lodging by a maximum of 20 percent. Meals and incidental expenses will be reimbursed at the same rate used by Agency employees. Mileage and gas reimbursement will be the same rate used by Agency employees. This rate may be obtained from the applicable Rural Development State Office.

Part V—Application Review Information

A. Evaluation Criteria

Applications will be evaluated using the following criteria and weights:

1. Building Capacity—Maximum 60 Points

The applicant must demonstrate how they will improve the recipients' capacity, through a program of financial and technical assistance, as it relates to the RCDI purposes. Capacity-building financial and technical assistance should provide new functions to the recipients or expand existing functions that will enable the recipients to undertake projects in the areas of housing, community facilities, or community and economic development that will benefit the community. The program of financial and technical assistance provided, its delivery, and the measurability of the program's effectiveness will determine the merit of the application. All applications will be competitively ranked with the applications providing the most improvement in capacity development and measurable activities being ranked the highest. Capacity-building financial and technical assistance may include, but is not limited to: Training to conduct community development programs, *e.g.,* homeownership education, or the establishment of minority business entrepreneurs, cooperatives, or micro-enterprises; organizational development, *e.g.,* assistance to develop or improve board operations, management, and financial systems; instruction on how to develop and implement a strategic plan; instruction on how to access alternative funding sources to increase leveraging opportunities; staffing, *e.g.,* hiring a person at intermediary or recipient level to provide technical assistance to recipients; and purchasing technology equipment at the recipient level, *e.g.,* computers, printers, and software.

a. The narrative response must:

i. Describe the nature of financial and technical assistance to be provided to the recipients and the activities that will be conducted to deliver the technical assistance;

ii. Explain how financial and technical assistance will develop or increase the recipient's capacity. Indicate whether a new function is being developed or if existing functions are being expanded or performed more effectively;

iii. Identify which RCDI purpose areas will be addressed with this assistance: housing, community facilities, or community and economic development; and

iv. Describe how the results of the technical assistance will be measured. What benchmarks will be used to measure effectiveness?

b. The maximum 60 points for this criteria will be broken down as follows:

1. Type of financial and technical assistance and implementation activities. 35 points.

2. An explanation of how financial and technical assistance will develop capacity. 10 points.

3. Identification of the RCDI purpose. 5 points.

4. Measurement of outcomes. 10 points.

2. Expertise—Maximum 30 Points

The applicant must demonstrate that it has conducted programs of financial and technical assistance and achieved measurable results in the areas of housing, community facilities, or community and economic development in rural areas. Provide the name, contact information, and the type and amount of the financial and technical assistance the applicant organization has provided to the following for the last 5 years:

a. Nonprofit organizations in rural areas.

b. Low-income communities in rural areas, (also include the type of entity, e.g., city government, town council, or village board).

c. Federally recognized tribes or any other culturally diverse organizations.

3. Population—Maximum 30 Points

Population is based on the average population from the 2000 census data for the communities in which the recipients are located. Community is defined for scoring purposes as a city, town, village, county, parish, borough, or census-designated place where the recipient's office is physically located. The applicant must submit the census data from the following Web site to verify the population figures used for each recipient. The data can be accessed on the Internet at *http://www.census.gov;* click on ''American FactFinder'' from the left menu; click on ''Fact Sheet'' from the left menu; at the right, fill in one or more fields and click ''Go''; the name and population data for each recipient location must be listed in this section. The average population of the recipient locations will be used and will be scored as follows:

Population	Scoring (points)
5,000 or less	30
5,001 to 10,000	20
10,001 to 20,000	10
20,001 to 50,000	5

4. Income—Maximum 30 Points

The average of the median household income for the communities where the recipients are physically located will determine the points awarded. Applicants may compare the average recipient median household income to the State median household income or the national median household income, whichever yields the most points. The national median household income to be used is $41,994. The applicant must submit the income data from the following Web site to verify the income for each recipient. The data being used is from the 2000 census. The data can be accessed on the Internet at *http://www.census.gov;* click on ''American FactFinder'' from the left menu; click on ''Fact Sheet'' from the left menu; at the right, fill in one or more fields and click ''Go''; the name and income data for each recipient location must be listed in this section. Points will be awarded as follows:

Average Recipient Median Income is:

Less than 60 percent of the state or national median household income. 30 points.

Between 60 and 70 percent of the state or national median household income. 20 points.

Greater than 70 percent of the state or national median household income. 10 points.

5. Soundness of Approach—Maximum 50 Points

The applicant can receive up to 50 points for soundness of approach. The overall proposal will be considered under this criterion. Applicants must list the page numbers in the application that address these factors.

a. The ability to provide the proposed financial and technical assistance based on prior accomplishments has been demonstrated.

b. The proposed financial and technical assistance program is clearly stated and the applicant has defined how this proposal will be implemented. The plan for implementation is viable.

c. Cost effectiveness will be evaluated based on the budget in the application. The proposed grant amount and matching funds should be utilized to maximize capacity building at the recipient level.

d. The proposal fits the objectives for which applications were invited.

6. Technical assistance for the development of Renewable Energy Systems and Energy Efficiency Improvements—Maximum 20 Points

The applicant must demonstrate how they will improve the recipients' capacity to carry out activities related to the development of renewable energy systems and energy efficiency improvements for housing, community facilities, or community and economic development.

7. State Director's Points Based on Project Merit—20 Points

This criterion does not have to be addressed by the applicant. An additional 20 points may be awarded by the Rural Development State Director for the state's first priority project. Only one project per state will be awarded these points. Assignment of points will include a written justification and may be awarded based on the Rural Development State Office's strategic plan.

8. Proportional Distribution Points—20 Points

This criterion does not have to be addressed by the applicant. After applications have been evaluated and awarded points under the first 7 criteria, the Agency may award 20 points per application to promote an even distribution of grant awards between the ranges of $50,000 to $300,000.

B. Review and Selection Process

Rating and ranking. Applications will be rated and ranked on a national basis by a review panel based on the ''Evaluation Criteria'' contained in this Notice. If there is a tied score after the applications have been rated and ranked, the tie will be resolved by reviewing the scores for ''Building Capacity'' and the applicant with the highest score in that category will receive a higher ranking. If the scores for ''Building Capacity'' are the same, the scores will be compared for the next criterion, in sequential order, until one highest score can be determined.

Initial screening. The Agency will screen each application to determine eligibility during the period immediately following the application deadline. Listed below are examples of reasons for rejection from previous funding rounds. The following reasons for rejection are not all inclusive; however, they represent the majority of the applications previously rejected.

1. Recipients were not located in eligible rural areas based on the definition in this Notice.

2. Applicants failed to provide evidence of recipient's status, *i.e.,* documentation supporting nonprofit evidence of organization.

3. Applicants failed to provide evidence of committed matching funds.

4. Application did not follow the RCDI structure with an intermediary and recipients.

5. Recipients were not identified in the application.

6. Intermediary did not provide evidence it had been incorporated for at least 3 years as the applicant entity.

7. Applicants failed to address the ''Evaluation Criteria.''

8. The purpose of the proposal did not qualify as an eligible RCDI purpose.

9. Inappropriate use of funds (*e.g.,* construction or renovations).

10. Providing financial and technical assistance directly to individuals.

11. Application package not received by closing date and time.

Part VI—Award Administration Information

A. General Information

Within the limit of funds available for such purpose, the awarding official of the Agency shall make grants to those responsible, eligible applicants whose applications are judged meritorious under the procedures set forth in this Notice.

B. Award Notice

Applicant will be notified of selection by letter. In addition, applicant will be requested to verify that components of the application have not changed. The award is not approved until all information has been verified, and the awarding official of the Agency has signed Form RD 1940–1, ''Request for Obligation of Funds.''

C. Administrative and National Policy Requirements

Grantees will be required to do the following:

1. Execute a Rural Community Development Initiative Grant Agreement, which is published at the end of this Notice.

2. Execute Form RD 1940–1.

3. Use Form SF 270, ''Request for Advance or Reimbursement,'' to request reimbursements. Provide receipts for expenditures, timesheets and any other documentation to support the request for reimbursement.

4. Provide financial status and project performance reports on a quarterly basis starting with the first full quarter after the grant award.

5. Maintain a financial management system that is acceptable to the Agency.

6. Ensure that records are maintained to document all activities and expenditures utilizing RCDI grant funds and matching funds. Receipts for expenditures will be included in this documentation.

7. Provide annual audits or management reports on Form RD 442–2, ''Statement of Budget, Income and Equity,'' and Form RD 442–3, ''Balance Sheet,'' depending on the amount of Federal funds expended and the outstanding balance.

8. Collect and maintain data provided by recipients on race, sex, and national origin and ensure recipients collect and maintain the same data on beneficiaries. Race and ethnicity data will be collected in accordance with OMB **Federal Register** notice, ''Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity,'' (62 FR 58782), October 30, 1997. Sex data will be collected in accordance with Title IX of the Education Amendments of 1972. These items should not be submitted with the application but should be available upon request by the Agency.

9. Provide a final project performance report.

10. Identify and report any association or relationship with Rural Development employees.

11. The intermediary and recipient must comply with 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, and Executive Order 12250.

12. The grantee must comply with policies, guidance, and requirements as described in the following applicable OMB Circulars and Code of Federal Regulations:

a. OMB Circular A–87 (Cost Principles for State, Local, and Indian Tribal Government);

b. OMB Circular A–122 (Cost Principles for Non-profit Organizations);

c. OMB Circular A–133 (Audits of States, Local Governments, and Non-Profit Organizations);

d. 7 CFR part 3015 (Uniform Federal Assistance Regulations);

e. 7 CFR part 3016 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments);

f. 7 CFR part 3017 (Governmentwide Debarment and Suspension (Nonprocurement));

g. 7 CFR part 3019 (Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-profit Organizations); and

h. 7 CFR part 3052 (Audits of States, Local Governments, and Non-Profit Organizations).

D. Reporting

Reporting requirements can be found in the Grant Agreement included in this Notice.

Part VII—Agency Contact

Contact the Rural Development office in the state where the applicant's headquarters is located. A list of Rural Development State Offices is included in this Notice.

Part VIII—Nondiscrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250–9410, or call (800) 795–3272 (voice) or (202) 720–6382 (TDD). USDA is an equal opportunity provider and employer.

Grant Amount Determination

In the event the applicant is awarded a grant that is less than the amount requested, the applicant will be required to modify its application to conform to the reduced amount before execution of the grant agreement. The Agency reserves the right to reduce or withdraw the award if acceptable modifications are not submitted by the awardee within 15 working days from the date the request for modification is made. Any modifications must be within the scope of the original application.

Rural Development State Office Contacts

Note: Telephone numbers listed are not toll-free.

Alabama State Office, Suite 601, Sterling Centre, 4121 Carmichael Road, Montgomery, AL 36106–3683, (334) 279–3400, TDD (334) 279–3495, Chris Harmon.

Alaska State Office, 800 West Evergreen, Suite 201, Palmer, AK 99645, (907) 761–7705, TDD (907) 761–8905, Merlaine Kruse.

Arizona State Office, 230 North 1st Avenue, Suite 206, Phoenix, AZ 85003, (602) 280–8747, TDD (602) 280–8705, Leonard Gradillas.

Arkansas State Office, 700 W. Capitol Ave., Rm. 3416, Little Rock, AR 72201–3225, (501) 301–3250, TDD (501) 301–3200, Jerry Virden.

California State Office, 430 G Street, Agency 4169, Davis, CA 95616–4169, (530) 792–5810, TDD (530) 792–5848, Janice Waddell.

Colorado State Office, 655 Parfet Street, Room E–100, Lakewood, CO 80215, 720–544–2927, TDD 720–544–2976, Delores Sanchez-Maez.

Connecticut

Served by Massachusetts State Office

Delaware and Maryland State Office, 1221 College Park Dr., Suite 200, Dover, DE 19904–8713, (302) 857–3580, TDD (302) 697–4303, Denise MacLeish.

Florida & Virgin Islands State Office, 4440 NW. 25th Place, P.O. Box 147010, Gainesville, FL 32614–7010, (352) 338–3485, TDD (352) 338–3499, Michael Langston.

Georgia State Office, Stephens Federal Building, 355 E. Hancock Avenue, Athens, GA 30601–2768, (706) 546–2171, TDD (706) 546–2034, Jerry M. Thomas.

Guam

Served by Hawaii State Office

Hawaii, Guam, & Western Pacific Territories State Office, Room 311, Federal Building, 154 Waianuenue Avenue, Hilo, HI 96720, (808) 933–8310, TDD (808) 933–8321, Ted Matsuo.

Idaho State Office, 9173 West Barnes Dr., Suite A1, Boise, ID 83709, (208) 378–5617, TDD (208) 378–5600, David A. Flesher.

Illinois State Office, 2118 West Park Court, Suite A, Champaign, IL 61821, (217) 403–6200, TDD (217) 403–6240, Patrick Lydic.

Indiana State Office, 5975 Lakeside Boulevard, Indianapolis, IN 46278–1996, (317) 290–3100 (ext. 431), TDD (317) 290–3343, Gregg Delp.

Iowa State Office, 873 Federal Building, 210 Walnut Street, Des Moines, IA 50309, (515) 284–4663, TDD (515) 284–4858, Karla Peiffer.

Kansas State Office, 1303 SW. First American Place, Suite 100, Topeka, KS 66604–4040, (785) 271–2730, TDD (785) 271–2767, Gary L. Smith.

Kentucky State Office, 771 Corporate Drive, Suite 200, Lexington, KY 40503, (859) 224–7336, TDD (859) 224–7300, Vernon Brown.

Louisiana State Office, 3727 Government Street, Alexandria, LA 71302, (318) 473–7962, TDD (318) 473–7920, Richard Hoffpauir.

Maine State Office, 967 Illinois Ave., Suite 4, P.O. Box 405, Bangor, ME 04402–0405, (207) 990–9124, TDD (207) 942–7331, Ron Lambert.

Maryland

Served by Delaware State Office

Massachusetts, Connecticut, & Rhode Island State Office, 451 West Street, Suite 2, Amherst, MA 01002–2999, (413) 253–4300, TDD (413) 253–7068, Daniel R. Beaudette.

Michigan State Office, 3001 Coolidge Road, Suite 200, East Lansing, MI 48823, (517) 324–5208, TDD (517) 337–6795, Frank J. Tuma.

Minnesota State Office, 410 Farm Credit Service Building, 375 Jackson Street, St. Paul, MN 55101–1853, (651) 602–7800, TDD (651) 602–3799, Terry Louwagie.

Mississippi State Office, Federal Building, Suite 831, 100 W. Capitol Street, Jackson, MS 39269, (601) 965–4316, TDD (601) 965–5850, Bettye Oliver.

Missouri State Office, 601 Business Loop 70 West, Parkade Center, Suite 235, Columbia, MO 65203, (573) 876–0976, TDD (573) 876–9480, Clark Thomas.

Montana State Office, 900 Technology Blvd., Suite B, Bozeman, MT 59771, (406) 585–2545, TDD (406) 585–2562, Bill Barr.

Nebraska State Office, Federal Building, Room 152, 100 Centennial Mall N., Lincoln, NE 68508, (402) 437–5559, TDD (402) 437–5551, Denise Brosius-Meeks.

Nevada State Office, 1390 South Curry Street, Carson City, NV 89703–9910, (775) 887–1222 (ext. 28), TDD (775) 885–0633, Kay Vernatter.

New Hampshire

Served by Vermont State Office

New Jersey State Office, 8000 Midlantic Drive, 5th Floor North, Suite 500, Mt. Laurel, NJ 08054, (856) 787–7750, Kenneth Drewes.

New Mexico State Office, 6200 Jefferson St. NE., Room 255, Albuquerque, NM 87109, (505) 761–4950, TDD (505) 761–4938, Martha Torrez.

New York State Office, The Galleries of Syracuse, 441 S. Salina Street, Suite 357, Syracuse, NY 13202–2541, (315) 477–6400. TDD (315) 477–6447, Gail Giannotta.

North Carolina State Office, 4405 Bland Road, Suite 260, Raleigh, NC 27609, (919) 873–2070, TDD (919) 873–2003, Phyllis Godbold.

North Dakota State Office, Federal Building, Room 208, 220 East Rosser Ave., P.O. Box 1737, Bismarck, ND 58502–1737, (701) 530–2037, TDD (701) 530–2113, Dale VanEchout.

Ohio State Office, Federal Building, Room 507, 200 North High Street, Columbus, OH 43215–2418, (614) 255–2400, TDD (614) 255–2554, David M. Douglas.

Oklahoma State Office, 100 USDA, Suite 108, Stillwater, OK 74074–2654, (405) 742–1000, TDD (405) 742–1007, Brian Wiles.

Oregon State Office, 1201 NE Lloyd Blvd, Suite 801, Portland, OR 97232, (503) 414–3300, TDD (503) 414–3387, John J. Brugger.

Pennsylvania State Office, One Credit Union Place, Suite 330, Harrisburg, PA 17110–2996, (717) 237–2299, TDD (717) 237–2261, Gary Rothrock.

Puerto Rico State Office, IBM Building—Suite 601, 654 Munos Rivera Avenue, San Juan, PR 00918–6106, (787) 766–5095, TDD (787) 766–5332, Clery Morales.

Rhode Island

Served by Massachusetts State Office

South Carolina State Office, Strom Thurmond Federal Building, 1835 Assembly Street, Room 1007, Columbia, SC 29201, (803) 253–3656, TDD (803) 765–5697, Ken King.

South Dakota State Office, Federal Building, Room 210, 200 Fourth Street, SW., Huron, SD 57350, (605) 352–1100, TDD (605) 352–1147, Doug Roehl.

Tennessee State Office, Suite 300, 3322 West End Avenue, Nashville, TN 37203–1084, (615) 783–1300, TDD (615) 783–1397, Keith Head.

Texas State Office, Federal Building, Suite 102, 101 South Main, Temple, TX 76501, (254) 742–9789, TDD (254) 742–9749, Michael B. Canales.

Utah State Office, Wallace F. Bennett Federal Building, 125 South State Street, Room 4311, P.O. Box 11350, Salt Lake City, UT 84138, (801) 524–4326, TDD (801) 524–3309, Debra Meyer.

Vermont State Office, City Center, 3rd Floor, 89 Main Street, Montpelier, VT 05602, (802) 828–6011, TDD (802) 223–6365, Rhonda Shippee.

Virgin Islands

Served by Florida State Office

Virginia State Office, Culpeper Building, Suite 238, 1606 Santa Rosa Road, Richmond, VA 23229, (804) 287–1550, TDD (804) 287–1753, Carrie Schmidt.

Washington State Office, 1835 Black Lake Boulevard, SW., Suite B, Olympia, WA 98501–5715, (360) 740–7738, Gayle Hoskison.

Western Pacific Territories

Served by Hawaii State Office

West Virginia State Office, Federal Building, 75 High Street, Room 320, Morgantown, WV 26505–7500, (304) 284–4860, TDD (304) 284–4836, Dianne Crysler.

Wisconsin State Office, 4949 Kirschling Court, Stevens Point, WI 54481, (715) 345–7614, TDD (715) 345–7610, Mark Brodziski.

Wyoming State Office, Federal Building, Room 1005, 100 East B Street, P.O. Box 11005, Casper, WY 82602–5006,

(307) 233–6733, TDD (307) 233–6719, Alana Cannon.

Washington, DC, Stop 0787, Room 0183, 1400 Independence Avenue, SW., Washington, DC 20250–0787, (202) 720–1506, Susan Woolard.

Dated: June 19, 2009.

Tammye H. Trevino,

Administrator, Rural Housing Service.

United States Department of Agriculture

Rural Housing Service

Rural Community Development Initiative Grant Agreement

This Grant Agreement (Agreement), effective the date the Agency official signs the document, is a contract for receipt of grant funds under the Rural Community Development Initiative (RCDI).

Between_____

a private or public or tribal organization, (Grantee or Intermediary) and the United States of America acting through the Rural Housing Service, Department of Agriculture, (Agency or Grantor), for the benefit of recipients listed in Grantee's application for the grant.

Witnesseth:

The principal amount of the grant is $_____(Grant Funds). Matching funds, in an amount equal to the grant funds, will be provided by Grantee. The Grantee and Grantor will execute Form RD 1940–1, ''Request for Obligation of Funds.''

Whereas,

Grantee will provide a program of financial and technical assistance to develop the capacity and ability of nonprofit organizations, low-income rural communities, or federally recognized tribes to undertake projects related to housing, community facilities, or community and economic development in rural areas;

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575–0180. The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and reviewing the collection of information.

Now, therefore, in consideration of the grant;

Grantee agrees that Grantee will:

A. Provide a program of financial and technical assistance in accordance with the proposal outlined in the application, (see Attachment A), the terms of which are incorporated with this Agreement and must be adhered to. Any changes to the approved program of financial and technical assistance must be approved in writing by the Grantor;

B. Use Grant Funds only for the purposes and activities specified in the application package approved by the Agency including the approved budget. Any uses not provided for in the approved budget must be approved in writing by the Agency in advance;

C. Charge expenses for travel and per diem that will not exceed the rates paid Agency employees for similar expenses. Grantees and recipients will be restricted to traveling coach class on common carrier airlines. Lodging rates may exceed the Government rate by a maximum of 20 percent. Meals and incidental expenses will be reimbursed at the same rate used by Agency employees, which is based upon location. Mileage and gas will be reimbursed at the existing Government rate. Rates can be obtained from the applicable State Office;

D. Charge meeting expenses in accordance with 31 U.S.C. 1345. Grant funds may not be used for travel, transportation, and subsistence expenses for a meeting. Matching funds may be used to pay these expenses. Any meeting or training not delineated in the application must be approved by the Agency to verify compliance with 31 U.S.C. 1345;

E. Request for advances or reimbursement for grant activities. If payment is to be made by advance, the Grantee shall request advance payment, but not more frequently than once every 30 days, of grant funds by using Standard Form 270, ''Request for Advance or Reimbursement.'' Receipts, invoices, hourly wage rate, personnel payroll records, or other documentation must be provided by intermediary. This information must be maintained in the intermediary's files.

If payment is to be made by reimbursement, the Grantee shall request reimbursement of grant funds, but not more frequently than once every 30 days, by using Standard Form 270, ''Request for Advance or Reimbursement.'' Receipts, invoices, hourly wage rate, personnel payroll records, or other documentation, as determined by the Agency, must be provided by the intermediary to justify the amount. This information must be maintained in the intermediary's files.

All requests for advances or reimbursements must include matching fund usage. Matching funds must be at least equal to the grant amount requested.

F. Provide periodic reports as required by the Grantor. A financial status report and a project performance report will be required on a quarterly basis (due 30 working days after each calendar quarter). The financial status report must show how grant funds and matching funds have been used to date. A final report may serve as the last quarterly report. Grantees shall constantly monitor performance to ensure that time schedules are being met and projected goals by time periods are being accomplished. The project performance reports shall include, but are not limited to, the following:

1. Describe the activities that the funds reflected in the financial status report were used for;

2. A comparison of actual accomplishments to the objectives for that period;

3. Reasons why established objectives were not met, if applicable;

4. Problems, delays, or adverse conditions which will affect attainment of overall program objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular objectives during established time periods. This disclosure shall be accomplished by a statement of the action taken or planned to resolve the situation;

5. Objectives and timetables established for the next reporting period;

6. A summary of the race, sex, and national origin of the recipients and a summary from the recipients of the race, sex, and national origin of the beneficiaries; and

7. The final report will also address the following:

a. What have been the most challenging or unexpected aspects of this program?

b. What advice would you give to other organizations planning a similar program? Please include strengths and limitations of the program. If you had the opportunity, what would you have done differently?

c. Are there any post-grant plans for this project? If yes, how will they be financed?

G. Consider potential recipients without discrimination as to race, color, religion, sex, national origin, age, marital status, sexual orientation, or physical or mental disability;

H. Ensure that any services or training offered by the recipient, as a result of the financial and technical assistance received, must be made available to all persons in the recipient's service area without discrimination as to race, color,

religion, sex, national origin, age, marital status, sexual orientation, or physical or mental disability, or genetic information (not all protected bases apply to all programs) at reasonable rates, including assessments, taxes, or fees. Programs and activities must be delivered from accessible locations. The recipient must ensure that, where there are non-English speaking populations, materials are provided in the language that is spoken;

I. Ensure recipients are required to place nondiscrimination statements in advertisements, notices, pamphlets and brochures making the public aware of their services. The Grantee and recipient are required to provide widespread outreach and public notification in promoting any type of training or services that are available through grant funds;

J. The Grantee must collect and maintain data on recipients by race, sex, and national origin. The grantee must ensure that their recipients also collect and maintain data on beneficiaries by race, sex, and national origin as required by Title VI of the Civil Rights Act of 1964 and must be provided to the Agency for compliance review purposes. USDA Rural Development will complete a pre-award compliance review. The pre-award will be before grant approval or disbursement of funds;

K. Upon any default under its representations or agreements contained in this instrument, Grantee, at the option and demand of Grantor, will immediately repay to Grantor any legally permitted damages together with any legally permitted interest from the date of the default. At Grantor's election, any default by the Grantee will constitute termination of the grant thereby causing cancellation of Federal assistance under the grant. The provisions of this Agreement may be enforced by Grantor, without regard to prior waivers of this Agreement, by proceedings in law or equity, in either Federal or State courts as may be deemed necessary by Grantor to ensure compliance with the provisions of this Agreement and the laws and regulations under which this grant is made;

L. Provide Financial Management Systems that will include:

1. Accurate, current, and complete disclosure of the financial results of each grant. Financial reporting will be on an accrual basis;

2. Records that identify adequately the source and application of funds for grant-supported activities. Those records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income related to Grant Funds and matching funds;

3. Effective control over and accountability for all funds, property, and other assets. Grantees shall adequately safeguard all such assets and shall ensure that they are used solely for authorized purposes;

4. Accounting records supported by source documentation; and

5. Grantee tracking of fund usage and records that show matching funds and grant funds are used in equal proportions. The grantee will provide verifiable documentation regarding matching fund usage, i.e., bank statements or copies of funding obligations from the matching source.

M. Retain financial records, supporting documents, statistical records, and all other records pertinent to the grant for a period of at least three years after the grant agreement expires except that the records shall be retained beyond the 3-year period if audit findings have not been resolved. Microfilm or photocopies or similar methods may be substituted in lieu of original records. The Grantor and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Grantee's which are pertinent to the specific grant program for the purpose of making audits, examinations, excerpts, and transcripts;

N. Provide an A–133 audit report if $500,000 or more of Federal funds are expended in a 1-year period. If Federal funds expended during a 1 year period are less than $500,000 and there is an outstanding loan balance of $500,000 or more, an audit in accordance with generally accepted government auditing standards is required. If Federal funds expended during a 1-year period are less than $500,000 including any outstanding loan balance in which the Federal government imposes continuing compliance requirements, a management report may be submitted on Forms RD 442–2, ''Statement of Budget, Income and Equity,'' and 442–3, ''Balance Sheet'', or similar;

O. Not encumber, transfer, or dispose of the equipment or any part thereof, acquired wholly or in part with Grantor funds without the written consent of the Grantor; and

P. Not duplicate other program activities for which monies have been received, are committed, or are applied to from other sources (public or private).

Grantor agrees that:

A. It will make available to Grantee for the purpose of this Agreement funds in an amount not to exceed the Grant Funds. The funds will be disbursed to Grantee on a pro rata basis with the Grantee's matching funds; and

B. At its sole discretion and at any time may give any consent, deferment, subordination, release, satisfaction, or termination of any or all of Grantee's grant obligations, with or without valuable consideration, upon such terms and conditions as Grantor may determine to be:

1. Advisable to further the purpose of the grant or to protect Grantor's financial interest therein; and

2. Consistent with both the statutory purposes of the grant and the limitations of the statutory authority under which it is made.

Both Parties Agree:

A. Extensions of this grant agreement may be approved by the Agency, in writing, provided in the Agency's sole discretion the extension is justified and there is a likelihood that the grantee can accomplish the goals set out and approved in the application package during the extension period. Extensions will be limited to one six-month period;

B. The Grantor must approve any changes in recipient or recipient composition;

C. The Grantor has agreed to give the Grantee the Grant Funds, subject to the terms and conditions established by the Grantor. Any Grant Funds actually disbursed and not needed for grant purposes must be returned immediately to the Grantor. This agreement shall terminate 3 years from this date unless extended or unless terminated beforehand due to default on the part of the Grantee or for convenience of the Grantor and Grantee. The Grantor may terminate the grant in whole, or in part, at any time before the date of completion, whenever it is determined that the Grantee has failed to comply with the conditions of this Agreement or the applicable regulations; Termination for convenience will occur when both the Grantee and Grantor agree that the continuation of the program will not produce beneficial results commensurate with the further expenditure of funds.

D. As a condition of the Agreement, the Grantee certifies that it is in compliance with, and will comply in the course of the Agreement with, all applicable laws, regulations, Executive Orders, and other generally applicable requirements, which are incorporated into this agreement by reference, and such other statutory provisions as are specifically contained herein.

E. The Grantee will ensure that the recipients comply with Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973 and

Executive Order 12250. Each recipient must sign Form RD 400–4, ''Assurance Agreement'';

F. The provisions of 7 CFR part 3015, ''Uniform Federal Assistance Regulations,'' part 3016, ''Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,'' or part 3019, ''Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations,'' and the fiscal year 2009 ''Notice of Funds Availability (NOFA) Inviting Applications for the Rural Community Development Initiative (RCDI)'' are incorporated herein and made a part hereof by reference;

In witness whereof, Grantee has this day authorized and caused this Agreement to be executed by

Attest

By _____
(Grantee)

_____
(Title)
Date _____
United States of America
Rural Housing Service
By _____
(Grantor) (Name) (Title)
Date _____

Attachment A

[Application proposal submitted by grantee.]

[FR Doc. E9–15128 Filed 6–25–09; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Oglethorpe Power Corporation, Inc.: Notice of Intent To Hold Public Scoping Meetings and Prepare an Environmental Impact Statement

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of intent to hold public scoping meetings and prepare two Environmental Impact Statements (EIS).

SUMMARY: The Rural Utilities Service (RUS) intends to hold public scoping meetings and prepare an Environmental Impact Statement (EIS) to meet its responsibilities under the National Environmental Policy Act (NEPA) and 7 CFR Part 1794 in connection with potential impacts related to projects proposed by Oglethorpe Power Corporation (Oglethorpe) of Tucker, Georgia. The proposal consists of the construction of a 100–MW biomass power plant in Warren County near Warrenton, Georgia. Oglethorpe is requesting RUS to provide financial assistance for the proposed action.

DATES: RUS will conduct a public scoping meeting in an open house format in order to provide information and solicit comments for the preparation of the EIS. The public meeting will be held on Thursday, July 9, 2009 from 5:30–7:30 p.m. at the Warren County Community Service Building, 48 Warren Street, in Warrenton, Georgia 30828; telephone (706) 465–2171. All written questions and comments must be received by RUS by July 27, 2009.

ADDRESSES: To send comments or for further information, contact Stephanie Strength, Environmental Protection Specialist, USDA Rural Development Utilities Programs, at 1400 Independence Avenue, SW., Stop 1571, Washington, DC 20250–1571, or e-mail *stephanie.strength@wdc.usda.gov.*

An Alternatives Report (AR) prepared by Oglethorpe will be available at the public scoping meeting, at the Agency's address provided in this notice, at the Agency's Web site: *http://www.usda.gov/rus/water/ees/eis.htm,* at Oglethorpe Power Corporation, 2100 East Exchange Place, Tucker, Georgia, and at the following locations:

Appling County Public Library, 244 E. Parker Street, Baxley, GA 31513. *Phone:* (912) 367–8103.

Warren County Public Library, 10 Warren Street, Warrenton, GA 30828. *Phone:* (706) 465–2656.

SUPPLEMENTARY INFORMATION:

Oglethorpe proposes to construct a new 100–MW biomass power plant in Warren County near Warrenton, Georgia. The proposal is to meet, in part, the future demand of Oglethorpe's Members to provide a reliable, long-term supply of renewable and sustainable energy. Oglethorpe is seeking financing from RUS for its investment. The proposal is classified in 7 CFR Part 1794.25 as requiring an EIS.

Prior to making a financial decision about whether to provide financial assistance for a proposal, RUS is required to conduct an environmental review under the NEPA in accordance with the Agency policies and procedures codified in 7 CFR Part 1794. These regulations require the Agency to consider engineering alternatives including no action, load management, conservation measures, and reactive power supply.

Government agencies, private organizations, and the public are invited to participate in the planning and analysis of the proposed projects. Representatives from the Agency and Oglethorpe will be available at the scoping meetings to discuss the environmental review process, describe the proposals, discuss the scope of environmental issues to be considered, answer questions, and accept comments. As part of its broad environmental review process, the Agency must take into account the effect of the proposal on historic properties in accordance with Section 106 of the National Historic Preservation Act and its implementing regulation, ''Protection of Historic Properties'' {36 CFR Part 800}. Pursuant to 36 CFR 800.2 (d)(3), the Agency is using its procedures for public involvement under NEPA to meet its responsibilities to solicit and consider the views of the public during Section 106 review. Accordingly, comments submitted in response to scoping will inform Agency decision making in Section 106 review. Any party wishing to participate more directly with the Agency as a ''consulting party'' in Section 106 review may submit a written request to do so to the Agency contact at the above address.

Using information from the Alternatives Report and considering input provided by government agencies, private organizations, and the public, RUS and Oglethorpe, in consultation with the cooperating agencies, will determine the scope of the EIS. Notices announcing the availability of the Draft EIS will be published in the **Federal Register** and local newspapers.

Any final action by the Agency related to the proposal will be subject to, contingent upon, and in compliance with environmental review requirements will be conducted as prescribed by the Agency's environmental policies and procedures (7 CFR Part 1794).

Dated: June 22, 2009.

James R. Newby,

Acting Administrator, USDA Rural Utilities Service.

[FR Doc. E9–15079 Filed 6–25–09; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of meeting

AGENCY: USDA Forest Service.

ACTION: Notice of meeting.

Siskiyou Resource Advisory Committee (RAC)

SUMMARY: The Siskiyou Resource Advisory Committee will meet on

Friday, July 31, 2009 to recommend Title II projects for fiscal year 2010 under the reauthorized Secure Rural Schools and Community Self Determination Act, Public Law 110–343. The meeting will be held at Smith River Rancheria (Howonquet Hall Community Center), 101 Indian Court, Smith River, CA 95567. It begins at 9:30 a.m., ends at 4:30 p.m.; the open public comments begin at 11 a.m. and end at 11:30 a.m. Written comments may be submitted prior to the meeting and delivered to Designated Federal Official, Scott Conroy, Rogue River-Siskiyou National Forest, 3040 Biddle Road, Medford, OR 97504.

FOR FURTHER INFORMATION CONTACT: Rogue River-Siskiyou National Forest Public Affairs Patty Burel at *telephone:* (541) 618–2113, *e-mail: pburel@fs.fed.us,* or USDA Forest Service, Patty Burel, 3040 Biddle Road, Medford, OR 97504.

Dated: June 18, 2009.

Scott Conroy,

Forest Supervisor, Rogue River-Siskiyou National Forest.

[FR Doc. E9–14985 Filed 6–25–09; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Tehama County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Tehama County Resource Advisory Committee (RAC) will meet in Red Bluff, California. Agenda items to be covered include: (1) Introductions, (2) Approval of Minutes, (3) Public Comment, (4) Chairman's Perspective, (5) Reconsider Yolla Bolly Project, (6) Update from Lassen NF Cattle Project, (7) Selection of New Vise Chair, (8) Next Agenda.

DATES: The meeting will be held on July 16, 2009 from 9 a.m. and end at approximately 12 p.m.

ADDRESSES: The meeting will be held at the Lincoln Street School, Pine Room, 1135 Lincoln Street, Red Bluff, CA. Individuals wishing to speak or propose agenda items must send their names and proposals to Randy Jero, Committee Coordinator, 825 N. Humboldt Ave., Willows, CA 95988.

FOR FURTHER INFORMATION CONTACT: Randy Jero, Committee Coordinator, USDA, Mendocino National Forest, Grindstone Ranger District, 825 N. Humboldt Ave, Willows, CA 95988. (530) 934–1269; e-mail *rjero@fs.fed.us.*

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Committee discussion is limited to Forest Service staff and Committee members. However, persons who wish to bring matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Public input sessions will be provided and individuals who made written requests by July 13, 2009 will have the opportunity to address the committee at those sessions.

Dated: June 18, 2009.

Eduardo Olmedo,

Designated Federal Official.

[FR Doc. E9–15109 Filed 6–25–09; 8:45 am]

BILLING CODE 3410–11–M

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collection Requirements Submitted to OMB for Review

SUMMARY: U.S. Agency for International Development (USAID) has submitted the following information collection to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Comments should be sent via e-mail to *Ross_A._Rutledge@omb.eop.gov* or tax to 202–395–7285. Copies of submission may be obtained by calling (202) 712–1365.

SUPPLEMENTARY INFORMATION:

OMB Number: OMB 0412–0570.

Form Number: N/A.

Title: USAID 22 CFR 226.91, Marking Requirements, ''Branding Strategy'' and ''Marking Plan''.

Type of Submission: Reinstatement of Information Collection.

Purpose: The information collection consists of the requirement for Apparent Successful Applicants to submit a Branding Strategy and Marking Plan as defined in the Final Rule (70 FR 50188, August 26, 2005), The information collected will be the Apparent Successful Applicant's proposal on how to brand and mark with the USAID Identify, the USAID funded program, project, activity, public communication or commodity. Respondents will consist of only those applicants for USAID funding who have been requested to submit a Branding Strategy and Marking Plan by the Agreement Officer.

Annual Reporting Burden

Respondents: 500.

Total Annual Responses: 500.

Total Annual Hours Requested: 1,750 hours.

Dated: June 19, 2009.

Sylvia Lankford,

Acting Chief, Information and Records Division, Office of Administrative Services Bureau for Management.

[FR Doc. E9–15110 Filed 6–25–09; 8:45 am]

BILLING CODE 6116–01–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amendment to the 2009 Tariff Preference Level (TPL) for Nicaragua under the Central America-Dominican Republic-United States Free Trade Agreement (CAFTA-DR)

June 23, 2009.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Amending the 2009 TPL for Nicaragua.

EFFECTIVE DATE: June 26, 2009.

SUMMARY: This notice reduces the 2009 TPL for Nicaragua to 88,618,262 square meters equivalent to account for the shortfall in meeting the one-to-one commitment for cotton and man-made fiber woven trousers exported from Nicaragua to the United States.

FOR FURTHER INFORMATION CONTACT: Richard Stetson, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

SUPPLEMENTARYINFORMATION:

Authority: Authority: Annex 3.28 of the CAFTA-DR; Section 1634(a)(2) and (c)(2) of the Pension Protection Act of 2006 (P.L. 109-280); Presidential Proclamation 8111 of February 28, 2007.

BACKGROUND:

Annex 3.28 of the CAFTA-DR establishes a TPL for non-originating apparel goods of Nicaragua. Section 1634(a)(2) of the Pension Protection Act references the exchange of letters between the United States and Nicaragua, which establishes the one-to-one commitment for cotton and man-made fiber trousers. Section 1634(c)(2) of the Pension Protection Act authorizes the President to proclaim a reduction in the overall limit in the TPL if the President determines that Nicaragua has failed to comply with the one-to-one commitment. In Presidential Proclamation 8111, the President delegated to CITA the authority to determine whether Nicaragua had failed

to comply with the one-to-one commitment and to reduce the overall limit in the TPL.

In an exchange of letters dated March 24 and 27, 2006, Nicaragua agreed that for each square meter equivalent of exports of cotton and man-made fiber woven trousers entered under the TPL, Nicaragua would export to the United States an equal amount of cotton and man-made fiber woven trousers made of U.S. formed fabric of U.S. formed yarn. This commitment for cotton woven trousers applies to the first 40 million square meters equivalent in 2008, the third year after the date of entry into force of the CAFTA-DR. Further, any shortfall in meeting this commitment that was not rectified by April 1 of the succeeding year would be applied against the TPL for the succeeding year. For 2008, the shortfall in meeting the one-to-one commitment is 11,381,738 square meters equivalent. This amount is being deducted from the 2009 TPL, resulting in a new TPL level for 2009 of 88,618,262 square meters equivalent.

Janet E. Heinzen,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.E9–15178 Filed 6–25–09; 8:45 am]

BILLING CODE 3510–DS

COMMISSION ON CIVIL RIGHTS

Sunshine Act Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of meeting.

DATE AND TIME: Monday, July 6, 2009; 11 a.m. EDT.

PLACE: Via Teleconference: Public Dial in—1–800–597–7623, Conference ID #17168618.

Meeting Agenda

This meeting is open to the public.

I. Approval of Agenda.

II. Program Planning.

- National Civil Rights Conference.

III. Adjourn.

CONTACT PERSON FOR FURTHER INFORMATION: Lenore Ostrowsky, Acting Chief, Public Affairs Unit (202) 376–8591. TDD: (202) 376–8116.

Persons with a disability requiring special services, such as an interpreter for the hearing impaired, should contact Pamela Dunston at least seven days prior to the meeting at 202–376–8105. TDD: (202) 376–8116.

Dated: June 24, 2009.

David Blackwood,

General Counsel.

[FR Doc. E9–15374 Filed 6–24–09; 4:45 pm]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: 2010 Census Coverage Measurement Initial Housing Unit Followup.

Form Number(s): D–1303, D–1303(PR), D–1380, D–1380(PR).

OMB Control Number: None.

Type of Request: New collection.

Burden Hours: 22,000.

Number of Respondents: 400,000.

Average Hours per Response: 3 minutes.

Needs and Uses: The U.S. Census Bureau requests authorization from the Office of Management and Budget to conduct the Census Coverage Measurement (CCM) Initial Housing Unit Followup Operation as part of the 2010 Census. The 2010 CCM Initial Housing Unit Followup Operation will be conducted in the U.S. (excluding remote Alaska) and in Puerto Rico in selected CCM sampled areas. As in the past, the CCM operations and activities will be conducted independent of and will not influence the 2010 Census operations.

The 2010 CCM will be comprised of two samples selected to measure census coverage of housing units and the household population: the population sample (P sample) and the enumeration sample (E sample). The primary sampling unit is a block cluster, which consists of one or more contiguous census blocks. The P sample is a sample of housing units and persons in CCM block clusters obtained independently from the census. The E sample is a sample of census housing units and enumerations in the same block cluster as the P sample. The independent roster of housing units is obtained during the CCM Independent Listing, the results of which will be matched to census housing units in the sample block clusters and surrounding blocks. Discrepancies between the CCM Independent Listing and census housing unit matching are followed up in Initial Housing Unit Followup. A separate OMB package was submitted for the CCM Independent Listing operation, and additional OMB packages will be submitted for subsequent CCM field operations.

CCM will be conducted for the 2010 Census to provide estimates of *net coverage error* and *components of coverage error* (for omissions and erroneous enumerations) for housing units and persons in housing units (see Definition of Terms in Part B) to improve future censuses. The data collection and matching methodologies for previous coverage measurement programs were designed only to measure *net coverage error,* which measures the net difference between omissions and erroneous inclusions. In 2010, the CCM will classify omissions and erroneous census enumerations according to several classifications.

During CCM Initial Housing Unit Followup, interviewers collect additional information for addresses unresolved after matching operations. The CCM Initial Housing Unit Followup operation attempts to collect additional information that might allow a resolution of match/nonmatched codes for addresses in the CCM Independent Listing and the census address list, including whether occupied or vacant, and also to resolve potential duplicates. This operation will also determine the housing unit/group quarters status for living quarters flagged during the CCM Independent Listing operation. The Initial Housing Unit Followup data collection form will be created via DocuPrint technology. The questions included for each followup case will vary depending upon the reason the address is being sent to followup.

Affected Public: Individuals or households.

Frequency: One time.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Sections 141 and 193

OMB Desk Officer: Brian Harris-Kojetin, (202) 395–7314.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 7845, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dhynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer, either by fax (202–395–7245) or e-mail (*bharrisk@omb.eop.gov*).

Dated: June 23, 2009.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E9–15209 Filed 6–25–09; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Department of Commerce: Industry Outreach for Climate Change Negotiations Under the UNFCCC

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of meeting.

SUMMARY: The U.S. Department of Commerce (DOC) will host a half-day roundtable for industry participants during which senior U.S. government officials will outline the draft negotiation text of a new agreement under the United Nations Framework Convention on Climate Change (UNFCCC), provide updates on recent developments, and solicit individual input from participants. The purpose of the industry roundtable is to allow private sector stakeholders, particularly industry and trade associations, to advise U.S. officials on the impact a new UNFCCC agreement could have on their respective operations and on associated commercial opportunities. The DOC anticipates additional outreach events will be held throughout the United States.

DATES: July 16, 2009.

ADDRESSES: To apply to participate in the roundtable, please contact Brian O'Hanlon, Office of Energy and Environmental Industries; Room 4053; U.S. Department of Commerce; 14th & Pennsylvania Avenue, NW.; Washington, DC 20230; 202–482–3492; *brian.ohanlon@mail.doc.gov.*

SUPPLEMENTARY INFORMATION:

Selection Criteria

DOC wishes to ensure a broad coverage of sectors likely to be impacted by potential U.S. commitments under the UNFCCC. Because space is limited, applicants should provide information regarding the impact an agreement under the UNFCCC may have on their industry. Participants will be selected according to whether their respective industry sectors are likely to be affected by any binding commitments on the United States as part of an agreement under the UNFCCC.

The United Nations Framework Convention on Climate Change—The UNFCCC was signed in 1992 in Rio de Janeiro, Brazil, and entered into force on March 21, 1994. Currently, 192 states have ratified the Convention, including the United States. The treaty requires national inventories of greenhouse gas emissions from developed countries, and encourages national action to stem greenhouse gas emissions and slow climate change. Developed nations also pledge to share technology and resources with developing nations.

Kyoto Protocol to the United Nations Framework Convention on Climate Change—The Kyoto Protocol was adopted in December 1997, entered into force on February 16, 2005, and has been ratified by 184 countries and the European Community. While the United States signed the document, the U.S. Senate has never ratified the treaty. The Kyoto Protocol sets binding emissions targets for 37 industrialized countries, includes mechanisms for measuring and reporting emissions, and provides for financing and technology assistance to developing countries. The Protocol will expire at the end of 2012.

Current UNFCCC Negotiations—Negotiations under the UNFCCC are underway to formulate a successor agreement to the Kyoto Protocol. The discussions have the goal of concluding an agreement in Copenhagen this December. Potential impacts on U.S. industrial competitiveness will be discussed during the upcoming roundtable include technology transfer, intellectual property, financing, and related commercial opportunities.

Dated: June 22, 2009.

Cheryl McQueen,

Acting Director, Office of Energy and Environmental Industries, U.S. Department of Commerce.

[FR Doc. E9–15049 Filed 6–25–09; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Socioeconomic Monitoring Program for the Florida Keys National Marine Sanctuary

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, 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.

DATES: Written comments must be submitted on or before August 25, 2009.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 7845, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Dr. Vernon Leeworthy, 301–713–7261 or at *Bob.Leeworthy@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The purpose of this information collection is to obtain socioeconomic monitoring information in the Florida Keys National Marine Sanctuary (FKNMS). In 1997, regulations became effective that created a series of ''no take zones'' in the FKNMS. Monitoring programs are used to test the ecological and socioeconomic impacts of the ''no take zones.'' Two voluntary data collection efforts support the socioeconomic monitoring program.

The first collection involves a set of four panels on commercial fishing operations, where commercial fishermen will be interviewed to assess financial performance and assess the impacts of Sanctuary regulations. Information on catch, effort, revenues, operating and capital costs will be obtained to do financial performance analysis. Eight years of data collection have been completed and this application is to complete the efforts for years nine through 11. The information on socioeconomic factors for developing profiles of the commercial fishermen such as age, sex, education level, household income, marital status, number of family members, race/ethnicity, percent of income derived from fishing, percent of income derived from study area, years of experience in fishing will be gathered to compare panels with the general commercial fishing population. The data would be collected annually.

The second collection will monitor recreational for-hire operations through the use of dive logs for estimating use in the ''no take areas'' versus other areas for snorkeling, scuba diving and glass-bottom boat rides. Volunteers or a contractor will collect the logbooks monthly.

II. Method of Collection

Face-to-face interviews will generally be used. Dive shops will be requested to share their logbooks.

III. Data

OMB Control Number: 0648–0409.
Form Number: None.
Type of Review: Regular submission.
Affected Public: Business or other for-profit organizations.
Estimated Number of Respondents: 119.
Estimated Time per Response: 3 hours for a commercial fishing panel member interview and 10 hours for a dive shop interview.
Estimated Total Annual Burden Hours: 980.
Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

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 (including hours and cost) 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.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 23, 2009.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E9–15173 Filed 6–25–09; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

International Trade Administration

Proposed Information Collection; Comment Request; Advocacy Questionnaire

AGENCY: International Trade Administration.

ACTION: Notice.

SUMMARY: The Department of Commerce, 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.

DATES: Written comments must be submitted on or before August 25, 2009.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 7845, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Sherry Lewis-Khanna, 202 482–4519, *Sherry.Lewis-Khanna@mail.doc.gov*, *Fax:* 202–501–2895.

SUPPLEMENTARY INFORMATION:

I. Abstract

The International Trade Administration's (ITA) Advocacy Center marshals federal resources to assist U.S. firms competing for foreign government procurements worldwide. The Advocacy Center works closely with the Trade Promotion Coordination Committee, which is chaired by the Secretary of Commerce, and includes 19 federal agencies involved in Export Promotion. Advocacy assistance is wide and varied, but most often it is used to assist U.S. companies that must deal with foreign governments or government-owned entities to win or maintain business transactions in foreign markets. The Advocacy Center's goal is to ensure opportunities for American companies in the international marketplace.

The purpose of the Advocacy questionnaire is to collect the information necessary to evaluate whether it would be appropriate to provide U.S. Government (USG) advocacy assistance on a given transaction. The Advocacy Center, appropriate ITA officials, officers/Ambassadors at U.S. Embassies/Consulates worldwide and other federal agencies that provide advocacy support to U.S. companies, request companies seeking USG advocacy support to complete the questionnaire. The information derived from a completed questionnaire is critical in helping the Advocacy Center determine whether it is in the U.S. national interest to advocate on a specific transaction.

II. Method of Collection

Information will be collected by paper format and electronically.

III. Data

OMB Control Number: 0625–0220.
Form Number(s): ITA–4133P.
Type of Review: Regular submission.
Affected Public: Business or other for-profit organizations.
Estimated Number of Respondents: 400.
Estimated Time per Response: 30 minutes.
Estimated Total Annual Burden Hours: 200.
Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

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 (including hours and cost) 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.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 23, 2009.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E9–15163 Filed 6–25–09; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–817]

Certain Hot-Rolled Carbon Steel Flat Products From Thailand: Notice of Partial Rescission of Antidumping Duty Administrative Review

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

FOR FURTHER INFORMATION CONTACT: David Cordell or Robert James, Office of AD/CVD Operations, Import Administration, International Trade

Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0408 or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION: On November 29, 2001, the Department published the antidumping duty order on hot-rolled steel from Thailand. *See Notice of Antidumping Duty Order: Certain Hot-Rolled Carbon Steel Flat Products From Thailand,* 66 FR 59562 (November 29, 2001) (*Order*). On November 3, 2008, the Department published the opportunity to request an administrative review of, *inter alia,* hot-rolled steel from Thailand for the period November 1, 2007, through October 31, 2008. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 73 FR 65288 (November 3, 2008).

In accordance with 19 CFR 351.213(b)(1), on December 1, 2008, United States Steel Corporation (U.S. Steel or petitioner) and G Steel requested that we conduct an administrative review of G Steel's sales of subject merchandise. G J Steel also requested that we review sales of G J Steel, asserting in its request the Department should ''treat both companies [*i.e.*, G Steel and G J Steel] as affiliated, and as affiliated producers, as a single entity entitled to a single antidumping duty rate as a result of this administrative review.'' On December 24, 2008, the Department published in the **Federal Register** a notice of initiation of this antidumping duty administrative review covering the period November 1, 2007, through October 31, 2008. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 73 FR 79055 (December 24, 2008).

On January 13, 2009, the Department issued its antidumping questionnaire to G Steel and G J Steel under separate cover letters. On February 1, 2009, G Steel and G J Steel submitted a combined section A questionnaire response (Section A Response). On March 12, 2009, prior to the deadlines for the remainder of their additional questionnaire responses, G Steel and G J Steel withdrew their requests for a review, and asked the Department to rescind the review with respect to G Steel and G J Steel, noting that in the case of G J Steel no other party had requested a review. G Steel and G J Steel noted their request for withdrawal comes within 90 days of the publication of the notice of initiation. Finally, both companies requested the return of information disclosed under the Department's Administrative Protective Order, to which request the Department acceded in its April 9, 2009 letter to G Steel and G J Steel.

On April 7, 20, and 28, 2009, domestic interested parties Nucor Corporation (Nucor) and U.S. Steel submitted comments and additional information for the record in support of their position that the review should not be rescinded.

Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation of the requested review. On March 12, 2009, G J Steel withdrew its request for an administrative review. G J Steel withdrew its request before the 90-day deadline, and no other party requested an administrative review of this antidumping duty order with respect to G J Steel for the 2007–2008 period. Therefore, in response to the withdrawal by G J Steel of its request for an administrative review, and pursuant to 19 CFR 351.213(d)(1), the Department rescinds the administrative review of the antidumping duty order on certain hot-rolled carbon steel flat products from Thailand with respect to G J Steel. As regards G Steel, the petitioner U.S. Steel requested a review of G Steel and therefore, as not all parties have withdrawn their requests for a review of G Steel, the review will continue with respect to G Steel.

Assessment

The Department will not issue liquidation instructions or cash deposit instructions with respect to G J Steel at this time because the Department may decide to ''collapse'' G Steel with G J Steel based upon G Steel's request for the Department to collapse the two companies under 19 CFR 351.401(f) of the Department's regulations and also based upon U.S. Steel's and Nucor's comments to the Department concerning whether G Steel and G J Steel should be treated as a single entity. The Department therefore intends to explore the issue of G Steel and G J Steel's affiliation and the proper treatment of these firms in the context of the administrative review that is still ongoing with respect to G Steel. We will include our findings in our preliminary results of review with respect to G Steel. Accordingly, the Department expects to issue liquidation instructions with respect to G J Steel following the final results of the administrative review of G Steel.

This notice is published in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: June 19, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9–15177 Filed 6–25–09; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–865]

Rescission and Preliminary Rescission of Antidumping Duty Administrative Review: Certain Hot–Rolled Carbon Steel Flat Products from The People's Republic of China

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

EFFECTIVE DATE: June 26, 2009.

FOR FURTHER INFORMATION CONTACT: Toni Dach or Paul Walker, 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) 482–1655 and (202) 482–0413, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 3, 2008, the Department of Commerce (''Department'') published a notice of opportunity to request an administrative review of the antidumping duty order on certain hot–rolled carbon steel flat products from the People's Republic of China (''PRC'') for the period of review (''POR'') November 1, 2007, through October 31, 2008. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 73 FR 65288 (November 3, 2008). On December 1, 2008, Nucor Corporation (''Nucor''), domestic producers of certain hot–rolled carbon steel flat products, requested that the Department conduct an administrative review of Baosteel Group Corporation, Shanghai Baosteel International Economic & Trading Co., Ltd., and Baoshan Iron and Steel Co., Ltd. (collectively ''Baosteel''). On December 1, 2008, ArcelorMittal USA, Inc. (''ArcelorMittal''), a domestic producer of certain hot–rolled steel flat

products, requested that the Department conduct an administrative review of Angang Steel Company, Ltd., Angang Group International Trade Corporation, New Iron and Steel Co., Ltd., Angang Group Hong Kong Co., Ltd., Anshan Iron & Steel Group, and all affiliated entities (collectively ''Angang''); and Shanghai Baosteel Group Corporation, Baosteel Group International Trade Corp., and Baoshan Iron and Steel Co., Ltd. (also collectively ''Baosteel''). On December 24, 2008, the Department published a notice of initiation of an antidumping duty administrative review on certain hot–rolled carbon steel flat products from the PRC. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 73 FR 79055 (December 24, 2008) (''Notice of Initiation'').

On February 2, 2009, Angang submitted a letter stating that it had no sales of subject merchandise to the United States during the POR. On March 18, 2009, ArcelorMittal withdrew its request for review of Baosteel and Angang.

On January 12, 2009, Baosteel submitted a letter stating that it had no sales of subject merchandise to the United States during the POR. On March 25, 2009, the Department requested additional information from Baosteel. On April 1, 2009, Baosteel submitted its response to the Department's inquiry. *See* ''Preliminary Rescission of Review'' section, below.

Scope of the Review

For purposes of this review, the products covered are certain hot–rolled carbon steel flat products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non–metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (i.e., flat–rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4.0 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of this review.

Specifically included within the scope of this review are vacuum degassed, fully stabilized (commonly referred to as interstitial–free (''IF'')) steels, high strength low alloy (''HSLA'') steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro–alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro–alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro–alloying levels of elements such as silicon and aluminum.

Steel products to be included in the scope of this review, regardless of definitions in the Harmonized Tariff Schedule of the United States (''HTSUS''), are products in which: i) iron predominates, by weight, over each of the other contained elements; ii) the carbon content is 2 percent or less, by weight; and, iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:
1.80 percent of manganese, or
2.25 percent of silicon, or
1.00 percent of copper, or0.50 percent of aluminum, or
1.25 percent of chromium, or
0.30 percent of cobalt, or
0.40 percent of lead, or
1.25 percent of nickel, or
0.30 percent of tungsten, or
0.10 percent of molybdenum, or
0.10 percent of niobium, or
0.15 percent of vanadium, or
0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of this review unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of this review:
• Alloy hot–rolled steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.*, American Society for Testing and Materials (''ASTM'') specifications A543, A387, A514, A517, A506).
• Society of Automotive Engineers (''SAE'')/American Iron & Steel Institute (''AISI'') grades of series 2300 and higher.
• Ball bearing steels, as defined in the HTSUS.
• Tool steels, as defined in the HTSUS.
• Silico–manganese (as defined in the HTSUS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
• ASTM specifications A710 and A736.
• USS abrasion–resistant steels (USS AR 400, USS AR 500).
• All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).
• Non–rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTSUS.

The merchandise subject to this review is classified in the HTSUS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90. Certain hot–rolled carbon steel flat products covered by this review, including: vacuum degassed fully stabilized; high strength low alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00. Although the HTSUS subheadings are provided for convenience and U.S. Customs purposes, the written description of the merchandise under review is dispositive.

Period of Review

The POR is November 1, 2007, through October 31, 2008.

Rescission of Review

On March 18, 2009, ArcelorMittal submitted a timely withdrawal of its request for review of Baosteel and Angang. As ArcelorMittal was the sole party requesting review of Angang, in accordance with 19 CFR 351.213(d)(1), we are rescinding this review of the antidumping duty order on certain hot–rolled carbon steel flat products from the PRC for the period of November 1, 2007, to October 31, 2008, with respect to Angang. The cash deposit rate for Angang will continue to be the rate established in the most recently completed segment of this proceeding.

The Department will instruct U.S. Customs and Border Protection (''CBP'')

to assess antidumping duties on all appropriate entries. For Angang, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(2). The Department will issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

Preliminary Rescission of Review

On January 23, February 6, and March 6, 2009, the Department placed CBP data and entry documentation on the record of the instant review, which indicated that Baosteel may have entered subject merchandise during the POR. On March 25, 2009, the Department requested additional information from Baosteel regarding the classification of the shipments. On April 1, 2009, Baosteel provided information demonstrating that the entries in question had been misclassified, and were actually shipments of merchandise outside the scope of this antidumping duty order. Upon review of Baosteel's response, the Department finds that there is no record evidence that indicates Baosteel made entries of subject merchandise during the POR.

Therefore, in accordance with 19 CFR 351.213(d)(3) and consistent with our practice, we are preliminarily rescinding this review of the antidumping duty order on certain hot–rolled carbon steel flat products from the PRC for the period of November 1, 2007, to October 31, 2008. If the rescission is confirmed in our final results, the cash deposit rate for Baosteel will continue to be the rate established in the most recently completed segment of this proceeding.

Interested parties may submit comments for consideration in the Department's final results not later than 30 days after publication of this notice. See 19 CFR 351.309(c). Responses to those comments may be submitted not later than five days following submission of the comments. *See* 19 CFR 351.309(d). All written comments must be submitted in accordance with 19 CFR 351.303, and must be served on interested parties on the Department's service list in accordance with 19 CFR 351.303(f)(3). The Department will issue the final results of this administrative review, which will include the results of its analysis of issues raised in any such comments, within 120 days of publication of the preliminary results, and will publish these results in the **Federal Register**.

Notification to Importers

This notice serves as a final reminder to importers for whom this review is being rescinded, as of the publication date of this notice, 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 the antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding APOs

This notice also serves as a reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is in accordance with sections 751 and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: June June 19, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duties Operations.

[FR Doc. E9–15176 Filed 6–25–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XP71

Notice of Availability of Draft Stock Assessment Reports

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

ACTION: Notice; request for comments.

SUMMARY: NMFS reviewed the Alaska, Atlantic, and Pacific regional marine mammal stock assessment reports (SARs) in accordance with the Marine Mammal Protection Act. SARs for marine mammals in the Alaska, Atlantic, and Pacific regions were revised according to new information. NMFS solicits public comments on draft 2009 SARs.

DATES: Comments must be received by September 24, 2009.

ADDRESSES: The 2009 draft stock assessment reports and summaries of them are available in electronic form via the Internet at *http://www.nmfs.noaa.gov/pr/sars/*.

Copies of the Alaska Regional SARs may be requested from Robyn Angliss, Alaska Fisheries Science Center, NMFS, 7600 Sand Point Way, NE BIN 15700, Seattle, WA 98115–0070.

Copies of the Atlantic and Gulf of Mexico Regional SARs may be requested from Gordon Waring, Northeast Fisheries Science Center, 166 Water St., Woods Hole, MA 02543.

Copies of the Pacific Regional SARs may be requested from Jim Carretta, Southwest Fisheries Science Center, 8604 La Jolla Shores Drive, La Jolla, CA 92037–1508.

Send comments or requests for copies of reports to: Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3226, Attn: Stock Assessments. Comments may also be sent via facsimile (fax) to 301–427–2522 or via email to *mmsar.2009@noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Tom Eagle, Office of Protected Resources, 301–713–2322, ext. 105, e-mail *Tom.Eagle@noaa.gov*; Robyn Angliss 206- 526–4032, e-mail *Robyn.Angliss@noaa.gov*, regarding Alaska regional stock assessments; Gordon Waring, 508–495–2311, e-mail *Gordon.Waring@noaa.gov*, regarding Atlantic regional stock assessments; or Jim Carretta, 858–546–7171, e-mail *Jim.Carretta@noaa.gov*, regarding Pacific regional stock assessments.

SUPPLEMENTARY INFORMATION:

Background

Section 117 of the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 *et seq.*) requires NMFS and the U.S. Fish and Wildlife Service (FWS) to prepare stock assessments for each stock of marine mammals occurring in waters under the jurisdiction of the United States. These reports must contain information regarding the distribution and abundance of the stock, population growth rates and trends, estimates of annual human-caused mortality and serious injury from all sources, descriptions of the fisheries with which the stock interacts, and the status of the

stock. Initial reports were completed in 1995.

The MMPA requires NMFS and FWS to review the SARs at least annually for strategic stocks and stocks for which significant new information is available, and at least once every 3 years for non-strategic stocks. NMFS and the FWS are required to revise a SAR if the status of the stock has changed or can be more accurately determined. NMFS, in conjunction with the Alaska, Atlantic, and Pacific Scientific Review Groups (SRGs), reviewed the status of marine mammal stocks as required and revised reports in the Alaska, Atlantic, and Pacific regions to incorporate new information. NMFS solicits public comments on the draft 2009 SARs.

Alaska Reports

Twenty-three reports (14 strategic stocks and 9 non-strategic stocks) were revised, and 13 reports were not revised. Most revisions included updates of abundance and/or mortality estimates; there were no changes in the status of the affected stocks.

The most recent 5–year period of incidental mortality and serious injury estimates for Federal fisheries in Alaska is 2002–2006. Although observer data from these fisheries are available for more recent years, analysis of observer data from 2007 and 2008 has not been completed due to changes in staffing and in the structure of the database. The 2007 and 2008 fishery mortality data are currently being analyzed, and these results will be incorporated in the 2010 SARs.

Results from a collaborative international study on humpback whales have been incorporated into the reports for the Central and Western North Pacific stocks. These results produced new abundance estimates for these stocks and allowed PBR for both stocks to be changed from undetermined to calculated values. Both stocks remain strategic stocks because they are populations of an endangered species.

Atlantic Reports

Fifty-two new or updated reports (16 strategic and 36 non-strategic) are included among 2009 Atlantic regional SARs. Nineteen reports were not revised. New reports include four stock-specific reports for beaked whales and nine new reports of bay, sound, and estuary stocks of bottlenose dolphins along the Atlantic coast. The 39 revised reports included updates of abundance or mortality estimates, strandings, and status of these stocks was unchanged. However, Potential Biological Removal (PBR) estimates for three stocks of dolphins (bottlenose, Atlantic spotted, and rough-toothed) in the Gulf of Mexico were changed to ''undetermined'' because the abundance data supporting these estimates are outdated (more than 8 years old).

The beaked whale reports were previously published as a combined report (*Mesoplodon* sp.) because most beaked whale species cannot be distinguished from one another during abundance surveys. Each of the new reports and the report for Cuvier's beaked whale contain the same numbers for abundance (3,513), minimum population estimate (2,154), and PBR (17) and were included in the 2008 SAR for *Mesoplodon* sp. Similarly, a single observed serious injury of an unidentified beaked whale incidental to a long-line fishery is included in all reports; three of the beaked whale species (Blainville's, Sowerby's, and True's) have additional human-caused mortality based upon stranded animals that were identified to species.

Bottlenose dolphins within bays, sounds, and estuaries along the Atlantic coast were not included in previous stock assessment reports. Although these stock identities have been proposed, there is sufficient mixing of individuals from coastal and bay stocks that abundance and mortality/serious injury estimates for all nine of the new bottlenose dolphin stocks are unknown.

Pacific Reports

In the Pacific region, 13 reports were updated in 2009, including 8 strategic stocks and 5 non-strategic stocks; 50 SARs were not revised. Most changes were updates of abundance or mortality estimates and did not result in a change of status of any stock.

A new SAR for humpback whales in American Samoa waters, which is strategic because all humpback whales are listed under the Endangered Species Act, is also included. The assessment for Northern Oregon/Washington Coast stock of harbor porpoise includes a name change (''Oregon'' is appended to ''Northern Oregon'') to reflect recent stock boundary changes. Changes in abundance estimates for the two stocks of harbor porpoise that occur in Oregon waters are the result of these boundary changes and do not reflect biological changes in the populations.

Dated: June 19, 2009.

Helen M. Golde,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E9–15200 Filed 6–25–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Invention Promoters/Promotion Firms Complaints

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), 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 the continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before August 25, 2009.

ADDRESSES: You may submit comments by any of the following methods:

- *E-mail: Susan.Fawcett@uspto.gov.* Include ''0651–0044 comment'' in the subject line of the message.
- *Fax:* 571–273–0112, marked to the attention of Susan K. Fawcett.
- *Mail:* Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, Administrative Management Group, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.
- *Federal Rulemaking Portal: http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Cathie Kirik, Mail Stop 24, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–8800; or by e-mail at *Cathie.Kirik@uspto.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Under the Inventors' Rights Act of 1999, as found in 35 U.S.C. 297 and implemented by 37 CFR Part 4, the United States Patent and Trademark Office (USPTO) is required to provide a forum for the publication of complaints concerning invention promoters and responses from the invention promoters to these complaints. An individual may submit a complaint concerning an invention promoter to the USPTO, which will forward the complaint to the invention promoter for response. The complaints and responses will be published and made available to the public on the USPTO Web site. The USPTO does not investigate these complaints or participate in any legal proceedings against invention promoters or promotion firms.

Complaints submitted to the USPTO must identify the name and address of the complainant and the invention promoter or promotion firm, explain the basis for the complaint, and include the signature of the complainant. The identifying information is necessary so that the USPTO can forward the complaint to the invention promoter or promotion firm and also notify the complainant that the complaint has been forwarded. Complainants should understand that the complaints will be forwarded to the invention promoter for response and that the complaint and response will be made available to the public as required by the Inventors' Rights Act. If the USPTO does not receive a response from the invention promoter, the complaint will still be published without the response. The USPTO does not accept complaints under this program if the complainant requests confidentiality.

This information collection includes one form, Complaint Regarding Invention Promoter (PTO/SB/2048), which is used by the public to submit a complaint under this program. This form is available for download from the USPTO Web site. Use of this form is not mandatory as long as the complaint includes the necessary information and is clearly marked as a complaint filed under the Inventors' Rights Act. There is no associated form for submitting responses to the complaints.

II. Method of Collection

By mail, facsimile, or hand delivery to the USPTO.

III. Data

OMB Number: 0651–0044.
Form Number(s): PTO/SB/2048.
Type of Review: Revision of a currently approved collection.
Affected Public: Individuals or households; businesses or other for-profits; and not-for-profit institutions.
Estimated Number of Respondents: 100 responses per year.
Estimated Time per Response: The USPTO estimates that it will take the public approximately 15 minutes (0.25 hours) to gather the necessary information, prepare the form, and submit a complaint to the USPTO and approximately 30 minutes (0.5 hours) for an invention promoter or promotion firm to prepare and submit a response to a complaint.

Estimated Total Annual Respondent Burden Hours: 38 hours per year.

Estimated Total Annual Respondent Cost Burden: $5,970 per year. The USPTO expects that complaints will be prepared by paraprofessionals or independent inventors. Using the average of the paraprofessional rate of $100 per hour and the estimated rate of $30 per hour for independent inventors, the USPTO estimates that the average rate for preparing the complaints will be approximately $65 per hour. The USPTO expects that the responses to the complaints will be prepared by attorneys or invention promoters. Using the average of the professional rate of $310 per hour for attorneys in private firms and the estimated rate of $100 per hour for invention promoters, the USPTO estimates that the average rate for preparing the responses to the complaints will be approximately $205 per hour. Therefore, the respondent cost burden for this collection is estimated to be $5,970 per year.

Item	Estimated time for response (minutes)	Estimated annual responses	Estimated annual burden hours
Complaint Regarding Invention Promoter (PTO/SB/2048)	15	50	13
Responses to the Complaints	30	50	25
Totals		100	38

Estimated Total Annual Non-hour Respondent Cost Burden: $897. There are no capital start-up costs, maintenance costs, recordkeeping costs, or filing fees associated with this information collection. However, the public may incur postage costs when submitting a complaint or a response to a complaint by mail to the USPTO. The USPTO estimates that the first-class postage cost for a mailed complaint will be 44 cents. Promotion firms may choose to send responses to complaints using overnight mail service at an estimated cost of $17.50 per response. Therefore, the total annual (non-hour) respondent cost burden for this collection in the form of postage costs is estimated to be $897 per year.

IV. Request for Comments

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 (including hours and cost) 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, e.g., the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Susan K. Fawcett,

Records Officer, USPTO, Office of the Chief Information Officer, Administrative Management Group.

[FR Doc. E9–15170 Filed 6–25–09; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Hydrographic Services Review Panel Meeting

AGENCY: National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of extension of membership solicitation for Hydrographic Services Review Panel.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) is soliciting nominations for membership on the Hydrographic Services Review Panel (the Panel), a Federal advisory committee. NOAA is extending the time period for submission of membership applications from Friday, June 26, 2009 to Friday, July 24, 2009. This notice responds to the Hydrographic Services Improvement Act Amendments of 2002,

Public Law 107–372, which requires the Under Secretary of Commerce for Oceans and Atmosphere to solicit nominations for Panel membership. The Panel will advise the Under Secretary on matters related to the responsibilities and authorities set forth in section 303 of the Hydrographic Services Improvement Act of 1998, and such other appropriate matters as the Under Secretary refers to the Panel for review and advice. To apply for membership on the Panel, applicants should submit a resume as indicated in the **ADDRESSES** section.

DATES: Resumes should be sent to the address, e-mail, or fax specified and must be received by July 24, 2009.

ADDRESSES: Submit applications for membership on the Panel to Rebecca Arenson via mail, fax, or e-mail at: *Mail:* Rebecca Arenson, Office of Coast Survey, National Ocean Service, NOAA (N/CS), 1315 East West Highway, Silver Spring, MD 20910, *Fax:* 301–713–4019, *E-mail: Hydroservices.panel@noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Rebecca Arenson, Office of Coast Survey, National Ocean Service (NOS), NOAA (N/CS), 1315 East West Highway, Silver Spring, Maryland 20910; *Telephone:* 301–713–2780 x158, *Fax:* 301–713–4019; *E-mail: Rebecca.Arenson@noaa.gov.*

SUPPLEMENTARY INFORMATION: Under 33 U.S.C. 883a, *et seq.,* NOAA's National Ocean Service (NOS) is responsible for providing nautical charts and related information for safe navigation. NOS collects and compiles hydrographic, tidal and current, geodetic, and a variety of other data in order to fulfill this responsibility. The Hydrographic Services Review Panel provides advice on topics such as ''NOAA's Hydrographic Survey Priorities,'' technologies relating to operations, research and development of data pertaining to:

(a) Hydrographic surveying;
(b) Nautical charting;
(c) Water level measurements;
(d) Current measurements;
(e) Geodetic measurements; and
(f) Geospatial measurements.

The Panel has fifteen voting members appointed by the Under Secretary of Commerce for Oceans and Atmosphere in accordance with section 105 of Public Law 107–372. Members are selected on a standardized basis, in accordance with applicable Department of Commerce guidance. The Co-Directors of the Joint Hydrographic Center and two other employees of the National Oceanic and Atmospheric Administration serve as nonvoting members of the Panel. The Director, Office of Coast Survey, serves as the Designated Federal Official (DFO). This solicitation is to obtain candidate applications for one current voting vacancy on the Panel, and for five voting members whose terms expire January 1, 2010, and candidates for voting members who might resign at any time during 2009. Be advised that some voting members whose terms expire January 1, 2010, may be reappointed for another full term if eligible.

Voting members are individuals who, by reason of knowledge, experience, or training, are especially qualified in one or more disciplines relating to hydrographic surveying, tides, currents, geodetic and geospatial measurements, marine transportation, port administration, vessel pilotage, and coastal or fishery management. An individual may not be appointed as a voting member of the Panel if the individual is a full-time officer or employee of the United States. Any voting member of the Panel who is an applicant for, or beneficiary of (as determined by the Under Secretary) any assistance under the Act shall disclose to the Panel that relationship, and may not vote on any other matter pertaining to that assistance.

Voting members of the Panel serve a four-year term, except that vacancy appointments shall be for the remainder of the unexpired term of the vacancy. Members serve at the discretion of the Under Secretary and are subject to government ethics standards. Any individual appointed to a partial or full term may be reappointed for one additional full term. A voting member may serve until his or her successor has taken office. The Panel selects one voting member to serve as the Chair and another to serve as the Vice Chair. The Vice Chair acts as Chair in the absence or incapacity of the Chair but will not automatically become the Chair if the Chair resigns. Meetings occur at least twice a year, and at the call of the Chair or upon the request of a majority of the voting members or of the Under Secretary. Voting members receive compensation at a rate established by the Under Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5, United States Code, when engaged in performing duties for the Panel. Members are reimbursed for actual and reasonable expenses incurred in performing such duties.

Panel members selected to serve on the HSRP FACA committee must complete the following actions (please note this is not part of the application process, and is only relevant to the appointment process):

(a) Security Clearance (on-line Background Security Check process and fingerprinting conducted through NOAA Workforce Management);

(b) Confidential Financial Disclosure Report—As a special government employee (SGE) you are required to file a Confidential Financial Disclosure Report to avoid involvement in a real or apparent conflict of interest. You may find the Confidential Financial Disclosure Report at the following Web site: *http://www.usoge.gov/forms/form_450.aspx.*

(c) Certification of Status Statement (certifying statement that as an SGE you are not an agent of a foreign principal or a lobbyist—document provided by NOAA).

Dated: June 19, 2009.

Steven Barnum,

Director, Office of Coast Survey, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. E9–15078 Filed 6–25–09; 8:45 am]

BILLING CODE 3510–JE–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List product and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Effective Date:* 7/27/2009.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, *Telephone:* (703) 603–7740, *Fax:* (703) 603–0655, or *e-mail: CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 4/24/2009 and 5/1/2009, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (74 FR 78, page 18694 and 74 FR 83, pages 20289–20290) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide

the product and services and impact of the additions on the current or most recent contractors, the Committee has determined that the product and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product and services to the Government.

2. The action will result in authorizing small entities to furnish the product and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the product and services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following product and services are added to the Procurement List:

Product

NSN: 7530–00–NIB–0880—Self Stick Table Top Easel Pad.
NPA: Assoc f/t Blind & Visually Impaired & Goodwill Ind of Greater Rochester, Rochester, NY.
Contracting Activity: Federal Acquisition Service, GSA/FSS OFC SUP CTR—Paper Products.
Coverage: A–List for the total Government requirement as aggregated by the General Services Administration.

Services

Service Type/Location: Custodial Services, Charlotte VA Clinic, 8601 University East Drive, Charlotte, NC.
NPA: OE Enterprises, Inc., Hillsborough, NC.
Contracting Activity: Department of Veterans Affairs.
Service Type/Location: Custodial Services, Military Entrance Processing Station-Camp Dodge, Building S–71, Johnston, IA.
NPA: Genesis Development, Jefferson, IA.
Contracting Activity: Dept. of the Army, XR W6BB ACA KNOX.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. E9–15160 Filed 6–25–09; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Additions and Deletion

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to and Deletion From Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List product and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete the service previously furnished by such agencies.

Comments Must Be Received on or Before: 7/27/2009.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia, 22202–3259.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Barry S. Lineback, *Telephone:* (703) 603–7740, *Fax:* (703) 603–0655, or *e-mail CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice for each product or service will be required to procure the product and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product and services to the Government.

2. If approved, the action will result in authorizing small entities to furnish the product and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the product and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following product and services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Product

NSN: 7530–01–418–1314—Folder, File, Classification.
NPA: The Clovernook Center for the Blind, Cincinnati, OH.
Contracting Activity: Federal Acquisition Service, GSA/FSS OFC SUP CTR—Paper Products.
Coverage: A-list for the total government requirement aggregated by General Service Administration.

Services

Service Type/Location: Dining Attendant Services, Basewide, Naval Air Station Whidbey Island, WA.
NPA: New Leaf, Inc., Oak Harbor, WA.
Contracting Activity: Dept of the Navy, FISC Puget Sound.
Service Type/Location: Dining Attendant Services, Naval Base Kitsap (Basewide Bremerton and Bangor), WA, Fleet & Industrial Supply Center FISC, Puget Sound, Bremerton, WA.
NPA: Skookum Educational Programs, Bremerton, WA.
Contracting Activity: Dept of the Navy, FISC Puget Sound, WA.

Deletions

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. If approved, the action may result in authorizing small entities to furnish the service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service proposed for deletion from the Procurement List.

End of Certification

The following service is proposed for deletion from the Procurement List:

Service:

Service Type/Location: Janitorial/Custodial,

U.S. Army Reserve Center: 950 New Castle Road, Farrell, PA.
NPA: Unknown (No Performing Agency).
Contracting Activity: Dept of the Army, XR W40M NATL Region Contract OFC.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. E9–15162 Filed 6–25–09; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 09–23]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 09–23 with attached transmittal, and policy justification.

BILLING CODE 5001–06–M

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

MAY 2 2 2009

The Honorable Nancy Pelosi
Speaker of the House of Representatives
Washington, DC 20515-6501

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 09-23, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Republic of Korea for defense articles and services estimated to cost $250 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Beth M. McCormick
Deputy Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Same ltr to:

House	Senate
Committee on Foreign Affairs	Committee on Foreign Relations
Committee on Armed Services	Committee on Armed Services
Committee on Appropriations	Committee on Appropriations

Transmittal No. 09-23

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) **Prospective Purchaser: Korea**

(ii) **Total Estimated Value:**

Major Defense Equipment*	$ 0 million
Other	$250 million
TOTAL	$250 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: provides support for the upgrade of 35 F-16 Block 32 aircraft to allow employment of Joint Direct Attack Munitions, Advanced Medium Range Air-to-Air Missiles, Improved Data Modem, and Secure Voice capabilities, test and support equipment, spare and repair parts, personnel training and training equipment, publications and technical data, U.S. Government and contractor technical assistance and other related logistics support.**

(iv) **Military Department: Air Force (QBY)**

(v) **Prior Related Cases, if any: none**

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none**

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: none**

(viii) **Date Report Delivered to Congress:** MAY 2 2 2009

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Korea – Upgrade of F-16 Block 32 Aircraft

The Republic of Korea has requested a possible sale to support the upgrade of 35 F-16 Block 32 aircraft to allow employment of Joint Direct Attack Munitions, Advanced Medium Range Air-to-Air Missiles, Improved Data Modem, and Secure Voice capabilities, test and support equipment, spare and repair parts, personnel training and training equipment, publications and technical data, U.S. Government and contractor technical assistance and other related logistics support. The estimated cost is $250 million.

The Republic of Korea is one of the major political and economic powers in East Asia and the Western Pacific and a key partner of the United States in ensuring peace and stability in that region. It is vital to the U.S. national interest to assist our ally in developing and maintaining a strong and ready self-defense capability, which will contribute to an acceptable military balance in the area. This proposed sale is consistent with those objectives. No foreign policy or military developments affect this proposed sale.

The Republic of Korea needs the material and services proposed to adequately operate the F-16 weapon system to its fullest and utmost capability in both a deterrent role and a coalition role with United States Forces Korea and the Combined Forces Command.

The prime contractor will be Lockheed Martin Aeronautics Company in Fort Worth, Texas. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require temporary travel for U.S. Government or contractor representatives to the Republic of Korea for in-country support.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Dated: May 29, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E9–15111 Filed 6–25–09; 8:45 am]

BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 09–22]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 09–22 with attached transmittal, policy justification, and Sensitivity of Technology.

BILLING CODE 5001–06–M

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

MAY 22 2009

The Honorable Nancy Pelosi
Speaker of the House of Representatives
Washington, DC 20515-6501

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 09-22, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the Republic of Korea for defense articles and services estimated to cost $170 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Beth M. McCormick
Deputy Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Same ltr to:

House	Senate
Committee on Foreign Affairs	Committee on Foreign Relations
Committee on Armed Services	Committee on Armed Services
Committee on Appropriations	Committee on Appropriations

Transmittal No. 09-22

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) **Prospective Purchaser: Korea**

(ii) **Total Estimated Value:**

Major Defense Equipment*	$150 million
Other	$ 20 million
TOTAL	$170 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: 46 SM-2 Block IIIA Tactical STANDARD missiles, 35 SM-2 Block IIIB Tactical STANDARD missiles, 3 SM-2 Block IIIB Telemetry Missiles, 84 SM-2 missile containers, missile modifications, test and support equipment, spare and repair parts, personnel training and training equipment, publications and technical data, U.S. Government and contractor technical assistance and other related logistics support.**

(iv) **Military Department: Navy (AJX)**

(v) **Prior Related Cases, if any:**
FMS case AHU-$124M-10Oct00
FMS case AJA-$67M-09Jun05
FMS case AJP-$356M-03Jan08

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none**

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached**

(viii) **Date Report Delivered to Congress:** MAY 2 2 2009

* **as defined in Section 47(6) of the Arms Export Control Act.**

POLICY JUSTIFICATION

Korea – SM-2 BLOCK IIIA STANDARD Missiles

The Republic of Korea has requested a possible sale of 46 SM-2 Block IIIA Tactical STANDARD missiles, 35 SM-2 Block IIIB Tactical STANDARD missiles, 3 SM-2 Block IIIB Telemetry Missiles, 84 SM-2 missile containers, missile modifications, test and support equipment, spare and repair parts, personnel training and training equipment, publications and technical data, U.S. Government and contractor technical assistance and other related logistics support. The estimated cost is $170 million.

The proposed sale will enhance the Republic of Korea's defensive capabilities and increase interoperability with U.S. and multi-national forces supporting coalition operations. The country already has these missiles in its inventory and will have no difficulty absorbing these items.

The prime contractor will be Raytheon Electronic Systems Company in Tucson, Arizona. At this time, there are no known offset agreements in connection with this potential sale.

Implementation of this proposed sale will require temporary travel for U.S. Government or contractor representatives to the Republic of Korea for in-country training. Training will be a recurring requirement during the life of the missile system.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 09-22

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The possible sale of SM-2 Block IIIA/IIIB STANDARD Missiles consists of Guidance Unit, Dual Thrust Rocket Motor, Steering Control Unit, and Telemeter with omni-directional antenna. The proposed sale will result in the transfer of sensitive technology and information as well as classified and unclassified defense equipment and technical data. The hardware and installed software is classified Secret. Training documentation is classified Confidential. Shipboard operational/tactical employment is generally Confidential, but includes some Secret data. The all-up round STANDARD missiles are classified Confidential. Certain operating frequencies and performance characteristics are classified Secret.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

Dated: May 29, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E9–15112 Filed 6–25–09; 8:45 am]

BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 09–16]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 09–16 with attached transmittal, and policy justification.

BILLING CODE 5001–06–M

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

JUN 12 2009

The Honorable Nancy Pelosi
Speaker of the House of Representatives
Washington, DC 20515-6501

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 09-16, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Chile for defense articles and services estimated to cost $275 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Beth M. McCormick
Deputy Director

Enclosures:
1. Transmittal
2. Policy Justification

Same ltr to:

House	Senate
Committee on Foreign Affairs	Committee on Foreign Relations
Committee on Armed Services	Committee on Armed Services
Committee on Appropriations	Committee on Appropriations

Transmittal No. 09-16

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) **Prospective Purchaser:** Chile

(ii) **Total Estimated Value:**

Major Defense Equipment*	$150 million
Other	$125 million
TOTAL	$275 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** 2 AN/TPQ-37(V)3 FIREFINDER Radars, 2 M1165A1 High Mobility Multi-Purpose Wheeled Vehicles (HMMWVs), 12 M109A5 155mm Self-Propelled Howitzers, 12 M109A3 155mm Self-Propelled Howitzers, 18 M113A2 Armored Personnel Carriers; 6 M577A2 Command Post Carriers, 24 M548A1 Tracked Logistics Vehicles, 12 M2 .50 cal Machine Guns, 1968 M107 155mm Projectiles, and 896 M549 155mm Projectiles. Also included: 2 AN/TMQ-41 Meteorological Measuring Sets (MMS), 2 M1152 HMMWVs, 28 Camouflage Systems, 4 5-ton trucks, 12 MK19 40mm Grenade Launchers, ammunition, fuses, artillery trainers, 2 mechanical and ordnance tool kits, generators, spare and repair parts, support equipment, publications and technical data, personnel training and training equipment, U.S. Government and contractor technical assistance, and other related elements of logistics support.

(iv) **Military Department:** Army (ULG and ULI)

(v) **Prior Related Cases, if any:** None

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** none

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** None.

(viii) **Date Report Delivered to Congress:** JUN 12 2009

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Chile - Radars, Howitzers, Vehicles, Ammunition, and Related Support

The Government of Chile has requested a possible sale of 2 AN/TPQ-37(V)3 FIREFINDER Radars, 2 M1165A1 High Mobility Multi-Purpose Wheeled Vehicles (HMMWVs), 12 M109A5 155mm Self-Propelled Howitzers, 12 M109A3 155mm Self-Propelled Howitzers, 18 M113A2 Armored Personnel Carriers; 6 M577A2 Command Post Carriers, 24 M548A1 Tracked Logistics Vehicles, 12 M2 .50 cal Machine Guns, 1968 M107 155mm Projectiles, and 896 M549 155mm Projectiles. Also included: 2 AN/TMQ-41 Meteorological Measuring Sets (MMS), 2 M1152 HMMWVs, 28 Camouflage Systems, 4 5-ton trucks, 12 MK19 40mm Grenade Launchers, ammunition, fuses, artillery trainers, 2 mechanical and ordnance tool kits, generators, spare and repair parts, support equipment, publications and technical data, personnel training and training equipment, U.S. Government and contractor technical assistance, and other related elements of logistics support. The estimated cost is $275 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in South America.

Chile intends to use these defense articles and services to modernize its armed forces. The Chileans intend to establish a new battalion to integrate this equipment into their armed forces. This will contribute to the Chilean military's goal to update its capability while further enhancing greater interoperability between Chile, the U.S., and other allies.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors involved in this program are: BAE Systems in York, Pennsylvania, L3 Communications in Lancaster, Pennsylvania, Smiths Detection, Inc. in Edgewood, Maryland, and Thales Raytheon Systems Company, LLC in Fullerton, California. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require 10 U.S. Government or contractor representatives to travel to Chile for a period of 4 weeks for equipment checkout and training.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Dated: June 18, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E9–15115 Filed 6–25–09; 8:45 am]

BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 09–15]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification.

This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 09–15 with attached transmittal, policy justification, and Sensitivity of Technology.

BILLING CODE 5001–06–M

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

MAY 2 2 2009

The Honorable Nancy Pelosi
Speaker of the House of Representatives
Washington, DC 20515-6501

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 09-15, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Egypt for defense articles and services estimated to cost $820 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Beth M. McCormick
Acting Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified Document Provided Under Separate Cover)

Same ltr to:

House	Senate
Committee on Foreign Affairs	Committee on Foreign Relations
Committee on Armed Services	Committee on Armed Services
Committee on Appropriations	Committee on Appropriations

Transmittal No. 09-15

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) **Prospective Purchaser: Egypt**

(ii) **Total Estimated Value:**

Major Defense Equipment*	$510 million
Other	$310 million
TOTAL	$820 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: 12 AH-64D Block II APACHE Longbow Helicopters, 27 T700-GE-701D Engines, 36 Modernized Targeting Acquisition and Designation Systems/Pilot Night Vision Sensors, 28 M299 HELLFIRE Longbow Missile Launchers, 14 AN/ALQ-144(V)3 Infrared Jammers, and 14 AN/APR-39B(V)2 Radar Signal Detecting Sets. Also included: composite horizontal stabilizers, Integrated Helmet and Display Sight Systems, repair and return, transportation, depot maintenance, spare and repair parts, support equipment, publications and technical documentation, U.S. Government and contractor technical support, and other related elements of program support.**

(iv) **Military Department: Army (VBT)**

(v) **Prior Related Cases, if any:**
FMS case ULB-$414M-10Aug90
FMS case JBC-$244M-20Mar95
FMS case UTN-$440M-12Sep00

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none**

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached.**

(viii) **Date Report Delivered to Congress:** MAY 2 2 2009

* **as defined in Section 47(6) of the Arms Export Control Act.**

POLICY JUSTIFICATION

Egypt – AH-64D APACHE Longbow Helicopters

The Government of Egypt has requested a possible sale of 12 AH-64D Block II APACHE Longbow Helicopters, 27 T700-GE-701D Engines, 36 Modernized Targeting Acquisition and Designation Systems/Pilot Night Vision Sensors, 28 M299 HELLFIRE Longbow Missile Launchers, 14 AN/ALQ-144(V)3 Infrared Jammers, and 14 AN/APR-39B(V)2 Radar Signal Detecting Sets. Also included: composite horizontal stabilizers, Integrated Helmet and Display Sight Systems, repair and return, transportation, depot maintenance, spare and repair parts, support equipment, publications and technical documentation, U.S. Government and contractor technical support, and other related elements of program support. The estimated cost is $820 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in the Middle East. This sale is consistent with these U.S. objectives and with the 1950 Treaty of Mutual Cooperation and Security.

Egypt will use the AH-64D for its national security and protecting its borders. The aircraft will provide the Egyptian military more advanced targeting and engagement capabilities. The proposed sale will provide for the defense of vital installations and will provide close air support for the military ground forces. Egypt will have no difficulty absorbing these helicopters into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractors will be The Boeing Company in Mesa, Arizona, and St. Louis, Missouri, General Electric Company of Lynn, Massachusetts, and Lockheed Martin Missiles and Fire Control in Orlando, Florida. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale requires the assignment of one U.S. Government representative to Egypt for a period of six years to provide intensive coordination, monitoring, and technical assistance to assure a smooth transition of the helicopters in country. Additionally, six contractor representatives will be in Egypt conducting duties as Contractor Field Service Representatives for a period of five years and with a possible five-year extension.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 09-15

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The AH-64D APACHE Attack Helicopter includes the following sensitive and/or classified (up to and including Secret) components:

a. The Modernized Target Acquisition and Designation Sight/Pilot Night Vision Sensor (MTADS/PNVS) provides day, night, limited adverse weather target information, as well as night navigation capabilities. The PNVS provides thermal imaging that permits nap-of-the-earth flight to, from, and within the battle area, while TADS provides the co-pilot gunner with search, detection, recognition, and designation by means of Direct View Optics (DVO), television, and Forward Looking Infrared (FLIR) sighting systems that may be used singularly or in combinations. Hardware is Unclassified. Technical manuals for authorized maintenance levels are Unclassified. Reverse engineering is not a major concern.

b. The AN/ALQ-144A(V)3 Infrared Jammer is an active, continuous operating, omni-directional, electrically fired infrared (IR) jammer system designed to confuse or decoy threat IR missile systems, in conjunction with low reflective paint and engine suppressors. Hardware is classified Confidential and releasable technical manuals for operation and maintenance are classified Secret. Reverse engineering and development of counter countermeasures are concerns if the hardware and releasable technical data are compromised to a competent adversary.

c. The AN/APR-39B Radar Signal Detecting Set is a system, that provides warning of a radar directed air defense threat and includes appropriate countermeasures. This is the 1553 databus compatible configuration. The hardware is classified Confidential when programmed with U.S. threat data; releasable technical manuals for operation and maintenance are classified Confidential; releasable technical data (technical performance) is classified Secret.

d. The Integrated Helmet Display Sight System (IHDSS) is an enhanced version of its predecessor. It will provide improved operational performance primarily in resolution allowing greater utilization of the M-TADS/M-PNVS performance enhancements. The hardware is Unclassified.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

Dated: May 29, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E9–15114 Filed 6–25–09; 8:45 am]

BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 09–21]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 09–21 with attached transmittal, and policy justification.

BILLING CODE 5001–06–M

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

MAY 18 2009

The Honorable Nancy Pelosi
Speaker of the House of Representatives
Washington, DC 20515-6501

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 09-21, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Morocco for defense articles and services estimated to cost $142 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Beth M. McCormick
Acting Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified Document Provided Under Separate Cover)

Same ltr to:

House	Senate
Committee on Foreign Affairs	Committee on Foreign Relations
Committee on Armed Services	Committee on Armed Services
Committee on Appropriations	Committee on Appropriations

Transmittal No. 09-21

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) **Prospective Purchaser:** Morocco

(ii) **Total Estimated Value:**

Major Defense Equipment*	$ 0 million
Other	$142 million
TOTAL	$142 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** one Gulfstream G-550 aircraft, 1 spare BR700-710C4-11 GmbH Engine, aircraft ferry services, spare and repair parts, support and test equipment, publications and technical documentation, personnel training and training equipment, contractor technical and logistics personnel services, and other related elements of logistics support.

(iv) **Military Department:** Air Force (SAG)

(v) **Prior Related Cases, if any:** none

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** none

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** none

(viii) **Date Report Delivered to Congress:** MAY 18 2009

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Morocco – Gulfstream G-550 Aircraft

The Government of Morocco has requested a possible sale of one Gulfstream G-550 aircraft, 1 spare BR700-710C4-11 GmbH Engine, aircraft ferry services, spare and repair parts, support and test equipment, publications and technical documentation, personnel training and training equipment, contractor technical and logistics personnel services, and other related elements of logistics support. The estimated cost is $142 million.

This sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country that has been and continues to be an important force for political stability and economic progress in North Africa.

The Royal Moroccan Air Force (RMAF) will use this new aircraft to provide safe, secure, and dedicated air transport for its Head of State. Morocco will have no difficulty absorbing this aircraft into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Gulfstream Aerospace in Savannah, GA, Honeywell Aerospace in Phoenix, AZ, and Flight Safety International in New York, NY. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require multiple trips to Morocco involving ten U.S. Government and contractor representatives for technical reviews/support, program management, and training over a five-year period.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Dated: May 27, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E9–15113 Filed 6–25–09; 8:45 am]

BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: DoD, Per Diem, Travel and Transportation Allowance Committee.

ACTION: Notice of Revised Non-Foreign Overseas Per Diem Rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 264. This bulletin lists revisions in the per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. AEA changes announced in Bulletin Number 194 remain in effect. Bulletin Number 264 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

DATES: *Effective Date:* July 1, 2009.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel Per Diem Bulletin Number 263. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of revisions in per diem rates to agencies and establishments outside the Department of Defense. For more information or questions about per diem rates, please contact your local travel office. The text of the Bulletin follows:

BILLING CODE 5001–06–M

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
THE ONLY CHANGES IN CIVILIAN BULLETIN 264 ARE UPDATES TO THE RATES FOR GUAM.						
ALASKA						
ADAK	120		79		199	07/01/2003
ANCHORAGE [INCL NAV RES]						
05/01 - 09/15	181		97		278	04/01/2007
09/16 - 04/30	99		89		188	04/01/2007
BARROW	159		95		254	05/01/2002
BETHEL	139		87		226	01/01/2009
BETTLES	135		62		197	10/01/2004
CLEAR AB	90		82		172	10/01/2006
COLDFOOT	165		70		235	10/01/2006
COPPER CENTER						
05/01 - 09/30	125		84		209	01/01/2009
10/01 - 04/30	95		81		176	01/01/2009
CORDOVA						
05/01 - 09/30	95		78		173	06/01/2007
10/01 - 04/30	85		77		162	06/01/2007
CRAIG						
05/16 - 09/30	236		80		316	07/01/2008
10/01 - 05/15	151		71		222	07/01/2008
DELTA JUNCTION	135		80		215	07/01/2008
DENALI NATIONAL PARK						
06/01 - 08/31	135		80		215	01/01/2009
09/01 - 05/31	79		74		153	01/01/2009
DILLINGHAM						
04/15 - 10/15	185		83		268	01/01/2009
10/16 - 04/14	169		82		251	01/01/2009
DUTCH HARBOR-UNALASKA	121		86		207	01/01/2009
EARECKSON AIR STATION	90		77		167	06/01/2007
EIELSON AFB						
05/01 - 09/15	175		88		263	02/01/2009
09/16 - 04/30	75		79		154	02/01/2009
ELMENDORF AFB						
05/01 - 09/15	181		97		278	04/01/2007
09/16 - 04/30	99		89		188	04/01/2007
FAIRBANKS						
05/01 - 09/15	175		88		263	02/01/2009
09/16 - 04/30	75		79		154	02/01/2009
FOOTLOOSE	175		18		193	06/01/2002
FT. GREELY	135		80		215	07/01/2008
FT. RICHARDSON						
05/01 - 09/15	181		97		278	04/01/2007
09/16 - 04/30	99		89		188	04/01/2007
FT. WAINWRIGHT						
05/01 - 09/15	175		88		263	02/01/2009

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
09/16 - 04/30	75	79	154	02/01/2009
GLENNALLEN				
05/01 - 09/30	125	84	209	01/01/2009
10/01 - 04/30	95	81	176	01/01/2009
HAINES	109	75	184	01/01/2009
HEALY				
06/01 - 08/31	135	80	215	01/01/2009
09/01 - 05/31	79	74	153	01/01/2009
HOMER				
05/15 - 09/15	167	85	252	01/01/2009
09/16 - 05/14	79	78	157	01/01/2009
JUNEAU				
05/01 - 09/30	149	85	234	01/01/2009
10/01 - 04/30	109	80	189	01/01/2009
KAKTOVIK	165	86	251	05/01/2002
KAVIK CAMP	150	69	219	05/01/2002
KENAI-SOLDOTNA				
05/01 - 08/31	129	92	221	04/01/2006
09/01 - 04/30	79	87	166	04/01/2006
KENNICOTT	259	94	353	01/01/2009
KETCHIKAN				
05/01 - 09/30	140	83	223	01/01/2009
10/01 - 04/30	98	78	176	01/01/2009
KING SALMON				
05/01 - 10/01	225	91	316	05/01/2002
10/02 - 04/30	125	81	206	05/01/2002
KLAWOCK				
05/16 - 09/30	236	80	316	07/01/2008
10/01 - 05/15	151	71	222	07/01/2008
KODIAK				
05/01 - 09/30	136	85	221	01/01/2009
10/01 - 04/30	99	82	181	01/01/2009
KOTZEBUE	179	93	272	07/01/2008
KULIS AGS				
05/01 - 09/15	181	97	278	04/01/2007
09/16 - 04/30	99	89	188	04/01/2007
MCCARTHY	259	94	353	01/01/2009
MCGRATH	165	69	234	10/01/2006
MURPHY DOME				
05/01 - 09/15	175	88	263	02/01/2009
09/16 - 04/30	75	79	154	02/01/2009
NOME	135	97	232	02/01/2009
NUIQSUT	180	53	233	05/01/2002
PETERSBURG	100	71	171	07/01/2008
PORT ALSWORTH	135	88	223	05/01/2002
SELDOVIA				

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
05/15 - 09/15	167	85	252	01/01/2009
09/16 - 05/14	79	78	157	01/01/2009
SEWARD				
05/01 - 09/30	174	85	259	01/01/2009
10/01 - 04/30	99	77	176	01/01/2009
SITKA-MT. EDGECUMBE				
05/01 - 09/30	119	80	199	01/01/2009
10/01 - 04/30	99	77	176	01/01/2009
SKAGWAY				
05/01 - 09/30	140	83	223	01/01/2009
10/01 - 04/30	98	78	176	01/01/2009
SLANA				
05/01 - 09/30	139	55	194	02/01/2005
10/01 - 04/30	99	55	154	02/01/2005
SPRUCE CAPE				
05/01 - 09/30	136	85	221	01/01/2009
10/01 - 04/30	99	82	181	01/01/2009
ST. GEORGE	129	55	184	06/01/2004
TALKEETNA	100	89	189	07/01/2002
TANANA	135	97	232	02/01/2009
TOGIAK	100	39	139	07/01/2002
TOK				
05/01 - 09/30	109	72	181	01/01/2009
10/01 - 04/30	99	71	170	01/01/2009
UMIAT	350	35	385	10/01/2006
VALDEZ				
05/01 - 09/30	159	88	247	01/01/2009
10/01 - 04/30	115	84	199	01/01/2009
WASILLA				
05/01 - 09/30	151	89	240	01/01/2009
10/01 - 04/30	96	83	179	01/01/2009
WRANGELL				
05/01 - 09/30	140	83	223	01/01/2009
10/01 - 04/30	98	78	176	01/01/2009
YAKUTAT	105	76	181	01/01/2009
[OTHER]	100	71	171	01/01/2009
AMERICAN SAMOA				
AMERICAN SAMOA	122	73	195	12/01/2005
GUAM				
GUAM (INCL ALL MIL INSTAL)	159	80	239	07/01/2009
HAWAII				
CAMP H M SMITH	177	106	283	05/01/2008
EASTPAC NAVAL COMP TELE AREA	177	106	283	05/01/2008
FT. DERUSSEY	177	106	283	05/01/2008
FT. SHAFTER	177	106	283	05/01/2008
HICKAM AFB	177	106	283	05/01/2008

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
HONOLULU	177	106	283	05/01/2008
ISLE OF HAWAII: HILO	115	104	219	05/01/2009
ISLE OF HAWAII: OTHER	180	108	288	05/01/2009
ISLE OF KAUAI	198	115	313	05/01/2009
ISLE OF MAUI	169	104	273	05/01/2009
ISLE OF OAHU	177	106	283	05/01/2008
KEKAHA PACIFIC MISSILE RANGE FAC	198	115	313	05/01/2009
KILAUEA MILITARY CAMP	115	104	219	05/01/2009
LANAI	229	124	353	05/01/2009
LUALUALEI NAVAL MAGAZINE	177	106	283	05/01/2008
MCB HAWAII	177	106	283	05/01/2008
MOLOKAI	159	98	257	05/01/2009
NAS BARBERS POINT	177	106	283	05/01/2008
PEARL HARBOR	177	106	283	05/01/2008
SCHOFIELD BARRACKS	177	106	283	05/01/2008
WHEELER ARMY AIRFIELD	177	106	283	05/01/2008
[OTHER]	115	104	219	05/01/2009
MIDWAY ISLANDS				
MIDWAY ISLANDS				
INCL ALL MILITARY	125	45	170	05/01/2009
NORTHERN MARIANA ISLANDS				
ROTA	129	91	220	05/01/2006
SAIPAN	121	98	219	06/01/2007
TINIAN	138	71	209	07/01/2008
[OTHER]	55	72	127	04/01/2000
PUERTO RICO				
AGUADILLA	75	64	139	11/01/2007
BAYAMON	195	82	277	10/01/2007
CAROLINA	195	82	277	10/01/2007
CEIBA				
05/01 - 11/30	155	57	212	08/01/2006
12/01 - 04/30	185	57	242	08/01/2006
FAJARDO [INCL ROOSEVELT RDS NAVS				
05/01 - 11/30	155	57	212	08/01/2006
12/01 - 04/30	185	57	242	08/01/2006
FT. BUCHANAN [INCL GSA SVC CTR,	195	82	277	10/01/2007
HUMACAO				
05/01 - 11/30	155	57	212	08/01/2006
12/01 - 04/30	185	57	242	08/01/2006
LUIS MUNOZ MARIN IAP AGS	195	82	277	10/01/2007
LUQUILLO				
05/01 - 11/30	155	57	212	08/01/2006
12/01 - 04/30	185	57	242	08/01/2006
MAYAGUEZ	109	77	186	11/01/2007
PONCE	139	83	222	11/01/2007

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
SABANA SECA [INCL ALL MILITARY]	195	82	277	10/01/2007
SAN JUAN & NAV RES STA	195	82	277	10/01/2007
[OTHER]	62	57	119	01/01/2000
VIRGIN ISLANDS (U.S.)				
ST. CROIX				
04/15 - 12/14	135	92	227	05/01/2006
12/15 - 04/14	187	97	284	05/01/2006
ST. JOHN				
04/15 - 12/14	163	98	261	05/01/2006
12/15 - 04/14	220	104	324	05/01/2006
ST. THOMAS				
04/15 - 12/14	240	105	345	05/01/2006
12/15 - 04/14	299	111	410	05/01/2006
WAKE ISLAND				
WAKE ISLAND	152	16	168	05/01/2009

June 10, 2009.

Patricia L. Toppings,

OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. E9–15116 Filed 6–25–09; 8:45 am]

BILLING CODE 5001–06–C

DEPARTMENT OF ENERGY

[OE Docket No. EA–249–B]

Application To Export Electric Energy; Exelon Generation Company, LLC

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of Application.

SUMMARY: Exelon Generation Company, LLC (Exelon) has applied to renew its authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests, or requests to intervene must be submitted on or before July 27, 2009.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Electricity Delivery and Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350 (FAX 202–586–8008).

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202–586–9624 or Michael Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On October 15, 2001, the Department of Energy (DOE) issued Order No. EA–249 authorizing Exelon to transmit electric energy from the United States to Canada as a power marketer using certain international transmission facilities located at the United States border with Canada. On April 5, 2004, DOE issued Order No. EA–249–A which renewed that authorization for a five-year period. That Order expired on April 5, 2009. On June 8, 2009, Exelon filed an application with DOE to renew the export authority contained in Order No. EA–249–A for an additional five-year term.

Exelon is a power marketer that generates and sells electricity under its Federal Energy Regulatory Commission approved tariffs; Exelon does not have a franchised electric power service area. The electric energy which Exelon proposes to export to Canada would be surplus energy from its own generation or purchased from third parties. Exelon proposes to export the electric energy using transmission lines authorized by Presidential permit at the U.S. border with Canada determined by DOE to be appropriate for third party use and available for open access transmission.

Procedural Matters: Any person desiring to become a party to these proceedings or to be heard by filing comments or protests to this application should file a petition to intervene, comment, or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the Federal Energy Regulatory Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with DOE on or before the date listed above.

Comments on the Exelon application to export electric energy to Canada should be clearly marked with Docket No. EA–249–B. Additional copies are to be filed directly with Noel H. Tarsk, Lead Counsel, Exelon Power team, Exelon Generation Company, LLC, 300 Exelon Way, Kennett Square, PA 19348. A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at *http://www.oe.energy.gov/permits_pending.htm,* or by e-mailing Odessa Hopkins at *Odessa.Hopkins@hq.doe.gov.*

Issued in Washington, DC, on June 19, 2009.

Anthony J. Como,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. E9–15129 Filed 6–25–09; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–358]

Application To Export Electric Energy; Twin Cities Energy, L.L.C.

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of Application.

SUMMARY: Twin Cities Energy, L.L.C. (Twin Cities) has applied for authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests, or requests to intervene must be submitted on or before July 27, 2009.

ADDRESSES: Comments, protests, or requests to intervene should be addressed as follows: Office of Electricity Delivery and Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350 (FAX 202–586–8008).

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202–586–9624 or Michael Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the FPA (16 U.S.C. 824a(e)).

On May 26, 2009, DOE received an application from Twin Cities for authority to transmit electric energy from the United States to Canada as a power marketer using international transmission facilities located at the United States border with Canada. Twin Cities does not own any electric transmission facilities nor does it hold a franchised service area. The electric energy which Twin Cities proposes to export to Canada would be surplus energy purchased from electric utilities, Federal power marketing agencies, and other entities within the United States. Twin Cities has requested an electricity export authorization with a 5-year term.

The construction, operation, maintenance, and connection of each of the international transmission facilities to be utilized by Twin Cities has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

Procedural Matters: Any person desiring to become a party to these proceedings or to be heard by filing comments or protests to this application should file a petition to intervene, comment, or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the Federal Energy Regulatory Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with DOE on or before the date listed above.

Comments on the Twin Cities application to export electric energy to Canada should be clearly marked with

Docket No. EA–358. Additional copies are to be filed directly with Larry S. Severson, Severson, Sheldon, Dougherty & Molenda P.A., Suite 600, 7300 West 147th Street, Apple Valley, Minnesota 55124–7580 and Michael Tufte, Twin Cities Power, LLC, 17725 Juniper Path, Lakeville, Minnesota 55044. A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at *http://www.oe.energy.gov/permits_pending.htm,* or by e-mailing Odessa Hopkins at *Odessa.hopkins@hq.doe.gov.*

Issued in Washington, DC, on June 19, 2009.

Anthony J. Como,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. E9–15127 Filed 6–25–09; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Variance for Certain Requirements for the Electric Drive Vehicle Battery and Component Manufacturing Initiative Under the Department of Energy's National Environmental Policy Act Implementing Procedures

AGENCY: U.S. Department of Energy.

ACTION: Notice of variance.

SUMMARY: This notice announces the Department of Energy's (DOE's) decision, pursuant to 10 CFR 1021.343(c), that it is in the interest of public welfare to grant a variance from certain requirements of its National Environmental Policy Act (NEPA) Implementing Procedures (10 CFR part 1021) in regard to the review of applications under the Electric Drive Vehicle Battery and Component Manufacturing Initiative funded by the American Recovery and Reinvestment Act of 2009 (Recovery Act). The variance is limited to certain requirements identified in 10 CFR 1021.216, *Procurement, Financial Assistance, and Joint Ventures.* The variance in no way affects the requirement to prepare an environmental assessment or environmental impact statement for any application selected for funding. The merit review of applications in response to this funding opportunity will include consideration of the potentially significant environmental impacts of the projects proposed for funding that are within the competitive range. By providing this variance, DOE can reduce the time needed to select applications for possible future funding consistent with the sense of urgency underpinning the Recovery Act.

DATES: *Effective date:* June 26, 2009.

FOR FURTHER INFORMATION CONTACT: Dr. R. Paul Detwiler, Director, Office of Project Facilitation and Compliance, National Energy Technology Laboratory, 626 Cochrans Mill Road, P.O. Box 10940, Pittsburgh, PA 15236–0940 or *Ralph.Detwiler@netl.doe.gov.*

SUPPLEMENTARY INFORMATION:

Background

The purposes of the Recovery Act are to: (1) Preserve and create jobs and promote economic recovery; (2) assist those most impacted by the recession; (3) provide investments needed to increase economic efficiency by spurring technological advances in science and health; (4) invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and (5) stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases. Federal departments must manage and expend funds made available through the Recovery Act to achieve these purposes, ''including commencing expenditures and activities as quickly as possible consistent with prudent management.'' (Recovery Act, Section 3)

In the Recovery Act, the Congress appropriated $2 billion for DOE to provide grants to manufacturers of advanced battery systems and vehicle batteries to be produced in the United States, including advanced lithium ion batteries, hybrid electrical systems, component manufacturers, and software designers. (Recovery Act, Title IV) To implement this provision, DOE issued a financial assistance funding opportunity announcement on March 19, 2009, for the Electric Drive Vehicle Battery and Component Manufacturing Initiative. (DE–FOA–0000026)

This initiative is critical to the development and production of electric drive vehicle systems that will substantially reduce petroleum consumption. In addition, as stated in the funding opportunity announcement, the grants will meaningfully aid in the nation's economic recovery by creating U.S. based manufacturing jobs.

The funding opportunity announcement is a competitive solicitation, and DOE has received more applications than it expects to be able to fund. DOE is now reviewing the merits of the applications in order to select those to which it may provide funding. Criterion 4 of the merit review criteria includes consideration of anticipated environmental impacts. As with environmental reviews under NEPA, the focus will be on potentially significant environmental impacts. As part of the application process, each applicant was required to complete an environmental questionnaire, which will be considered during the merit review. Consideration of potential environmental impacts will be facilitated by the participation of a DOE NEPA Compliance Officer as a resource to the merit review panel and the selection official.

DOE's NEPA implementing procedures, at 10 CFR 1021.216, establish a process for the consideration of potential environmental impacts prior to selection. The central element of this process is preparation by DOE of an environmental critique containing, among other things, a ''brief comparative evaluation of the potential environmental impacts of the offers, which will address direct and indirect effects, short-term and long-term effects, proposed mitigation measures, adverse effects that cannot be avoided, areas where important environmental information is incomplete and unavailable, unresolved environmental issues and practicable mitigating measures not included in the offeror's proposal.'' (10 CFR 1021.216(g)(3)) This environmental critique forms the basis for an environmental synopsis, which is made available to the public and is incorporated into any environmental assessment or environmental impact statement prepared. (10 CFR 1021.216(h)) Another feature of the environmental critique is that, in addition to information provided by the applicant, ''it may also evaluate supplemental information developed by DOE as necessary for a reasoned decision.'' (10 CFR 1021.216(f)) This contrasts with the merit review process, which is limited to information provided in the application. Some other components of an environmental critique (*e.g.,* brief discussion of the purpose of the funding opportunity and of the applicants' proposals) repeat information that is already part of the Merit Review Report that is prepared for the selection official. (The Merit Review Report is not publicly available.)

DOE's existing NEPA regulations provide for certain variances ''soundly based on the interests of national security or the public health, safety, or welfare.'' (10 CFR 1021.343(c)) Any such variance must have the advance written approval of the General Counsel,[1] and DOE must publish a notice in the **Federal Register** specifying the variance granted and the reasons.

Variance

Pursuant to 10 CFR 1021.343(c), I have determined that granting a variance from the requirements of 10 CFR 1021.216(c) through (h) with respect to the Department's funding opportunity for the Electric Drive Vehicle Battery and Component Manufacturing Initiative (DE–FOA–0000026) is soundly based on the interests of public welfare. Expediting the award of funding to promising proposals will accelerate development and production of electric drive vehicles. In addition, it will facilitate the nation's economic recovery by creating and retaining jobs and by transforming the nation's industrial infrastructure.

I have concluded that the Department's process for making these funding awards will provide the selecting official with sufficient information regarding potential environmental impacts in the Merit Review Report, which will summarize the strengths and weaknesses of the proposals according to the merit review criteria, including but not limited to environmental impacts. This report also will provide certain other information called for in 10 CFR 1021.216(g).

This variance does not affect the requirements imposed by 10 CFR 1021.216(i). If projects selected for funding require preparation of an environmental assessment or environmental impact statement, these NEPA reviews will be completed before DOE takes any action that would have an adverse environmental impact or limit the choice of reasonable alternatives. In addition, consistent with the openness provisions of 10 CFR 1021.216(h), any such environmental assessment or environmental impact statement will describe the environmental factors noted in the Merit Review Report that are relevant to the proposal being analyzed.

[1] DOE's NEPA regulations state at 10 CFR 1021.343(c) that the Secretary of Energy must provide written approval of any variance under that section. However, this authority has been delegated to the General Counsel pursuant to *Department of Energy Delegation Order No. 00–015.00A to the General Counsel.*

Issued in Washington, DC, on June 22, 2009.

Scott Blake Harris,

General Counsel.

[FR Doc. E9–15126 Filed 6–25–09; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Construction, Operation, and Maintenance of the Proposed Transmission Agency of Northern California Transmission Project, California

AGENCY: Western Area Power Administration, DOE.

ACTION: Extension of scoping period.

SUMMARY: On February 23, 2009, Western Area Power Administration (Western), an agency of the Department of Energy (DOE), announced the Notice of Intent to prepare an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the construction, operation, and maintenance of the proposed Transmission Agency of Northern California (TANC) Transmission Project. In that notice, Western described the schedule for scoping meetings and advised the public that comments on the scope of the EIS/EIR were due by April 30, 2009. On May 8, 2009, Western published a notice in the **Federal Register** extending the comment period to May 31, 2009. By this notice, Western extends the due date for comments on the scope of the EIS/EIR to July 30, 2009.

DATES: The date to provide comments on the scope of the EIS/EIR is extended to July 30, 2009.

ADDRESSES: Written comments on the scope of the EIS/EIR should be addressed to Mr. David Young, National Environmental Policy Act (NEPA) Document Manager, Western Area Power Administration, Sierra Nevada Region, 114 Parkshore Drive, Folsom, CA 95630 or e-mail *TTPEIS@wapa.gov.*

FOR FURTHER INFORMATION CONTACT: For further information, please contact Mr. David Young, NEPA Document Manager, Western Area Power Administration, Sierra Nevada Region, 114 Parkshore Drive, Folsom, CA 95630, telephone (916) 353–4777, fax (916) 353–4772, or e-mail *TTPEIS@wapa.gov.* Additional information on the proposed Project can also be found and comments submitted at *http://www.wapa.gov/transmission/ttp.htm.* For general information on DOE's NEPA review procedures or status of a NEPA review, contact Ms. Carol M. Borgstrom, Director of NEPA Policy and Compliance, GC–20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, telephone (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION: On February 23, 2009, Western announced the Notice of Intent to prepare an EIS for the construction, operation, and maintenance of the proposed TANC Transmission Project (74 FR 8086). In that notice, Western described the schedule for scoping meetings for the EIS/EIR, and advised the public that comments regarding the scope of the EIS/EIR were due by April 30, 2009. Western held all public scoping meetings as scheduled. On May 8, 2009, Western published a notice in the **Federal Register** extending the comment period to May 31, 2009 (74 FR 21674). Western has received requests for more time to comment. By this notice, Western further extends the due date for comments on the scope of the EIS/EIR to July 30, 2009.

Dated: June 17, 2009.

Harrison G. Pease,

Chief Financial Officer.

[FR Doc. E9–15048 Filed 6–25–09; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Big Stone II Power Plant and Transmission Project Final Environmental Impact Statement (DOE/EIS–0377)

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Availability.

SUMMARY: The Western Area Power Administration (Western) announces the availability of the Big Stone II Power Plant and Transmission Project (Project) Final Environmental Impact Statement (EIS). This Final EIS analyzes the environmental impacts of constructing and operating the proposed Project. Western is considering whether to grant a request to interconnect the proposed Project with Western's transmission system at Morris and Granite Falls substations in Minnesota, an action which requires Western to complete modifications to these substations to support the interconnection.[1] The U.S.

[1] As noted in Western's Notice of Intent to prepare a Big Stone II EIS, Western became the lead agency for preparation of the EIS because the construction of Big Stone II would incorporate a major new generation resource into Western's

Continued

Army Corps of Engineers (USACE) participated as a cooperating agency in the EIS process. USACE is considering whether to issue a permit for Section 10 of the Rivers and Harbors Act and for Section 404 of the Clean Water Act for construction of the proposed Project within or across navigable waters and waters of the United States.

DATES: Western and USACE will wait at least thirty days from the U.S. Environmental Protection Agency's Notice of Availability for the Final EIS published in the **Federal Register** before issuing decisions on the interconnection request and permits, respectively. Western's decision on whether or not to grant the interconnection request will be published in the **Federal Register,** once issued.

FOR FURTHER INFORMATION CONTACT: For further information or to request a copy of the Final EIS or the Executive Summary, please write Mr. Matt Blevins, NEPA Document Manager, Big Stone II EIS, Western Area Power Administration, P.O. Box 281213, Lakewood, CO 80228; e-mail *BigStoneEIS@wapa.gov,* or Phone: (800) 336–7288. Please note that printed versions will only be available for the Executive Summary and Volumes I and II. The full Final EIS (Volumes I–IV) is available upon request only in an electronic version.

For general information on DOE's NEPA review process, please contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance, GC–20, U.S. Department of Energy, Washington, DC 20585, (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION: Otter Tail Corporation (dba Otter Tail Power Company), Central Minnesota Municipal Power Agency, Heartland Consumers Power District, Montana-Dakota Utilities Company, and Western Minnesota Municipal Power Agency (dba Missouri River Energy Services), collectively referred to as the Co-owners, propose to develop a new 600–MW (net) baseload coal-fired electric generating power plant and associated transmission lines and substation upgrades known as the Big Stone II Power Plant and Transmission Project. The proposed Project outlined in the Final EIS differs from that presented in the Big Stone II Power Plant and Transmission Project Draft Environmental Impact Statement (Draft EIS) issued in May 2006. Based on comments received on the Draft EIS and revised cost estimates for constructing the proposed make-up water storage pond presented in the Draft EIS, the Co-owners revised their proposed Project to include the use of groundwater as a source of make-up water, as well as other changes associated with groundwater use. These revisions were outlined in a Supplemental Draft EIS issued in October 2007.

The Final EIS is available in four volumes. Volume I contains the Final EIS, which integrates the information contained in the Draft EIS and the Supplemental Draft EIS, including revisions to the proposed Project, as well as other revisions and minor edits made in response to specific comments. A summary of all substantive comments received and Western's responses are included in Volume II of the Final EIS. Volume II also contains response papers providing additional information on mercury emissions, renewable and wind energy, and demand side management. All comments received on the Draft EIS and Supplemental Draft EIS were carefully reviewed and considered in preparing the Final EIS. Volume III contains the Appendices, and Volume IV includes a copy of all substantive comments received on the Draft EIS and the Supplemental Draft EIS.

Copies of the full Final EIS are available for public review at the offices and public libraries listed below:

Public Libraries

Ortonville Public Library, 412 Second Street Northwest, Ortonville, Minnesota.
Morris Public Library, 102 East 6th Street, Morris, Minnesota.
Granite Falls Public Library, 155 7th Avenue, Granite Falls, Minnesota.
Appleton Public Library, 322 W. Schlieman Avenue, Appleton, Minnesota.
Canby Public Library, 110 Oscar Avenue North, Canby, Minnesota.
Willmar Public Library, 410 5th Street Southwest, Willmar, Minnesota.
Kerkhoven Public Library, 208 10th Street North, Kerkhoven, Minnesota.
Benson Public Library, 200 13th Street South, Benson, Minnesota.
Grant County Public Library, 207 Park Avenue East, Milbank, South Dakota.
Watertown Regional Library, 611 Bruhn Avenue, NE., Watertown, South Dakota.

The Final EIS is also available at DOE Reading Rooms at the following addresses: U.S. Department of Energy, Forrestal Building, Reading Room 1E–190, 1000 Independence Avenue, SW., Washington, DC 20585; Western Area Power Administration, Corporate Services Office, 12155 West Alameda Parkway, Lakewood, Colorado 80228; and Western Area Power Administration, Upper Great Plains Customer Service Region, South Dakota Maintenance Office, 200 4th Street, SW., Huron, South Dakota 57350.

Decisions by Western and the USACE will be made no sooner than 30 days from the U.S. Environmental Protection Agency's published Notice of Availability for the Final EIS in the **Federal Register**. Western is considering whether to grant a request to interconnect the proposed Project with Western's transmission system at Morris and Granite Falls substations in Minnesota, an action which requires Western to complete modifications to these substations to support the interconnection. The USACE is considering whether to issue permits for Section 10 of the Rivers and Harbors Act and for Section 404 of the Clean Water Act for construction of the proposed Project within or across navigable waters and waters of the United States.

Dated: June 8, 2009.

Timothy J. Meeks,

Administrator.

[FR Doc. E9–15125 Filed 6–25–09; 8:45 am]

BILLING CODE 6450–01–P

power transmission system, 70 FR 30716 (May 27, 2005).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[FERC Docket No. CP09–54–000]

Ruby Pipeline, L.L.C.; Notice of Availability of the Draft Environmental Impact Statement and Notice of Public Comment Meetings for the Ruby Pipeline Project

June 19, 2009.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft Environmental Impact Statement (EIS) on the natural gas pipeline facilities proposed by Ruby Pipeline, L.L.C. (Ruby) in the above-referenced docket. The Ruby Pipeline Project facilities would be located in Wyoming, Utah, Nevada, and Oregon and would be capable of transporting up to 1.5 million dekatherms per day of natural gas.

The draft EIS was prepared to satisfy the requirements of the National Environmental Policy Act of 1969 (NEPA). The U.S. Department of Interior, Bureau of Land Management (BLM), Bureau of Reclamation, and Fish and Wildlife Service; the U.S. Department of Agriculture, Forest Service (USFS) and Natural Resources Conservation Service; the U.S. Army

Corps of Engineers; the State of Utah Public Lands Policy Coordination Office; and the Board of County Commissioners in Lincoln County, Wyoming are participating as cooperating agencies in the preparation of the EIS. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal, and participate in the NEPA analysis. The Ruby Pipeline Project would require permits from the cooperating agencies pursuant to right-of-way grants (and/or temporary use or special use permits) for federally administered lands/canals crossed in Wyoming, Utah, Nevada, and Oregon.

Based on the analysis included in the EIS, the FERC staff concludes that construction and operation of the Ruby Pipeline Project would result in some adverse environmental impacts. However, most of these would be reduced to less-than-significant levels with the implementation of Ruby's proposed mitigation measures; additional measures and agreements being discussed by Ruby and other agencies related to permitting or conservation agreements; and the additional measures recommended by staff in the EIS.

The draft EIS addresses the potential environmental effects of the following project facilities:

- About 675.2 miles of 42-inch-diameter mainline pipeline;
- About 2.6 miles of 42-inch-diameter lateral pipeline;
- 1 electric-powered compressor station and 3 natural gas-powered compressor stations (totaling 160,500 horsepower of new compression);
- 4 meter stations containing interconnects to other pipeline systems;
- 44 mainline valves;
- 20 pig launchers or receivers;
- 5 new communication towers; and
- Miscellaneous communications equipment installed at eight existing communication towers.

Comment Procedures and Public Meetings

You can make a difference by providing us with your specific comments or concerns about the Ruby Pipeline Project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure consideration of your comments on the proposal in the final EIS, it is important that the Commission receive your comments before August 10, 2009.

For your convenience, there are four methods in which you can use to submit your comments to the Commission. In all instances please reference the project docket number CP09–54–000 with your submission. The Commission encourages electronic filing of comments and has dedicated eFiling expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded:

(1) You may file your comments electronically by using the Quick Comment feature, which is located on the Commission's Internet Web site at *http://www.ferc.gov* under the link *Documents and Filings.* A Quick Comment is an easy method for interested persons to submit text-only comments on a project;

(2) You may file your comments electronically by using the *eFiling* feature, which is located on the Commission's Internet Web site at *http://www.ferc.gov* under the link to *Documents and Filings.* eFiling involves preparing your submission in the same manner as you would if filing on paper, and then saving the file on your computer's hard drive. You will attach that file as your submission. New eFiling users must first create an account by clicking on ''Sign-up'' or ''eRegister.'' You will be asked to select the type of filing your are making. A comment on a particular project is considered a ''Comment on a Filing;''

(3) You may file your comments via mail to the Commission by sending an original and two copies of your letter to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First St., NE; Room 1A, Washington, DC 20426; label one copy of your comments for the attention of the Gas Branch 1, PJ–11.1 and reference Docket No. CP09–54–000 on the original and both copies; and

(4) In lieu of sending written or electronic comments, the FERC invites you to attend one of the public comment meetings the staff will conduct in the project area to receive comments on the draft EIS. All meetings will begin at 7 p.m., local time, and are scheduled as follows:

Date	Location
July 21, 2009	Malin Community Hall, 2307 Front Street. Malin, OR 97623.
July 22, 2009	Elks Lodge, 323 N. F Street, Lakeview, OR 97630.
July 23, 2009	Winnemucca Convention Center, 50 W. Winnemucca Blvd., Winnemucca, NV 89445.
July 27, 2009	Brigham City Senior Center, 24 N 300 W, Brigham City, UT 84302.
July 28, 2009	Hilton Garden Inn, 3650 East Idaho St., Elko, NV 89801.
July 29, 2009	Kemmerer Senior Center, 105 J.C. Penney Drive, Kemmerer, WY 83101.
July 30, 2009	Hyrum Civic Center, 83 W. Main St., Hyrum, UT 84319.

Interested groups and individuals are encouraged to attend and present oral comments on the draft EIS. Transcripts of the meetings will be prepared.

After the comments are reviewed, any significant new issues are investigated, and modifications are made to the draft EIS, a final EIS will be published and distributed. The final EIS will contain the staff's responses to timely comments received on the draft EIS.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Anyone may intervene in this proceeding based on the draft EIS. You must file your request to intervene as specified above.[1] Only intervenors have the right to seek rehearing of the Commission's decision. You do not need intervenor status to have your comments considered.

The draft EIS has been placed in the public files of the FERC, BLM, and USFS and is available for public inspection at:

[1] Interventions may also be filed electronically via the Internet in lieu of paper. *See* the previous discussion on filing comments electronically.

Federal Energy Regulatory Commission	U.S. Bureau of Land Management	U.S. Forest Service
Public Reference Room, 888 First Street, NE., Room 2A, Washington, DC 20426, (202) 502–8371.	Wyoming State Office, P.O. Box 1828, Cheyenne, WY 82003. Kemmerer Field Office, 312 Highway 189 N, Kemmerer, WY 83101. Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, UT 84145–0155. Salt Lake Field Office, 2370 South 2300 West, Salt Lake City, UT 84119. Nevada State Office, 1340 Financial Blvd., Reno, NV 89502. Elko District Office, 3900 E. Idaho Street, Elko, NV 89801. Winnemucca District Office, 5100 E. Winnemucca Blvd., Winnemucca, NV 89445. Surprise Field Office, 602 Cressler Street, Cedarville, CA 96104. Oregon State Office, 333 SW First Avenue, Portland, OR 97204. Lakeview Office, 1301 S. G Street, Lakeview, OR 97630. Klamath Falls Office, 2795 Anderson Avenue, Bldg. #25, Klamath Falls, OR 97603.	Uinta-Wasatch-Cache National Forest, Ogden Ranger District, 507 25th Street, Ogden, UT 84401. Uinta-Wasatch-Cache National Forest, Salt Lake Office, 8256 Federal Building, 125 S. State Street, Salt Lake City, UT 84138. Fremont-Winema National Forest, 1301 S. G Street, Lakeview, OR 97630. U.S. Forest Service Intermountain Regional Office, 324 25th Street, Ogden, UT 84401.

A limited number of hard copies and CD–ROMs of the draft EIS are available from the FERC's Public Reference Room identified above. The draft EIS is also available for public viewing on the FERC's Internet Web site at *http://www.ferc.gov.* In addition, copies of the draft EIS have been mailed to federal, state, and local government agencies; elected officials; Native American tribes; local libraries and newspapers; intervenors in the FERC's proceeding; individuals who provided scoping comments; affected landowners and individuals who requested the draft EIS; and new landowners identified as being crossed by route alternatives either recommended by FERC staff or stuill under consideration.

Route Alternatives Recommended or Considered by FERC in the Draft EIS

Some landowners are receiving the draft EIS because their property has been identified as potentially being affected by certain route alternatives recommended or considered by FERC staff to avoid or lessen environmental impacts along Ruby's proposed pipeline route in several locations. Refer to the discussion of the Terrace Basin, Willow Creek, Southern Langell Valley, Sheldon, and Black Rock Route Alternatives in section 3.4 of the draft EIS. Please note that while staff has recommended the use of the first three listed alternatives, a decision whether or not to recommend use of the Sheldon Route Alternative or Black Rock Route Alternative has not yet been made. The Commission staff wants to ensure that all potentially affected landowners have the opportunity to participate in the environmental review process, thus staff is soliciting comments to assist with the environmental analysis of these route alternatives, which will be presented in the final EIS.

Additional information about the project is available from the Commission's Office of External Affairs, at 1–866–208–FERC (3372) or on the FERC Internet Web site (*http://www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number,'' excluding the last three digits in the Docket Number field (*i.e.,* CP09–54), and follow the instructions. You may also search using the phrase ''Ruby Pipeline Project'' in the ''Text Search'' field. For assistance with access to eLibrary, the helpline can be reached at 1–866–208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC Internet Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. To register for this service, go to *http://www.ferc.gov/esubscribenow.htm.*

Kimberly D. Bose,

Secretary.

[FR Doc. E9–15151 Filed 6–25–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ES09–36–001]

Upper Peninsula Power Company; Notice of Filing

June 19, 2009.

Take notice that on June 17, 2009, Upper Peninsula Power Company (UPPCO) filed a supplement to its application for renewed authorization to issue short-term debt, with new Exhibits C, D, and E, pursuant to section 204 of the Federal Power Act and Part 34 of the Commission's regulations.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). 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. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to

serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is 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.

Comment Date: 5 p.m. Eastern Time on June 29, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–15150 Filed 6–25–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–1181–000]

Hoosier Wind Project, LLC; Notice of Filing

June 22, 2009.

Take notice that, on June 16, 2009, Hoosier Wind Project, LLC filed a supplement to its filing in the above captioned docket with information required under the Commission's regulations. Such filing served to reset the filing date in this proceeding.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). 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. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is 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.

Comment Date: 5 p.m. Eastern Time on July 7, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–15207 Filed 6–26–09; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–1196–000]

Lost Creek Wind, LLC; Notice of Filing

June 22, 2009.

Take notice that, on June 16, 2009, Lost Creek Wind, LLC filed a supplement to its filing in the above captioned docket with information required under the Commission's regulations. Such filing served to reset the filing date in this proceeding.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). 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. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link, and is 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.

Comment Date: 5 p.m. Eastern Time on July 7, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–15206 Filed 6–25–09; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–1302–000]

Northwest Wind Partners, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

June 19, 2009.

This is a supplemental notice in the above-referenced proceeding of Northwest Wind Partners, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket

authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 20, 2009.

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-referenced proceeding 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. E9–15149 Filed 6–25–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–1301–000]

GennConn Middletown, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

June 19, 2009.

This is a supplemental notice in the above-referenced proceeding of GenConn Middletown, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 20, 2009.

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-referenced proceeding 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. E9–15148 Filed 6–25–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–1297–000]

Northern Colorado Wind Energy, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

June 19, 2009.

This is a supplemental notice in the above-referenced proceeding of Northern Colorado Wind Energy, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 20, 2009.

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-referenced proceeding 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. E9–15146 Filed 6–25–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–1300–000]

GenConn Devon LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

June 19, 2009.

This is a supplemental notice in the above-referenced proceeding of GenConn Devon LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 20, 2009.

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-referenced proceeding 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 dockets(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. E9–15147 Filed 6–25–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–2001–012; Docket No. ER07–1250–000]

Electric Quarterly Reports; PowerGrid Systems, Inc. Order on Intent To Revoke Market-Based Rate Authority

Issued June 22, 2009.

1. Section 205 of the Federal Power Act (FPA),[1] and the Commission's regulations at 18 CFR Part 35, require, among other things, that all rates, terms, and conditions of jurisdictional services be filed with the Commission. In Order No. 2001, the Commission revised its public utility filing requirements and established a requirement for public utilities, including power marketers, to file Electric Quarterly Reports summarizing the contractual terms and conditions in their agreements for all jurisdictional services (including market-based power sales, cost-based power sales, and transmission service) and providing transaction information (including rates) for short-term and long-term power sales during the most recent calendar quarter.[2]

2. Commission staff's review of the Electric Quarterly Report submittals indicates that one utility with authority to sell electric power at market-based rates has failed to file its Electric Quarterly Reports. This order notifies PowerGrid Systems, Inc. (PowerGrid) that its market-based rate authorization will be revoked unless it complies with the Commission's requirements within 15 days of the date of issuance of this order.

3. In Order No. 2001, the Commission stated that,

> [i]f a public utility fails to file a[n] Electric Quarterly Report (without an appropriate request for extension), or fails to report an agreement in a report, that public utility may forfeit its market-based rate authority and may be required to file a new application for market-based rate authority if it wishes to resume making sales at market-based rates.[3]

4. The Commission further stated that,

> [o]nce this rule becomes effective, the requirement to comply with this rule will supersede the conditions in public utilities' market-based rate authorizations, and failure to comply with the requirements of this rule will subject public utilities to the same consequences they would face for not satisfying the conditions in their rate authorizations, including possible revocation of their authority to make wholesale power sales at market-based rates.[4]

5. Pursuant to these requirements, the Commission has revoked the market-based rate tariffs of several market-based rate sellers that failed to submit their Electric Quarterly Reports.[5]

6. As noted above, Commission staff's review of the Electric Quarterly Report submittals identified one public utility with authority to sell power at market-based rates that failed to file Electric Quarterly Reports through the first quarter of 2009. Commission staff contacted this entity to remind it of its regulatory obligations.[6] PowerGrid has not met those obligations.[7] Accordingly, this order notifies PowerGrid that its market-based rate authorization will be revoked unless it complies with the Commission's requirements within 15 days of the issuance of this order.

7. In the event that PowerGrid has already filed its Electric Quarterly Report in compliance with the Commission's requirements, its inclusion herein is inadvertent. We direct PowerGrid, within 15 days of the date of issuance of this order, to make a filing with the Commission identifying

[1] 16 U.S.C. 824d (2006).

[2] *Revised Public Utility Filing Requirements,* Order No. 2001, FERC Stats. & Regs. ¶ 31,127, *reh'g denied,* Order No. 2001–A, 100 FERC ¶ 61,074, *reconsideration and clarification denied,* Order No. 2001–B, 100 FERC ¶ 61,342, *order directing filing,* Order No. 2001–C, 101 FERC ¶ 61,314 (2002), *order directing filing,* Order No. 2001–D, 102 FERC ¶ 61,334 (2003).

[3] Order No. 2001 at P 222.

[4] *Id.* P 223.

[5] *See, e.g., Electric Quarterly Reports,* 73 Fed. Reg. 31460 (June 2, 2008); *Electric Quarterly Reports,* 115 FERC ¶ 61,073 (2006), *Electric Quarterly Reports,* 114 FERC ¶ 61,171 (2006).

[6] *See PowerGrid Systems, Inc.,* Docket No. ER07–1250–000 (April 22, 2009) (unpublished letter order).

[7] According to the Commission's records, PowerGrid last filed its Electric Quarterly Reports for the 3rd quarter of 2008.

itself and providing details about its prior filings that establish that it complied with the Commission's Electric Quarterly Report filing requirements.

8. If PowerGrid does not wish to continue having market-based rate authority, it may file a notice of cancellation with the Commission pursuant to section 205 of the FPA to cancel its market-based rate tariff.

The Commission Orders

(A) Within 15 days of the date of issuance of this order, PowerGrid shall file with the Commission all delinquent Electric Quarterly Reports. If PowerGrid fails to make this filing, the Commission will revoke its authority to sell power at market-based rates and will terminate its electric market-based rate tariff. The Secretary is hereby directed, upon expiration of the filing deadline in this order, to promptly issue a notice, effective on the date of issuance, listing the public utility whose tariff has been revoked for failure to comply with the requirements of this order and the Commission's Electric Quarterly Report filing requirements.

(B) The Secretary is hereby directed to publish this order in the **Federal Register.**

By the Commission.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–15205 Filed 6–25–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR09–10–000]

Jayhawk Pipeline, L.L.C.; Notice of Request for Temporary Waiver of Tariff Filing and Reporting Requirements

June 19, 2009.

Take notice that on June 5, 2009, JayHawk Pipeline, L.L.C. (Jayhawk) pursuant to Rule 207(a)(2) of the Commission's Rules of Practice and Procedure, 18 CFR 385.204 (2007), tendered for filing an application for temporary waiver of the Interstate Commerce Act, Section 6 and Section 20 tariff filing and reporting requirements applicable to interstate common carrier pipelines.

Jayhawk stated that their pipeline facilities will be used exclusively for the transportation of crude oil to refineries owned by direct or indirect wholly-owned subsidiaries of National Cooperative Refinery Association to sole shareholder of Jayhawk.

Any person desiring to intervene or to protest this filing 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). 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. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is 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.

Comment Date: 5 p.m. Eastern Time on Friday, June 26, 2009

Kimberly D. Bose,

Secretary.

[FR Doc. E9–15143 Filed 6–25–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP09–435–000]

Transwestern Pipeline Company, LLC; Notice of Request Under Blanket Authorization

June 22, 2009.

Take notice that on June 17, 2009, Transwestern Pipeline Company, LLC (Transwestern), 711 Louisiana Street, Houston, Texas 77002–2716, filed in Docket No. CP09–435–000, a prior notice request pursuant to sections 157.205 and 157.210 of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act for authorization to place into service and operate the existing three 4,000 horsepower (HP) reciprocating gas engines, compressors, and ancillary facilities, located in Apache County, Arizona, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Specifically, Transwestern proposes to return to service the existing three 4,000 HP reciprocating gas engines, compressors, and ancillary facilities at Transwestern's Compressor Station 4 that were abandoned under Docket No. CP08–51–000, to insure that Transwestern can maintain the capacity of up to 1,225,000 Dth/d. Transwestern states that during May 2009, Transwestern experienced operating issues with the electric units constructed under Docket No. CP08–51–000, including overheating due to poor ventilation in the compressor building and repairs to one of the electric units. Transwestern states that this proposal will not require any new construction, will have no impact to the quality of the environment, will not be detrimental to services provided, and will not disadvantage Transwestern's customers.

Any questions regarding the application should be directed to Kelly Allen, Manager of Certificates and Reporting, Transwestern Pipeline Company, LLC, 711 Louisiana Street, 9th Floor South Tower, Houston, Texas 77002–2716, or call (281) 714–2056, or by e-mail *Kelly.Allen@energytransfer.com.*

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the

day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–15208 Filed 6–26–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Pick-Sloan Missouri Basin Program—Eastern Division—Rate Order No. WAPA–148

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Proposed Transmission Service Penalty Rate for Unreserved Use

SUMMARY: The Western Area Power Administration (Western) proposes to add a penalty rate for Unreserved Use of Transmission Service for the Pick-Sloan Missouri Basin Program—Eastern Division (P–SMBP—ED) in a new rate schedule, Rate Schedule UGP–TSP1. The new rate schedule for Unreserved Use of Transmission System Penalties, Rate Schedule UGP–TSP1, is proposed to go into effect on the later of January 1, 2010, or when Western's Open Access Transmission Tariff (OATT) is revised to provide for Unreserved Use Penalties. Prior to implementing the penalty rate, Western will post notice on its Open Access Same-Time Information System (OASIS) Web site. If Rate Schedule UGP–TSP1 is implemented, it will remain in effect through December 31, 2014, or until superseded. Western will prepare a brochure that provides detailed information on the proposed rate to all interested parties. Publication of this **Federal Register** notice begins the formal process for the proposed penalty rate.

DATES: The consultation and comment period begins today and will end September 24, 2009. Western will present a detailed explanation of the proposed rate at a public information forum. The public information forum date is July 28, 2009, 8 a.m. to 8:45 a.m. CDT, Sioux Falls, South Dakota. Western will accept oral and written comments at a public comment forum. The public comment forum date is July 28, 2009, and will be held in conjunction with the public comment forum for the adjustment of Western's transmission and ancillary services rates (as announced in 74 FR 26682 on June 3, 2009) from 9 a.m. to 12 p.m. CDT, Sioux Falls, South Dakota. Western will accept written comments any time during the consultation and comment period.

ADDRESSES: Written comments and/or requests to be informed of Federal Energy Regulatory Commission (FERC) actions concerning the rates submitted by Western to the FERC for approval should be sent to Robert J. Harris, Regional Manager, Upper Great Plains Region, Western Area Power Administration, 2900 4th Avenue North, Billings, MT 59101–1266, e-mail *UGPISRate@wapa.gov.* Western will post information about the rate process on its Web site at *http://www.wapa.gov/ugp/rates/default.htm.* Western will also post official comments received via letter and e-mail to its Web site after the close of the comment period. Western must receive written comments by the end of the consultation and comment period to ensure they are considered in Western's decision process. The public information forum location is the Holiday Inn, 100 West 8th Street, Sioux Falls, SD. The public comment forum location is the Holiday Inn, 100 West 8th Street, Sioux Falls, SD.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Cady-Hoffman, Rates Manager, Upper Great Plains Region, Western Area Power Administration, 2900 4th Avenue North, Billings, MT 59101–1266, telephone (406) 247–7439, e-mail *cady@wapa.gov.*

SUPPLEMENTARY INFORMATION: The transmission facilities in the P–SMBP—ED are integrated with transmission facilities of Basin Electric Power Cooperative (Basin) and Heartland Consumers Power District (Heartland) such that transmission services are provided over an integrated transmission system, called the Integrated System (IS), and the rates are sometimes referred to as IS Rates. Western acts as the administrator of the IS and monitors service under the OATT.[1] As owners of the IS, Western, Basin, and Heartland may be referred to as IS Partners.

[1] Western's OATT was most recently approved by FERC on June 28, 2007, in Docket No. NJ07–2–000, 119 FERC ¶61,329 (2007) and the FERC's letter order issued on September 6, 2007, in Docket No. NJ07–2–001.

Proposed Penalty Rate for Unreserved Use of Transmission Service

Unreserved Use of Transmission Service is provided when a Transmission Customer uses transmission service that it has not reserved or uses transmission service in excess of its reserved capacity. A Transmission Customer that has not secured reserved capacity or exceeds its firm or non-firm reserved capacity at any point of receipt or any point of delivery will be assessed Unreserved Use Penalties.

The penalty charge for a Transmission Customer that engages in Unreserved Use is 200 percent of Western's approved transmission service rate for point-to-point transmission service assessed as follows:

(i) The Unreserved Use Penalty for a single hour of unreserved use will be based upon the rate for daily firm point-to-point service.

(ii) The Unreserved Use Penalty for more than one assessment for a given duration (*e.g.,* daily) will increase to the next longest duration (*e.g.,* weekly).

(iii) The Unreserved Use Penalty charge for multiple instances of unreserved use (for example, more than 1 hour) within a day will be based on the rate for daily firm point-to-point service. The penalty charge for multiple instances of unreserved use isolated to 1 calendar week would result in a penalty based on the charge for weekly firm point-to-point service. The penalty charge for multiple instances of unreserved use during more than 1 week during a calendar month is based on the charge for monthly firm point-to-point service.

A Transmission Customer that exceeds its firm reserved capacity at any Point of Receipt or Point of Delivery or an Eligible Customer that uses Transmission Service at a Point of Receipt or Point of Delivery that it has not reserved is required to pay for all Ancillary Services identified in Western's OATT that were provided by Western and associated with the unreserved service on the IS system. The Transmission Customer or Eligible Customer will pay for Ancillary Services based on the amount of transmission service it used, but did not reserve.

Unreserved Use Penalties collected over and above the base point-to-point transmission service charge will be credited against the IS Annual Transmission Revenue Requirement (ATRR). For example, if a Transmission Customer has unreserved use that results in a penalty equal to twice the rate for firm weekly point-to-point

service, Western will retain an amount equal to the then current rate for firm weekly point-to-point service with the balance credited against the ATRR at the next rate recalculation.

Legal Authority

Western is proposing an Unreserved Use Penalty rate for the P–SMBP—ED in accordance with section 302 of the Department of Energy (DOE) Organization Act (42 U.S.C. 7152). This section transferred to and vested in the Secretary of Energy the power marketing functions of the Secretary of the Department of Interior and the Bureau of Reclamation under the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent laws, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)); and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s); and other acts that specifically apply to the projects involved.

By Delegation Order No. 00–037.00, effective December 6, 2001, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to Western's Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to the FERC. Existing DOE procedures for public participation in power rate adjustments (10 CFR part 903) were published on September 18, 1985 (50 FR 37835).

After review of public comments, and possible amendments or adjustments, Western will recommend the Deputy Secretary of Energy approve the proposed rates on an interim basis.

Availability of Information

All brochures, studies, comments, letters, memorandums, or other documents that Western initiates or uses to develop the proposed rates are available for inspection and copying at the Upper Great Plains Regional Office, located at 2900 4th Avenue North, Billings, Montana. Many of these documents and supporting information are also available on its Web site under the ''2009 Transmission and Ancillary Services Rate Adjustment Process'' section located at *http://www.wapa.gov/ugp/rates/default.htm.*

Regulatory Procedure Requirements

Environmental Compliance

In compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4347), Council on Environmental Quality Regulations (40 CFR parts 1500–1508), and DOE NEPA Regulations (10 CFR part 1021), Western is in the process of determining whether an environmental assessment or an environmental impact statement should be prepared or if this action can be categorically excluded from those requirements.

Determination Under Executive Order 12866

Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Dated: June 18, 2009.

Timothy J. Meeks,

Administrator.

[FR Doc. E9–15047 Filed 6–25–09; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2003–0004; FRL–8424–3]

Access to Confidential Business Information by Computer Sciences Corporation's Identified Subcontractor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized a subcontractor, of its prime contractor, Computer Sciences Corporation (CSC) of Chantilly, VA, to access information which has been submitted to EPA under all sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be Confidential Business Information (CBI).

DATES: Access to the confidential data will occur no sooner than July 6, 2009.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

For technical information contact: Scott Sherlock, Information Management Division (7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–8257; fax number: (202) 564–8251; e-mail address: *Scott Sherlock@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Notice Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to you if you are conducting, or may be required to conduct testing of chemical substances under the Toxic Substances Control Act (TSCA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of This Document and Other Related Information?

1. *Docket.* EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPPT–2003–0004. All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. 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 electronically at *http://www.regulations.gov*, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr*.

II. What Action Is the Agency Taking?

Under GSA Contract Number GS00T99ALD0204, Task Order Number T0002AJMZ39, contractor CSC of 15000 Conference Center Dr., Chantilly, VA, and its subcontractor General Dynamics Systems Development and Integration Services, Inc., previously named Veridian Information Solutions, of 10560 Arrowhead Drive, Fairfax, VA will assist the Office of Pollution Prevention and Toxics (OPPT) in computer operations and maintenance of TSCA CBI Computer Systems and Communications Network, linking CBI sites located in Washington, DC. CSC and its subcontractor will also assist in maintaining and operating the EPA CBI computer facilities located in Research Triangle Park, NC.

In accordance with 40 CFR 2.306(j), EPA has determined that under GSA Contract Number GS00T99ALD0204, Task Order Number T0002AJMZ39, CSC and its subcontractor will require access to CBI submitted to EPA under all sections of TSCA to perform successfully the duties specified under the contract. CSC and its subcontractor personnel will be given access to information submitted to EPA under all sections of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA may provide CSC and its subcontractor access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters and the Research Triangle Park, NC facilities under the EPA *TSCA CBI Protection Manual*.

CSC and its subcontractor will be authorized access to TSCA CBI at EPA Headquarters and the Research Triangle Park, NC facilities under the EPA *TSCA CBI Protection Manual*.

Access to TSCA data, including CBI, will continue until September 30, 2009. If the contract is extended, this access will also continue for the duration of the extended contract without further notice.

CSC and its subcontractor personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

List of Subjects

Environmental protection, Confidential business information.

Dated: June 22, 2009.

Matthew Leopard,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. E9–15142 Filed 6–25–09; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8594–8]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202–564–7146.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 17, 2009 (74 FR 17860).

Draft EISs

EIS No. 20090066, ERP No. D–AFS–L65569–OR, Tracy Placer Mining Project, Proposing Mine Development on a Portion of the Unpatented Cedar Gulch Group Placer Claim, Plan-of-Operations, Wild Rivers Ranger District, Rogue River-Siskiyou National Forest, Josephine County, OR.

Summary: EPA expressed environmental objections to Alternative 2 based on the likelihood of mining and timber harvest activities to increase temperatures in Sucker Creek, and impact Cedar Gulch and the un-named creek in the project area. In addition, we have concerns about potential impacts to listed species; coho salmon and northern spotted owl, and reclamation and long term site recovery. Rating EO2.

EIS No. 20090071, ERP No. D–FHW–F40447–OH, Cleveland Innerbelt Project, Proposing Major Rehabilitation and Reconstruction between I–71 and I–90, Cleveland Central Business District, Funding, City of Cleveland, Cuyahoga County, OH.

Summary: EPA expressed environmental concerns about stormwater impacts. Rating EC2.

EIS No. 20090087, ERP No. D–FRA–K59009–00, DesertXpress High-Speed Passenger Train Project, Proposes to Construct and Operate High-Speed Passenger Train between Victorville, California and Las Vegas, Nevada.

Summary: EPA expressed environmental concerns about impacts to hydrology, aquatic resources, air quality, and wildlife movement. Rating EC2.

EIS No. 20090137, ERP No. D–AFS–K65362–CA, Sierra National Forest Travel Management Plan, To Prohibit Motorized Vehicle Travel Off Designated National Forest Transportation System (NFIS) Roads, Trails and Area, Fresno, Mariposa, Madera Counties, CA.

Summary: EPA expressed environmental concerns about impacts to watersheds with significant water quality impairment. Rating EC2.

Final EISs

EIS No. 20090128, ERP No. F–AFS–K65347–CA, Gemmill Thin Project, Proposal to Reduce the Intensity and Size of Future Wildfires, and to Maintain/Improve Ecosystem Function and Wildlife Habitat, Chanchellula Late-Successional Reserve, Shasta-Trinity National Forest, Trinity County, CA.

Summary: EPA continues to have environmental concerns about the criteria and decision-making process that will be use in this thinning project.

EIS No. 20090138, ERP No. FA–COE–K36098–CA, Santa Ana River Interceptor (SARI) Protection/Relocation Project, Reduce the Risk of Damage to the SARI to allow for the Operation of Santa Ana River Project (SARP), and Releases from Prado Dam of up to 30,000 cubic feet per second (cfs), Right-of-Way Permit and US COE Section 404 Permit, Orange and Riverside Counties, CA.

Summary: EPA's previous concerns have been resolved; therefore, EPA does not object to the proposed action.

Dated: June 23, 2009.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E9–15140 Filed 6–25–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8594–7]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–1399 or *http://www.epa.gov/compliance/nepa/*

Weekly receipt of Environmental Impact Statements filed 06/15/2009 through 06/19/2009 pursuant to 40 CFR 1506.9.

EIS No. 20090196, Draft EIS, SFW, MT, Montana Department of Natural and Resources and Conservation Plan (HCP), Forested State Trust Lands, Designed to Minimize and Mitigate Any Such Take of Endangered or Threatened Species, Application for an Incidental Take Permit, MT, Comment Period Ends: 09/23/2009, Contact: Amelia Orton-Palmer 303–236–4211.

EIS No. 20090197, Final EIS, WAP, MN, Big Stone II Power Plant and Transmission Project, Addresses the Impacts of Changes to the Proposed Action Relative to Cooling Alternatives and the Use of Groundwater as Backup Water Source, US Army COE Section 10 and 404 Permits, Grant County, SD and Big Stone County, MN, Wait Period Ends: 07/27/2009, Contact: Matt Blevins 720–962–7261.

EIS No. 20090198, Draft EIS, AFS, CA, Shasta-Trinity National Forest Motorized Travel Management Project, Proposal to Prohibit Cross-County Motor Vehicle Travel off Designated National Forest Transportation System (NFTS) Roads, Motorized Trails and Areas by the Public Except as Allowed by Permit or Other Authorization (excluding snowmobile use), CA, Comment Period Ends: 08/10/2009, Contact: Robert Remillard 530–226–2421.

EIS No. 20090199, Draft EIS, AFS, OR, Westside Rangeland Analysis Project, Proposal to Allocate Forage for Commercial Livestock Grazing on Six Alternatives, Mud and Tope Creeks, Wallowa Valley Ranger District, Wallowa-Whitman National Forest, Wallowa County, OR, Comment Period Ends: 08/10/2009, Contact: Alicia Glassford 541–426–5689.

EIS No. 20090200, Draft EIS, AFS, MI, Niagara Project, To Address Site-Specific Vegetation and Transportation System Needs in the Project Areas, Hiawatha National Forest, St. Ignace and Sault Ste. Marie Ranger Districts, Mackinac and Chippewa Counties, MI, Comment Period Ends: 08/10/2009, Contact: Martha Sjogren 906–643–7900 Ext. 117.

EIS No. 20090201, Final Supplement, AFS, CA, Brown Project, Revised Proposal To Improve Forest Health by Reducing Overcrowded Forest Stand Conditions, Trinity River Management Unit, Shasta-Trinity National Forest, Weaverville Ranger District, Trinity County, CA, Wait Period Ends: 07/27/2009, Contact: Robert Remillard 530–226–2421.

EIS No. 20090202, Final EIS, AFS, MT, Ashland Ranger District Travel Management Project, Proposing to Designate Routes for Public Motorized Use, Ashland Ranger District, Custer National Forest, Rosebud and Power River Counties, MT, Wait Period Ends: 07/27/2009, Contact: Doug Epperly 406–657–6202 Ext. 225.

EIS No. 20090203, Final EIS, NOA, 00, Snapper Grouper Amendment 15B, Fishery Management Plan, Updated Information on the Economic Analysis for the Bag Limit Sales Provision, Update Management Reference Point for Golden Tilefish (*Lopholatilus chamaeleonticeps*); Define Allocations for Snowy Grouper (*Epinephelus niveatus*) and Red Porgy (*Pagrus pagrus*), NC, SC, FL and GA, Wait Period Ends: 07/27/2009, Contact: Dr. Roy E. Crabtree 727–824–5305.

EIS No. 20090204, Final EIS, AFS, 00, Sioux Ranger District Travel Management Project, To Designate the Road and Trail and Areas Suitable for Public Motorized Travel, Sioux Ranger District, Custer National Forest, Carter County of MT and Harding County of South Dakota, Wait Period Ends: 07/27/2009, Contact: Doug Epperly 406–657–6205 Ext 225.

EIS No. 20090205, Draft Supplement, AFS, OR, Invasive Plant Treatments Within the Deschutes and Ochoco National Forests and the Crooked River National Grassland, Updated Information on Three New Alternatives, Proposal for Treatment of Invasive Plant Infestation and Protection of Uninfested Areas, Implementation, Several Cos., OR, Comment Period Ends: 08/10/2009, Contact: Beth Peer 541–383–4769.

EIS No. 20090206, Final EIS, NOA, 00, PROGRAMMATIC EIS—Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico, To Increase the Maximum Sustainable Yield (MSY) and Optimun Yield (OY), Implementation, Wait Period Ends: 07/27/2009, Contact: Dr. Roy E. Crabtree 727–551–5755.

EIS No. 20090207, Final EIS, FHW, UT, SR–262; Montezuma Creek to Aneth Project, Improvements to the Intersection of SR–162, SR–262, and County Road (CR) 450 in Montezuma Cree, Funding, Navajo Nation, San Juan County, UT, Wait Period Ends: 07/27/2009, Contact: Ed Woolford 801–963–0182.

EIS No. 20090208, Draft EIS, FHW, IL, Illinois 336 Corridor Project, (Federal Aid Primary Route 315), Proposed Macomb Bypass in McDonough County, to I–474 west of Peoria in Peoria County, Funding, McDonough, Fulton and Peoria Counties, IL, Comment Period Ends: 08/24/2009, Contact: Norman Stoner, P.E. 217–492–4600.

EIS No. 20090209, Draft EIS, BLM, WY, Wright Area Coal Lease Project, Applications for Leasing Six Tracts of Federal Coal Reserves Adjacent to the Black Thunder, Jacob Ranch, and North Antelope Rochelle Mines, Wyoming Powder River Basin, Campbell County, WY, Comment Period Ends: 08/24/2009, Contact: Sarah Bucklin 307–261–7541.

EIS No. 20090210, Draft EIS, FRC, 00, Ruby Pipeline Project, Proposed Natural Gas Pipeline Facilities, Right-of-Way Grants (and/or Temporary Use or Special Use Permits), WY, UT, NV and OR, Comment Period Ends: 08/10/2009, Contact: Patricia Schaub 1–866–208–3372.

EIS No. 20090211, Draft Supplement, AFS, CO, Vail Ski Area's 2007 Improvement Project, Proposed On-Mountain Restaurant from the top of Vail Mountain to Mid Vail, Special-Use-Permit, Eagle/Holy Cross Ranger District, White River National Forest, Eagle County, CO, Comment Period Ends: 08/10/2009, Contact: Don Dressler 970–827–5157.

EIS No. 20090212, Final EIS, FTA, MN, Central Corridor Project, Selected the Preferred Alternative, 11 miles Light Rail Transit between downtown Minneapolis and downtown St. Paul, Minnesota, Twin Cities Metropolitan Area, MN, Wait Period Ends: 07/27/2009, Contact: William Wheeler 312–353–2639.

EIS No. 20090213, Final EIS, USN, 00, Undersea Warfare Training Range Project, Installation and Operation, Preferred Site Jacksonville Operating Area, FL and Alternative Sites (within the Charleston, SC; Cherry Point, NC; and VACAPES Operating Areas, VA, Wait Period Ends: 07/27/2009, Contact: Lesley Leonard 757–322–4645.

EIS No. 20090214, Final EIS, CGD, 00, PROGRAMMATIC—Vessel and Facility Response Plans for Oil: 2003 Removal Equipment Requirements and Alternative Technology Revisions, To Increase the Oil Removal Capability, U.S. Exclusive Economic Zone (EEZ), United States, Alaska, Guam, Puerto Rico and other U.S. Territories, Wait Period Ends: 07/27/2009, Contact: Greg Kirkbride 202–372–1479.

Dated: June 23, 2009.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E9–15141 Filed 6–25–09; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

June 17, 2009.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. An agency may not conduct or sponsor a collection of information unless it displays a currently valid 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 (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Persons wishing to comment on this information collection should submit comments August 25, 2009. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget (OMB), via fax at 202–395–5167, or via the Internet at *Nicholas_A._Fraser@omb.eop.gov* and to *Judith-B.Herman@fcc.gov,* Federal Communications Commission (FCC). To submit your comments by e-mail send them to: *PRA@fcc.gov.* To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the Web page called ''Currently Under Review'', (3) click the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box and (6) when the list of FCC ICRs currently under review appears, look for the title of this ICR (or its OMB Control Number, if there is one) and then click on the ICR Reference Number to view detailed information about this ICR.

FOR FURTHER INFORMATION CONTACT: For additional information, send an e-mail to Judith B. Herman at *Judith-B.Herman@fcc.gov* or call 202–418–0214.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0790.

Title: Section 68.110(c), Availability of Inside Wiring Information.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 1,200 respondents; 1,200 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: Recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. Sections 151, 154, 201–205, 218, 220 and 405 and 5 U.S.C. Sections 552 and 553.

Total Annual Burden: 1,200 hours.

Total Annual Cost: $5,000.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission is not requesting that the respondents submit confidential information to the FCC.

Needs and Uses: The Commission will submit this information collection to the Office of Management and Budget (OMB) after this 60-day comment period in order to obtain the full three-year clearance from them. The Commission is requesting an extension (no change in the recordkeeping and/or third party disclosure requirements) of this information collection. There is no change to the estimated number of respondents/responses, annual burden hours, and/or annual costs.

Section 68.110(c) requires that any available technical information concerning carrier-installed wiring on the customer's side of the demarcation point, including copies of existing schematic diagrams and service records, shall be provided by the telephone company upon request of the building owner or agent thereof. The telephone company may charge the building owner a reasonable fee for this service, which shall not exceed the cost involved in locating and copying the documents. In the alternative, the telephone company may make these documents available for review and copying by the building owner. In this case, the telephone company may charge a reasonable fee, which shall not exceed the cost involved in making the documents available, and may also require the building owner to pay a deposit to guarantee the document's return. Section 68.110(c) requires the disclosure of any available technical information concerning carrier-installed inside wiring, including existing schematic diagrams and service records, for duplication by building owners or their agents for a reasonable fee to be determined by the carrier. The information is needed so that building owners may choose to contract with an installer of their choice or inside wiring maintenance and installation service, or elect to contract with the telephone company to modify existing wiring or assist with the installation of additional inside wiring.

OMB Control Number: 3060–0791.

Title: Section 32.7300, Accounting for Judgments and other Costs Associated with Litigation.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 2 respondents; 2 responses.

Estimated Time per Response: 4–36 hours.

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. Sections 151, 152, 154, 161, 201–205, and 218–220.

Total Annual Burden: 1,200 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission is not requesting that the respondents submit confidential information to the FCC.

Needs and Uses: The Commission will submit this information collection to the Office of Management and Budget (OMB) after this 60-day comment period

in order to obtain the full three year clearance from them. The Commission is requesting an extension (no change in the recordkeeping and/or third party disclosure requirements) of this information collection. There is a change to the estimated number of respondents/responses and annual burden hours. The Commission adopted accounting rules that require carriers to account for adverse federal antitrust judgments and post-judgment special charges. With regard to settlements of such lawsuits there will be a presumption that carriers can recover the portion of the settlement that represents the avoidable costs of litigation; provided that the carrier makes a required showing. To receive recognition of its avoided cost of litigation a carrier must demonstrate, in a request for special relief, the avoided costs of litigation by showing the amount corresponding to the additional litigation expenses discounted to present value, that the carrier reasonably estimates it would have paid if it had not settled. Settlement costs in excess of the avoided costs of litigation are presumed not recoverable unless a carrier rebuts that presumption by showing the basic factors that enticed the carrier to settle and demonstrating that ratepayers benefited from the settlement. A carrier requesting.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E9–15133 Filed 6–25–09; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget, Comments Requested

June 16, 2009.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501—3520. An agency may not conduct or sponsor a collection of information unless it displays a currently valid 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 (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before July 27, 2009. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, (202) 395–5887, or via fax at 202–395–5167 or via internet at *Nicholas_A._Fraser@omb.eop.gov* and to *Judith-B.Herman@fcc.gov,* Federal Communications Commission, or an e-mail to *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information, contact Judith B. Herman at 202–418–0214 or via the Internet at *Judith-B.Herman@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0979.

Title: License Audit Letter.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households, business or other for-profit; not-for-profit institutions; Federal Government; and state, local or tribal government.

Number of Respondents: 310,000 respondents; 310,000 responses.

Estimated Time per Response: .50 hours.

Frequency of Response: One-time reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection are contained in 47 U.S.C. Sections 15, 152, 154(i), 157, 201, 202, 218, 301, 302(a), 303, 307, 308, 309, 310, 311, 314, 316, 324, 331, 332, 333, 336, 534, and 535 of the Communications Act of 1934, as amended.

Total Annual Burden: 155,000 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: Yes. The FCC has a System of Records (SORN), FCC/WTB–1, ''Wireless Services Licensing Records,'' to cover the personally identifiable information affected by this information collection requirement. At this time, the Commission (FCC) is not required to complete a Privacy Act Impact Assessment (PIA).

Nature and Extent of Confidentiality: In general, there is no need for confidentiality. On a case by case basis, the Commission may be required to withhold from disclosure certain information about the location, character, or ownership of historic property, including traditional religious sites.

Needs and Uses: The Commission will submit this information collection to the Office of Management and Budget (OMB) after this 60 day comment period in order to obtain the full three year clearance from them. The Commission is requesting an extension (no change in the reporting requirement) of this information collection. There is no change in the estimated respondents/responses, and or annual burden hours.

The Wireless Telecommunications Bureau (WTB) of the Federal Communications Commission (FCC) conducts audits of the construction and operational status of various wireless radio stations in its licensing database that are subject to rule-based construction and operational requirements. The Commission rules, 47 CFR 1.80, 90.155 and 90.157, for these wireless services require construction within a specified time frame and require a station to remain operational in order for the license to remain valid. The Commission sends a ''License Audit Letter'' to the wireless licensee requesting that they respond to the instructions in the letter (and applicable rules) within 30 calendar days from the date on the letter.

This reporting requirement will be used by Commission staff to assure that licensees' stations are constructed and currently operating in accordance with the parameters of the current FCC authorization and rules.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E9–15134 Filed 6–25–09; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Radio Broadcasting Services; AM or FM Proposals To Change the Community of License

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The following applicants filed AM or FM proposals to change the community of license: GRACE CHRISTIAN CHURCH OF AMARILLO, INC., Station KRBG, Facility ID 93643, BPED–20090507ADC, From HEREFORD, TX, To UMBARGER, TX; HRN BROADCASTING, INC., Station WOHS, Facility ID 26179, BP–20081224AAO, From SHELBY, NC, To CRAMERTON, NC; HUGHEY COMMUNICATIONS, INC., Station WQLS, Facility ID 63946, BP–20090508ACB, From OZARK, AL, To PIKE ROAD, AL; JAMES S. BUMPOUS D.B.A.YELLOW DOG RADIO, Station KSIL, Facility ID 87838, BPH–20090422AAS, From HURLEY, NM, To RINCON, NM; JEFF ANDRULONIS, Station WEAF, Facility ID 24146, BP–20090421ABJ, From SPRINGDALE, SC, To ST. STEPHEN, SC; JOEL J. KINLOW, Station NEW, Facility ID 161393, BMP–20090610ACF, From PINE BLUFF, AR, To WHITE HALL, GA; KONA COAST RADIO, LLC., Station NEW, Facility ID 170960, BNPH–20070502AGP, From CHEYENNE WELLS, CO, To LAKIN, KS; LEON HUNT, Station KBSF, Facility ID 62035, BP–20090421AAW, From SPRINGHILL, LA, To NASH, TX; PRAISE COMMUNICATIONS, INC, Station WTUA, Facility ID 23895, BPH–20090421ABK, From ST. STEPHEN, SC, To PINOPOLIS, SC; RED ZEBRA BROADCASTING LICENSEE, LLC, Station WWXT, Facility ID 43277, BPH–20090416ACJ, From PRINCE FREDERICK, MD, To DUNKIRK, MD; RED ZEBRA BROADCASTING LICENSEE, LLC, Station WWXX, Facility ID 16819, BPH–20090416ACO, From WARRENTON, VA, To BUCKLAND, VA; SAGA COMMUNICATIONS OF ARKANSAS, LLC, Station KEGI, Facility ID 53473, BPH–20090417AAL, From JONESBORO, AR, To TRUMANN, AR; SAGA COMMUNICATIONS OF ARKANSAS, LLC, Station KJBX, Facility ID 18085, BPH–20090417AAO, From TRUMANN, AR, To CASH, AR; TELESOUTH COMMUNICATIONS, INC., Station WKBB, Facility ID 6194, BPH–20090612AJR, From WEST POINT, MS, To MANTEE, MS.

DATES: Comments may be filed through August 25, 2009.

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

FOR FURTHER INFORMATION CONTACT: Tung Bui, 202–418–2700.

SUPPLEMENTARY INFORMATION: The full text of these applications is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW., Washington, DC 20554 or electronically via the Media Bureau's Consolidated Data Base System, *http://svartifoss2.fcc.gov/prod/cdbs/pubacc/prod/cdbs_pa.htm.* A copy of this application 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.*

Federal Communications Commission.

James D. Bradshaw,

Deputy Chief, Audio Division, Media Bureau.

[FR Doc. E9–15136 Filed 6–25–09; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

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

The notification 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 July 13, 2009.

A. Federal Reserve Bank of St. Louis (Glenda Wilson, Community Affairs Officer) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. Charles B. Edel, Trustee of the Charles B. Edel Trust, and Suzanne Edel, Trustee of the Suzanne Edel Trust, both of Springfield, Missouri; acting in concert to increase control of Citizens National Bancorp Inc., Springfield, Missouri and thereby acquire control of Citzens National Bank of Springfield, Springfield, Missouri.

B. Federal Reserve Bank of Kansas City (Todd Offerbacker, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. David Carpenter, Chandler, Oklahoma as Trustee of the Lynda L. Cameron 2005 Family Trust, the William M. Cameron 2004 Family Trust, and the Lynda L. Cameron Trust B; to acquire control of First Fidelity Bancorp, Inc., Oklahoma City, Oklahoma, and thereby indirectly acquire control of First Fidelity Bank, National Association, Oklahoma City, Oklahoma.

2. Richard Kevin Chase, Derby, Kansas and Peter Cran Chase, Eastborough, Kansas; to acquire control of First Team Resources Corporation, Derby, Kansas, and thereby indirectly acquire control of Verus Bank National Association, Derby, Kansas.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. James Edward Baxter,II, Richmond Virginia; to acquire shares of Premier Banchsares, Inc., McKinney, Texas, and thereby indirectly acquire control of Synergy Bank, SSB McKinney, Texas.

Board of Governors of the Federal Reserve System, June 23, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E9–15172 Filed 6–25–09; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

President's Advisory Council for Faith-based and Neighborhood Partnerships

In accordance with section 10(a)(2) of the Federal Advisory Committee act (Pub. L. 92–463), the President's Advisory Council for Faith-based and Neighborhood Partnerships announces the following meeting:

Name: Meeting of President's Advisory Council for Faith-based and Neighborhood Partnerships

Dates: The meeting will be held on July 8–9th, 2009. For more information on meeting times please contact Mara Vanderslice at *mara.vanderslice@hhs.gov.*

Place: The meeting will take place at the White House.

Status: Portions of the meeting will be open to the public, limited only by space available.

Purpose: The Council brings together leaders and experts in fields related to the work of faith-based and neighborhood organizations in order to: Identify best practices and successful modes of delivering social services; evaluate the need for improvements in the implementation and coordination of public policies relating to faith-based and other neighborhood organizations and make recommendations for changes in policies, programs and practices.

Summary: The President's Advisory Council for Faith-based and Neighborhood Partnerships will hold a Council meeting. Topics to be discussed include updates from Council subcommittees on Reform of the

Office, Economic Recovery, Fatherhood and Healthy Families, Inter-religious Dialogue and Cooperation, Environment and Climate Change and Global Poverty and Development.

For Further Information Contact: Mara Vanderslice, 202–205–2419, *mara.vanderslice@hhs.gov.*

Dated: June 22, 2009.

Mara Vanderslice,

Special Assistant.

[FR Doc. E9–15185 Filed 6–25–09; 8:45 am]

BILLING CODE 4154–07–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10237, CMS–10137, CMS–10285, CMS–R–38, CMS–R–70, CMS–10287, CMS–10080 and CMS–846–849, 854, 10125, 10126, and 10269]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Advantage Applications–Part C; *Use:* Under section 1851(a)(1) of the Social Security Act, every individual entitled to Medicare Part A and enrolled under Part B, except for most individuals with end-stage renal disease (ESRD), could elect to receive benefits either through the Original Medicare Program or an M+C plan, if one was offered where he or she lived. The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) Pub. L. 108–173 was enacted on December 8, 2003. The MMA established the Medicare Prescription Drug Benefit Program (Part D) and made revisions to the provisions of Medicare Part C, governing what is now called the Medicare Advantage (MA) program (formerly Medicare+Choice).

Coverage for the prescription drug benefit is provided through contracted prescription drug plans or through Medicare Advantage (MA) plans that offer integrated prescription drug and health care coverage (MA–PD plans). Cost plans that are required under section 1876 of the Social Security Act, and Employer Group Waiver Plans (EGWP) may also provide a Part D benefit. Organizations wishing to provide services under the MA and MA–PD plans must complete an application, negotiate rates and receive final approval from CMS. Certain existing MA plans may also expand their contracted area by completing the Service Area Expansion (SAE) application. Health plans must meet regulatory requirements to enter into a contract with CMS in order to provide health benefits to Medicare beneficiaries. The revised MA applications are the collection receptacles required. Refer to the supporting document ''High-Level Summary of All Part C Application Revisions from 2010 Version of Part C Application to 2011 Version'' for a list of changes: *Form Number:* CMS–10237 (OMB#: 0938–0935); *Frequency:* Reporting—Yearly; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 291; *Total Annual Responses:* 291; *Total Annual Hours:* 9,547. (For policy questions regarding this collection contact Letticia Ramsey at 410–786–5262. For all other issues call 410–786–1326.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Application for Prescription Drug Plans (PDP); Application for Medicare Advantage Prescription Drug (MA–PD); Application for Cost Plans to Offer Qualified Prescription Drug Coverage; Application for Employer Group Waiver Plans to Offer Prescription Drug Coverage; Service Area Expansion Application for Prescription Drug Coverage; *Use:* The Medicare Prescription Drug Benefit program was established by section 101 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) and is codified in section 1860D of the Social Security Act (the Act). Section 101 of the MMA amended Title XVIII of the Social Security Act by redesignating Part D as Part E and inserting a new Part D, which establishes the voluntary Prescription Drug Benefit Program (''Part D''). The MMA was amended on July 15, 2008 by the enactment of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA).

Coverage for the prescription drug benefit is provided through contracted prescription drug plans (PDPs) or through Medicare Advantage (MA) plans that offer integrated prescription drug and health care coverage (MA–PD plans). Cost Plans that are regulated under Section 1876 of the Social Security Act, and Employer Group Waiver Plans (EGWP) may also provide a Part D benefit. Organizations wishing to provide services under the Prescription Drug Benefit Program must complete an application, negotiate rates and receive final approval from CMS. Existing Part D sponsors may also expand their contracted service area by completing the Service Area Expansion (SAE) application. Refer to supporting document ''Summary of Substantive and Technical Changes for All Part D Application Revisions from 2010 Version of Part D application to 2011 Draft Version'': *Form Number:* CMS–10137 (OMB#: 0938–0936); *Frequency:* Reporting—Once; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 453; *Total Annual Responses:* 453; *Total Annual Hours:* 11,919. (For policy questions regarding this collection contact Marla Rothouse at 410–786–8063. For all other issues call 410–786–1326.)

3. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Request for Expedited Review of Denial of Premium Assistance; *Use:* The American Recovery and Reinvestment Act of 2009 provides for premium assistance and expanded eligibility for health benefits under both the Consolidated Omnibus Budget Reconciliation Act of 1986, commonly called COBRA, and comparable State continuation coverage programs. This premium assistance is not paid directly to the covered employee or the qualified beneficiary, but instead is in the form of a tax credit for the health plan, the employer, or the insurer. ''Assistance eligible individuals'' pay only 35% of their continuation coverage premiums to the plan and the remaining 65% is paid through the tax credit.

If an individual requests treatment as an assistance eligible individual and the

employee's group health plan, employer, or insurer denies him or her the reduced premium assistance, the Secretary of Health and Human Services must provide for expedited review of the denial upon application to the Secretary in the form and manner the Secretary provides. The Secretary is required to make a determination within 15 business days after receipt of an individual's application for review.

The *Request for Review If You Have Been Denied Premium Assistance* (the ''application'') is the form that will be used by individuals to file their expedited review appeals. Each individual must complete all information requested on the application in order for CMS to begin reviewing his or her case. An application cannot be reviewed if sufficient information is not provided. Refer to the supporting document ''Crosswalk of Changes Between Request for Expedited Review of Denial of Premium Assistance (4/09) and Request for Review if You Have Been Denied Premium Assistance (6/09)'' for a list of changes: *Form Number:* CMS–10285 (OMB#: 0938–1062); *Frequency:* Reporting—Once; *Affected Public:* Individuals and households; *Number of Respondents:* 12,000; *Total Annual Responses:* 12,000; *Total Annual Hours:* 12,000. (For policy questions regarding this collection contact Jim Mayhew at 410–786–9244. For all other issues call 410–786–1326.)

4. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Conditions of Certification for Rural Health Clinics and Supporting Regulations in 42 CFR 491.9, 491.10, 491.11; *Use:* The Rural Health Clinic (RHC) conditions of certification are based on criteria prescribed in law and are designed to ensure that each facility has a properly trained staff to provide appropriate care and to assure a safe physical environment for patients. The Centers for Medicare and Medicaid Services (CMS) uses these conditions of participation to certify RHCs wishing to participate in the Medicare program. These requirements are similar in intent to standards developed by industry organizations such as the Joint Commission on Accreditation of Hospitals, and the National League of Nursing/American Public Association and merely reflect accepted standards of management and care to which rural health clinics must adhere. *Form Number:* CMS–R–38 (OMB#: 0938–0334); *Frequency:* Recordkeeping and Reporting—Annually and upon initial application for Medicare approval; *Affected Public:* Business or other for-profits; *Number of Respondents:* 3,937; *Total Annual Responses:* 3,937; *Total Annual Hours:* 18,932. (For policy questions regarding this collection contact Mary Collins at 410–786–3189. For all other issues call 410–786–1326.)

5. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Information Collection Requirements in HSQ–110, Acquisition, Protection and Disclosure of Peer Review Organization Information and Supporting Regulations in 42 CFR, Sections 480.104, 480.105, 480.116, and 480.134; *Use:* The Peer Review Improvement Act of 1982 authorizes quality improvement organizations (QIOs), formally known as peer review organizations (PROs), to acquire information necessary to fulfill their duties and functions and places limits on disclosure of the information. The QIOs are required to provide notices to the affected parties when disclosing information about them. These requirements serve to protect the rights of the affected parties. The information provided in these notices is used by the patients, practitioners and providers to: obtain access to the data maintained and collected on them by the QIOs; add additional data or make changes to existing QIO data; and reflect in the QIO's record the reasons for the QIO's disagreeing with an individual's or provider's request for amendment. *Form Number:* CMS–R–70 (OMB#: 0938–0426); *Frequency:* Reporting—On occasion; *Affected Public:* Business or other for-profits; *Number of Respondents:* 362; *Total Annual Responses:* 3729; *Total Annual Hours:* 60,919. (For policy questions regarding this collection contact Tom Kessler at 410–786–1991. For all other issues call 410–786–1326.)

6. *Type of Information Collection Request:* New collection; *Title of Information Collection:* Medicare Quality of Care Complaint Form; *Use:* In accordance with Section 1154(a)(14) of the Social Security Act, Quality Improvement Organizations (QIOs) are required to conduct appropriate reviews of all written complaints submitted by beneficiaries concerning the quality of care received. The Medicare Quality of Care Complaint Form will be used by Medicare beneficiaries to submit quality of care complaints. This form will establish a standard form for all beneficiaries to utilize and ensure pertinent information is obtained by QIOs to effectively process these complaints. *Form Number:* CMS–10287 (OMB#: 0938–New); *Frequency:* Reporting—On occasion; *Affected Public:* Individuals or Households; *Number of Respondents:* 3,500; *Total Annual Responses:* 3,500; *Total Annual Hours:* 583. (For policy questions regarding this collection contact Tom Kessler at 410–786–1991. For all other issues call 410–786–1326.)

7. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Publication Usage Survey; Use: The Publication Usage survey was developed to gather information from people who request or access Medicare publications, to ensure comprehension, usability, and use of the publications. CMS is seeking understanding about whether publications have been effective in informing members of the Medicare audience regarding policy and benefits. Included in the survey are questions regarding the satisfaction of publication users with specific publications and whether the information they received informed them about the Medicare program. Information gathered in this survey will be used only for purposes of targeting and improving communications with Medicare beneficiaries, caregivers, partners, and community organizations. *Form Number:* CMS–10080 (OMB#: 0938–0892); *Frequency:* Reporting—On occasion; *Affected Public:* Individuals or Households; *Number of Respondents:* 3,800; *Total Annual Responses:* 3,800; *Total Annual Hours:* 950. (For policy questions regarding this collection contact Renee Clarke at 410–786–0006. For all other issues call 410–786–1326.)

8. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Durable Medical Equipment Medicare Administrative Contractors (MAC), Certificates of Medical Necessity; *Use:* The certificate of medical necessity (CMN) collects information required to help determine the medical necessity of certain items. CMS requires CMNs where there may be a vulnerability to the Medicare program. Each initial claim for these items must have an associated CMN for the beneficiary. Suppliers (those who bill for the items) complete the administrative information (e.g., patient's name and address, items ordered, etc.) on each CMN. The 1994 Amendments to the Social Security Act require that the supplier also provide a narrative description of the items ordered and all related accessories, their charge for each of these items, and the Medicare fee schedule allowance (where applicable). The supplier then sends the CMN to the treating physician or other clinicians (e.g., physician assistant,

LPN, etc.) who completes questions pertaining to the beneficiary's medical condition and signs the CMN. The physician or other clinician returns the CMN to the supplier who has the option to maintain a copy and then submits the CMN (paper or electronic) to CMS, along with a claim for reimbursement.

Due to a technical oversight on the part of CMS, an important question on CMN Form 10269 was omitted from the last OMB submission that would allow claims with an apnea-hypopnea index (AHI) or respiratory disturbance index (RDI) greater than or equal to 5 without symptoms for Criterion 2 be paid for by the Medicare program. The omission of the following question ''Does the patient have documented evidence of at least one of the following: Excessive daytime sleepiness, impaired cognition, mood disorders, insomnia, hypertension, ischemic heart disease or history of stroke'' could cause improper payment of claims without regards as to whether the patient has signs or symptoms in support of meeting the applicable coverage criteria for PAP devices. We are resubmitting this information collection request to have the revised CMN Form 10269 approved. None of the other CMN forms have changed.

Form Number: CMS–846–849, 854, 10125, 10126, 10269 (OMB# 0938–0679); *Frequency:* Occasionally; *Affected Public:* Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 59,200; *Total Annual Responses:* 6,480,000; *Total Annual Hours:* 1,296,000. (For policy questions regarding this collection contact Doris Jackson at (410) 786–4459. For all other issues call (410) 786–1326.)

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site at *http://www.cms.hhs.gov/PaperworkReductionActof1995,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov,* or call the Reports Clearance Office on (410) 786–1326.

In commenting on the proposed information collections please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in one of the following ways by August 25, 2009:

1. *Electronically.* You may submit your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, *Attention:* Document Identifier/OMB Control Number, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: June 18, 2009.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. E9–15193 Filed 6–25–09; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–R–205 and CMS–R–206]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the Agency's function; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Information Collection Requirements Referenced in HIPAA title I for the Individual Market, Supporting Regulations at 45 CFR 148 (148.120, 148.122, 148.124, 148.126, and 148.128), Forms and Instructions; *Use:* The provisions of title I of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) amend the Public Health Service Act (PHS Act) and are designed to make it easier for people to get access to health care coverage; to reduce the limitations that can be put on the coverage; and to make it more difficult for issuers to terminate the coverage. The information collection requirements will ensure that issuers in the individual market comply with HIPAA title I, provide individuals with certificates of creditable coverage necessary to demonstrate prior creditable coverage and file documentation with CMS for review in a Federal direct enforcement state. Requirements must also ensure states' flexibility to implement state alternative mechanisms. *Form Number:* CMS–R–205 (OMB#: 0938–0703); *Frequency:* Reporting—Yearly and Occasionally; *Affected Public:* Business or other For-profit and Not-for-profit institutions; *Number of Respondents:* 2,042; *Total Annual Responses:* 2,979,801; *Total Annual Hours:* 856,384. (For policy questions regarding this collection contact Louis Blank at 410–786–5511. For all other issues call 410–786–1326.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Information Collection Requirements in HIPAA title I for the Group Market, Supporting Regulations 45 CFR 146 (146.111, 146.115, 146.117, 146.150, 146.152, 146.160 and 146.180) Forms and Instructions; *Use:* The provisions of title I of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) are designed to make it easier for people to get access to health care coverage and to reduce the limitations that can be put on the coverage. This collection pertains to notices issued by group health insurance issuers and self-funded non-Federal governmental plans as required by 45 CFR 146. These notices are triggered by the issuance of certificates of creditable coverage; notification of preexisting condition exclusions; notification of special enrollment rights; and State review of issuers' filings of group market products or similar Federal review in cases in which a State is not enforcing a HIPAA group market provision. *Form Number:* CMS–R–206 (OMB#: 0938–0702); *Frequency:* Reporting—Yearly; *Affected Public:* Private Sector; Business or other For-profit and Not-for-profit institutions, and State, Local, or Tribal Governments; *Number of Respondents:* 8,050; *Total Annual Responses:* 37,002,217; *Total Annual Hours:* 2,920,012. (For policy questions regarding this collection contact Louis Blank at 410–786–5511. For all other issues call 410–786–1326.)

To be assured consideration, comments and recommendations for the

proposed information collections must be received by the OMB desk officer at the address below, no later than 5 p.m. on July 27, 2009.

OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, *Fax Number:* (202) 395–6974, *E-mail: OIRA_submission@omb.eop.gov.*

Dated: June 18, 2009.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. E9–15189 Filed 6–25–09; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; NCCAM Customer Service Data Collection

Summary: 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 National Center for Complementary and Alternative Medicine (NCCAM), at the National Institutes of Health (NIH), will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection: Title: NCCAM Customer Service Data Collection. *Type of Information Collection Request:* Revision. *Need and Use of Information Collection:* NCCAM provides the public, patients, families, health care providers, complementary and alternative medicine (CAM) practitioners, and others with the latest scientifically based information on CAM and information about NCCAM's programs through a variety of channels, including its toll-free telephone information service and its quarterly newsletter. To ensure that NCCAM is effectively serving all audiences, NCCAM needs to continue to measure customer satisfaction with NCCAM telephone interactions. This effort involves a telephone survey consisting of 10 questions, which are asked of 25 percent of all callers, for an annual total of approximately 1,210 respondents. NCCAM uses the data collected from the surveys to characterize NCCAM users and help program staff measure user satisfaction, assess impact of their communication efforts, tailor services to the public and health care providers, measure service use among special populations, and assess the most effective media and messages to reach these audiences. *Frequency of Response:* Once. *Affected Public:* Individuals and households. *Type of Respondents:* Patients, spouses/family/friends of patients, health care providers, physicians, CAM practitioners, or other individuals contacting the NCCAM Clearinghouse.

The annual reporting burden is as follows.

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total annual burden hours requested
Telephone survey: Individuals or households	1,210	1	0.075	91

The annualized cost to respondents is estimated at $1,770 for the telephone survey. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

For Further Information Contact: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Christy Thomsen, Director, Office of Communications and Public Liaison, NCCAM, 31 Center Drive, Room 2B11, Bethesda, MD 20892–2182; or fax your request to 301–402–4741; or e-mail *thomsenc@mail.nih.gov*. Ms. Thomsen can be contacted by telephone at 301–451–8876.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Dated: June 18, 2009.

Christy Thomsen,

Director, Office of Communications and Public Liaison, National Center for Complementary and Alternative Medicine, National Institutes of Health.

[FR Doc. E9–15058 Filed 6–25–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0264]

Amended Authorization of Emergency Use of Doxycycline Hyclate Tablet Emergency Kits for Eligible United States Postal Service Participants in the Cities Readiness Initiative and Their Household Members; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an amendment to the Emergency Use Authorization (EUA) (the Authorization) for doxycycline hyclate tablet emergency kits for eligible U.S. Postal Service (USPS) participants in the Cities Readiness Initiative (CRI) and their household members issued on October 3, 2008, under the Federal Food, Drug, and Cosmetic Act (the act), as requested by the Biomedical Advanced Research and Development Authority (BARDA), Office of the Assistant Secretary for Preparedness and Response (ASPR),

Health and Human Services (HHS). Following issuance of FDA's October 3, 2008, Authorization letter, on February 19, 2009, BARDA submitted a request on behalf of ASPR, to amend the Authorization. In response to BARDA's request, FDA amended the Authorization letter and reissued the Authorization letter in its entirety on February 25, 2009. The Authorization, as amended and reissued in its entirety, is reprinted in this document.

DATES: The amended Authorization is effective as of February 25, 2009.

ADDRESSES: Submit written requests for single copies of the EUA to the Office of Counterterrorism and Emerging Threats (HF–29), Food and Drug Administration, 5600 Fishers Lane, rm. 14C–26, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your request or include a fax number to which the Authorization may be sent. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the Authorization.

FOR FURTHER INFORMATION CONTACT: Boris Lushniak, Office of Counterterrorism and Emerging Threats (HF–29), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4067.

SUPPLEMENTARY INFORMATION:

I. Amendment to the October 3, 2008, Authorization for Doxycycline Hyclate in Emergency Kits

On September 23, 2008, under section 564(b)(1)(A) of the the act (21 U.S.C. 360bbb-3(b)(1)(A)), as amended by the Project BioShield Act of 2004 (Public Law 108–276), the Secretary of Homeland Security determined that there is a significant potential for a domestic emergency, involving a heightened risk of attack with a specified biological, chemical, radiological, or nuclear agent or agents—in this case, *Bacillus anthracis*. On October 1, 2008, under section 564(b) of the act, and on the basis of such determination, the Secretary of HHS, Michael O. Leavitt, declared an emergency justifying the authorization of the emergency use of doxycycline hyclate tablets accompanied by emergency use information subject to the terms of any authorization issued under 21 U.S.C. 360bbb-3(a). Notice of the determination of the Secretary of Homeland Security and the declaration of the Secretary of HHS was published in the **Federal Register** on October 6, 2008 (73 FR 58242).

On October 1, 2008, BARDA requested an EUA for doxycycline hyclate tablet emergency kits for eligible USPS participants in CRI and their household members. As required under section 564(h)(1) of the act, on October 21, 2008, FDA published in the **Federal Register** notice of the Authorization for doxycycline hyclate tablet emergency kits for eligible USPS participants in the CRI and their household members, including an explanation of the reasons for its issuance (73 FR 62057, October 21, 2008). On February 19, 2009, BARDA submitted a request on behalf of ASPR to amend the Authorization to make certain changes to the written information authorized to accompany the doxycycline hyclate tablets and to the roles and responsibilities provided for in the Authorization. On February 25, 2009, in response to BARDA's request, FDA amended the Authorization letter and reissued the Authorization letter in its entirety.

II. Electronic Access

An electronic version of this notice and the full text of the Authorization are available on the Internet at *http://www.regulations.gov*.

III. The Authorization

After having consulted with the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC) and having concluded that the criteria for issuance of this Authorization under section 564(c) of the act were met, on October 3, 2008, FDA authorized the emergency use of doxycycline hyclate tablet emergency kits for eligible USPS participants in the CRI and their household members. The letter of authorization in its entirety, as amended on February 25, 2009, follows:

February 25, 2009
Robin Robinson, Ph.D.
Director
Biomedical Advanced Research and Development Authority (BARDA)
330 Independence Avenue SW
Room G640
Washington, DC 20201
Dear Dr. Robinson:

This letter is in response to BARDA's October 1, 2008 submission, as amended,[1] requesting that the Food and Drug Administration (FDA) issue an Emergency Use Authorization (EUA) for the pre-event provision and potential use of doxycycline hyclate tablet emergency kits[2] for inhalational anthrax, pursuant to section 564 of the Federal Food, Drug, and Cosmetic Act (the Act). Your request is specifically for eligible[3] United States Postal Service (USPS) participants in the Cities Readiness Initiative (CRI) (hereinafter USPS participants) and their household members.[4]

On September 23, 2008, pursuant to section 564(b)(1)(A) of the Act, 21 U.S.C. § 360bbb–3(b)(1)(A), the Secretary of the Department of Homeland Security determined that there is a significant potential for a domestic emergency, involving a heightened risk of attack with a specified biological, chemical, radiological, or nuclear agent or agents--in this case, *Bacillus anthracis*.[5] On October 1, 2008, pursuant to section 564(b) of the Act, and on

[1] BARDA submitted an amendment on October 3, 2008. Following issuance of FDA's October 3, 2008, authorization letter, BARDA submitted a request on behalf of the Office of the Assistant Secretary for Preparedness and Response (ASPR) on February 19, 2009, to further amend the authorization. This amended authorization letter responds to that request.

[2] Your submissions refer to a Household Antibiotic Kit (HAK), which would be stored in an eligible United States Postal Service (USPS) participant's home and would contain unit-of-use bottles of doxycycline hyclate tablets (100 mg) and both emergency use instructions and home preparation instructions. Your submissions also refer to an individual Household Antibiotic Kit (iHAK), which would be stored at an eligible USPS participant's workplace and would contain only one unit-of-use bottle of doxycycline hyclate tablets (100 mg) and emergency use instructions. For ease of reference, this letter of authorization will use the term ''doxycycline hyclate tablet emergency kit(s)'' to refer to both types of kits, unless otherwise specified. When referring to the kits separately, this letter will use the term ''household doxycycline hyclate tablet emergency kit'' to refer to the HAK and the term ''individual doxycycline hyclate tablet emergency kit'' to refer to the iHAK.

[3] The term ''eligible'' refers to USPS participants who have agreed in writing to participate in the Postal Module of CRI, have been screened for fitness to receive OSHA-required personal protective equipment, have (including household members) been medically screened for contraindications based on completed health assessment forms, have (including household members) been given a valid prescription, and have (including household members) not otherwise been determined to be ineligible to receive doxycycline hyclate tablet emergency kits.

[4] Your submissions define ''household member'' as ''anyone that considers that address as his or her permanent place of residence.''

[5] Memorandum from Michael Chertoff to Michael O. Leavitt, Determination Pursuant to § 564 of the Federal Food, Drug, and Cosmetic Act (Sept. 23, 2008).

[6] Declaration of Emergency Pursuant to Section 564 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 360bbb-3(b) (Oct. 1, 2008).

[7] The doxycycline hyclate tablet emergency kits for eligible USPS participants and their household members referenced and authorized in this letter fall within the scope of the Secretary of the Department of Health and Human Services' declaration.

[8] Doxycycline hyclate tablets are indicated for treatment of infections caused by ''Anthrax due to *Bacillus anthracis*, including inhalational anthrax (post-exposure): to reduce the incidence or progression of disease following exposure to aerosolized *Bacillus anthracis*.'' This indication generally means that drug administration is expected to start after a known or suspected exposure to aerosolized *Bacillus anthracis* spores, but before clinical symptoms of the disease develop. The indication includes presumed exposure, since it is often difficult to know whether and when exposure has actually occurred. The indication also encompasses instances where *Bacillus anthracis* exposure via inhalation is expected and will be imminent. In such cases, the first few doses of prophylaxis may be taken pre-exposure, but the remainder of the course would be taken post-exposure. The indication is commonly referred to as ''post-exposure prophylaxis of inhalational anthrax,'' and this term will be used throughout this letter for ease of reference.

the basis of such determination, the Secretary of the Department of Health and Human Services declared an emergency justifying the authorization of the emergency use of doxycycline hyclate tablets accompanied by emergency use information subject to the terms of any authorization issued under 21 U.S.C. § 360bbb-3(a).[6,7] Having consulted with the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC), and having concluded that the criteria for issuance of this authorization under section 564(c) of the Act are met, I am authorizing the emergency use of doxycycline hyclate tablet emergency kits for the post-exposure prophylaxis of inhalational anthrax for eligible USPS participants and their household members,[8] subject to the terms of this authorization.

The remainder of this letter is organized into four sections: Background, Criteria for Issuance of Authorization, Scope of Authorization, Conditions of Authorization, and Duration of Authorization.

I. Background

CRI involves 72 major metropolitan areas and all 50 states. The primary goal of CRI is to develop the ability to provide mass prophylaxis to 100% of the identified population within 48 hours of notification to do so.

On February 18, 2004, the Secretary of the Department of Health and Human Services (HHS), the Secretary of the Department of Homeland Security (DHS), and the Postmaster General signed a Memorandum of Agreement to explore how the resources of the USPS could be made available to help deliver oral antibiotics in response to a biological terrorism incident. Subsequently, HHS launched CRI and asked the USPS to participate in what has been referred to as the CRI Postal Module (or Postal Plan). The Postal Module involves the delivery of antibiotics to residential households within pre-determined zip codes by USPS participants where there may be an intentional release of *Bacillus anthracis* in their geographic area. The CRI Postal Module could be activated and executed while the municipality is establishing its points-of-dispensing (POD) network for the remainder of the emergency response which, in the case of a wide-area anthrax event, could continue for 1-2 months. The postal carriers' role is voluntary because emergency response is neither part of the basic mission of USPS nor a provision of the contracts between USPS and the unions representing the carriers. USPS has made its participation in the CRI Postal Module contingent on the pre-event provision of prescription antibiotic countermeasures to USPS participants and their household members.

Your request relates to a potential EUA for the pre-event provision and potential use of doxycycline hyclate tablets (100 mg) in the form of emergency kit(s) for eligible USPS participants and their household members. Although doxycycline hyclate tablets are approved for the post-exposure prophylaxis of inhalational anthrax, the emergency kits you describe in your submissions would require an EUA because they would include certain written information that is not currently part of the approved new drug applications (NDAs) or abbreviated new drug applications (ANDAs) for doxycycline hyclate tablets (100 mg). Specifically, you indicated that the following pieces of written information would accompany the doxycycline hyclate tablets:

- Fact Sheet for Recipients
- For the household doxycycline hyclate tablet emergency kit, home preparation instructions for recipients who cannot swallow pills (hereinafter home preparation instructions)
- Information placard (unless the bag is pre-printed with placard information)
- MedWatch Form 3500 for the reporting of any adverse events associated with the doxycycline hyclate tablet emergency kit

In addition, a Fact Sheet for Health Care Providers would be distributed to health care providers and authorized dispensers of the doxycycline hyclate tablet emergency kits.

You propose to use doxycycline hyclate tablets (100 mg) that were manufactured by West-Ward Pharmaceutical Corp., and repackaged by PD-Rx Pharmaceuticals into unit-of-use bottles containing 20 oral tablets each, a 10-day supply.[9]

The doxycycline hyclate tablet emergency kit(s) that are the subject of your request would come in two forms. The first, which you describe as a Household Antibiotic Kit (HAK), would contain a unit-of-use bottle of doxycycline hyclate tablets for each eligible USPS participant and each eligible household member, as well as the Fact Sheet for Recipients, home preparation instructions, MedWatch Form 3500, and information placard (unless bag is pre-printed with placard information) described above. All of these items would be placed in one tamper-evident, clear plastic bag for home storage. The second, which you describe as an individual Household Antibiotic Kit (iHAK), would contain one unit-of-use bottle of doxycycline hyclate tablets for the eligible USPS participant and the Fact Sheet for Recipients, MedWatch Form 3500, and information placard (unless the bag is pre-printed with placard information) described above. All of these items would be placed in a separate tamper-evident, clear plastic bag for secure storage at the USPS participant's workplace, should the USPS participant need to deploy emergently.

II. Criteria for Issuance of Authorization

Having considered the September 23, 2008 determination by the Secretary of the Department of Homeland Security that there is a significant potential for a domestic emergency, involving a heightened risk of attack with a biological, chemical, radiological, or nuclear agent or agents--in this case, *Bacillus anthracis*, and the October 1, 2008 declaration of emergency by the Secretary of Health and Human Services, and having consulted with NIH and CDC, I have concluded that the emergency use of doxycycline hyclate tablet emergency kits for the post-exposure prophylaxis of inhalational anthrax for eligible USPS participants and their household members meets the criteria for issuance of an authorization under section 564(c) of the Act, because I have concluded that:

(1) *Bacillus anthracis* can cause anthrax, a serious or life-threatening disease or condition;

(2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that doxycycline hyclate tablet emergency kits may be effective for post-exposure prophylaxis of inhalational anthrax,[10] and that the known and potential benefits of doxycycline hyclate tablet emergency kits, when used for the post-exposure prophylaxis of inhalational anthrax in the specified population, outweigh the known and potential risks of the product; and

(3) there is no adequate, approved, and available alternative to doxycycline hyclate tablet emergency kits for the post-exposure prophylaxis of inhalational anthrax.[11]

Specifically, I have concluded, pursuant to section 564(c)(1) of the Act, that *Bacillus anthracis* can cause inhalational anthrax, which is a serious or life-threatening disease or condition. The fatality rate for inhalational anthrax in the United States is estimated to be approximately 45 percent to 90 percent. From 1900 to October 2001, there were 18 identified cases of inhalational anthrax in the United States, the latest of which was reported in 1976, with an 89 percent (16/18) mortality rate. Most of these exposures occurred in industrial settings, i.e., textile mills. From October 4, 2001, to December 5, 2001, a total of 11 cases of inhalational anthrax linked to intentional dissemination of *Bacillus anthracis* spores were identified in the United States. Five of these cases were fatal. These fatalities occurred despite aggressive medical care, including treatment with antimicrobial drugs.

I have also concluded that, based on the totality of the scientific evidence available to FDA, including data supporting the safe and effective use of doxycycline hyclate tablets (100 mg) for the post-exposure prophylaxis of inhalational anthrax, the results of CDC's home MedKit study, and information associated with the development of the home preparation instructions, it is reasonable to believe that doxycycline hyclate tablet emergency kits may be effective for the post-exposure prophylaxis of inhalational anthrax pursuant to section 564(c)(2)(A) of the Act.

The above conclusion is largely based on the fact that FDA has previously approved a number of NDAs and ANDAs for doxycycline hyclate tablets for the treatment and post-exposure prophylaxis of inhalational anthrax, as summarized below.

In November 2001, as part of a public health response to the use of anthrax spores

[9] We note that the full course of doxycycline hyclate tablets for adults for the post-exposure prophylaxis of inhalational anthrax is 100 mg twice daily for 60 days. The corresponding oral dosing regimen for children under 100 pounds is 1 mg per pound of body weight twice daily for 60 days.

[10] The Act uses the terms ''diagnosing, treating, or preventing'' in Section 564(c)(2)(A). Post-exposure prophylaxis is encompassed by these statutory terms.

[11] No other criteria of issuance have been prescribed by regulation under section 564(c)(4) of the Act.

as a bioterrorism agent, the Agency published a notice in the *Federal Register* that clarified the dosing recommendations for, among others, doxycycline hyclate products, in the management of patients with inhalational anthrax who had been exposed to spores of *Bacillus anthracis*, but who did not manifest clinical disease.[12] In that notice, FDA announced that it had determined that the language in the labeling of certain drug products, including those containing doxycycline hyclate, is intended to, and does, cover all forms of anthrax, including inhalational anthrax (post-exposure): to reduce the incidence or progression of disease exposure to aerosolized *B. anthracis*. FDA also announced that the appropriate dosing regimen for adults is 100 mg of doxycycline, taken orally twice daily for 60 days; and the corresponding oral dosing regimen for children under 100 pounds is 1 mg per pound (1 mg/lb) of body weight (2.2 mg/kilogram (kg)), given twice daily for 60 days.[13] FDA based these conclusions on the following:

- Effectiveness was supported by minimal inhibitory concentration (MIC) data for the tetracycline class and *Bacillus anthracis*, pharmacokinetic data, data from the Sverdlovsk incident, and the outcome data from a study of inhalational exposure to *Bacillus anthracis* in rhesus monkeys.
- With respect to safety, FDA noted that doxycycline drug products have been used for over 30 years and the literature on the products is voluminous. FDA previously reviewed the literature dealing with the long-term administration of doxycycline for treatment of diseases other than anthrax. Several articles reported the results of studies involving the administration of doxycycline in amounts comparable to the recommended doses. They also involved administration of doxycycline for 60 days and periods approaching and exceeding 60 days. FDA also reviewed data from the Adverse Event Reporting System (AERS). Analysis of these articles and data indicated no pattern of unlabeled adverse events associated with the long-term use of doxycycline.
- FDA also noted that doxycycline and other members of the tetracycline class of antibiotics are not generally indicated for the treatment of any patients under the age of 8 years. Tetracyclines are known to be associated with teeth discoloration and enamel hypoplasia in children and delays in bone development in premature infants after prolonged use. FDA balanced the nature of the effect on teeth and the fact that this delay in bone development is apparently reversible against the lethality of inhalational anthrax, and concluded that doxycycline drug products can be labeled with a pediatric dosing regimen for inhalational anthrax (post-exposure).

As noted above, FDA has approved, under section 505(j) of the Act, a number of abbreviated new drug applications (ANDAs), including West-Ward's ANDA (#65-095) for doxycycline hyclate tablets (100 mg) for treatment and post-exposure prophylaxis of inhalational anthrax on July 2, 2003. West-Ward's doxycycline hyclate tablets (100 mg), which have been repackaged and re-labeled by PD-Rx Pharmaceuticals, are the subject of this emergency use authorization. This product is the same as the reference listed drug, Vibra-Tabs (doxycycline hyclate tablets, 100 mg; NDA #50-333), within the meaning of section 505(j) of the Act.

I have also considered CDC's home MedKit study and information associated with the development of the home preparation instructions as part of the totality of the scientific evidence available to FDA, and have determined that this information helps to support the conclusion that it is reasonable to believe that doxycycline hyclate tablet emergency kits may be effective for post-exposure prophylaxis of inhalational anthrax, as summarized below.

The CDC study evaluated the ability of study participants to receive what was referred to as a MedKit -- doxycycline[14] with certain written information, including emergency use instructions and home preparation instructions similar to those being authorized here. A convenience sample of 4,250 St. Louis area households, divided among three cohorts, was enrolled in the study after medical screening and informed consent. The primary outcomes for this evaluation were to determine the extent to which participants would follow instructions for appropriately keeping the MedKits intact and reserving them for emergency use until directed by a local government official. Although this study had a number of limitations as explained below, approximately 97% of all study respondents returned the MedKits upon completion of the study.

Finally, FDA considered information associated with the development of the home preparation instructions for doxycycline hyclate tablets. FDA had previously developed home preparation instructions and these instructions were tested by the Chicago Department of Public Health, which provided its results to FDA. The Agency revised the home preparation instructions based on these findings and performed additional laboratory tests and limited palatability testing. FDA also worked with CDC to improve the readability of the instructions.

Although FDA has approved a number of NDAs and ANDAs for doxycycline hyclate tablets (100 mg) for the treatment and post-exposure prophylaxis of inhalational anthrax, these products are not approved with emergency use instructions and home preparation instructions. The amount and nature of the scientific evidence regarding the ability to use emergency use instructions and home preparation instructions is more limited than the scientific evidence supporting the approval of doxycycline hyclate tablets for the post-exposure prophylaxis of inhalational anthrax. However, taking into consideration the potentially fatal nature of anthrax disease, the CDC home MedKit study and the information associated with the development of the home preparation instructions also helps to support a conclusion that it is reasonable to believe that doxycycline hyclate tablet emergency kits may be effective for the post-exposure prophylaxis of inhalational anthrax. Accordingly, based on the totality of the scientific evidence available to FDA, it is reasonable to believe that doxycycline hyclate tablet emergency kits may be effective for the post-exposure prophylaxis of inhalational anthrax.

I have also concluded, pursuant to section 564(c)(2)(B) of the Act, that it is reasonable to believe that the known and potential benefits of doxycycline hyclate tablet emergency kits outweigh the known and potential risks of the product for USPS participants and their household members. The available scientific evidence that supports this conclusion is summarized below.

We have already concluded, as evidenced by the previous NDA and ANDA approvals discussed above, that the known and potential benefits of the approved doxycycline hyclate tablets (100 mg) for post-exposure prophylaxis of inhalational anthrax outweigh the known and potential risks of the product. Under this EUA, doxycycline hyclate tablets will be packaged with additional written information (including emergency use instructions and home preparation instructions) that has not been approved by FDA as part of a new drug application. CDC's home MedKit study and the process by which home preparation instructions were developed, as discussed above, help to further inform the requisite risk-benefit analysis under section 564(c)(2)(B).

The CDC home MedKit study was somewhat limited in its ability to address certain questions about home storage and use since the participants were not required to follow any directions for preparation or use of doxycycline hyclate tablets in an actual emergency. The effect of the actual storage conditions on the stored drug product was not tested and the instructions for storage did not provide the temperature conditions for storage on the outside of the bag. Despite the limitations of the CDC home MedKit study, it is important to note that approximately 97% of all study respondents returned the MedKits upon completion of the study.

As described above, the development of the home preparation instructions has been informed by limited testing and input from CDC. However, the current version of the home preparation instructions has not been subjected to formal independent testing procedures for an assessment of an individual's understanding or his/her ability to follow the directions.

Because of the limitations of the CDC study and the lack of formal independent testing on the home preparation instructions, FDA cannot conclude without further testing and

[12] *See* 66 Fed. Reg. 55679 (Nov. 2, 2001); Docket 01N-0494.

[13] *Id.* The *Federal Register* notice further requested that applicants for these products submit labeling supplements to update their package inserts with this information.

[14] In this study, participants who were allergic to doxycycline or for whom doxycycline was otherwise contraindicated received ciprofloxacin.

information that the emergency use instructions and home preparation instructions pose no additional risks to eligible USPS participants and their household members. Inappropriate use and the development of doxycycline resistant microorganisms could be a potential issue if a considerable number of eligible USPS participants take the product for an unintended purpose.

The known and potential risks of eligible USPS participants and their household members not being able to store, prepare, and use doxycycline hyclate tablets in accordance with the emergency use instructions and home preparation instructions, and of experiencing adverse reactions, is outweighed by the known and potential benefits of using doxycycline hyclate tablets as a safe and effective treatment against an otherwise potentially fatal aerosolized anthrax attack. For the foregoing reasons, it is reasonable to believe that the known and potential benefits of the doxycycline hyclate tablet emergency kits (including emergency instructions and home preparation instructions as authorized) for the post-exposure prophylaxis of inhalational anthrax in the specified population outweigh the known and potential risks of the product under the terms of this letter of authorization.[15]

I have also concluded, pursuant to section 564(c)(3) of the Act, that there is no adequate, approved, and available alternative to the doxycycline hyclate tablet emergency kits for post-exposure prophylaxis of inhalational anthrax in the specified population. Although doxycycline hyclate is approved for treatment and post-exposure prophylaxis of inhalational anthrax, the emergency use instructions and home preparation instructions included here as part of the doxycycline hyclate tablet emergency kits are not approved by FDA.

Other products approved for treatment and post-exposure prophylaxis of inhalational anthrax include penicillin G procaine, ciprofloxacin, and levofloxacin. However, none of these products is approved with emergency use instructions. In addition, penicillin G procaine is administered by injection and fluoroquinolones (ciprofloxacin and levofloxacin) have additional significant adverse events reported following their use, including adverse tendon effects and rupture, peripheral neuropathy, and central nervous system disorders.

Further, Biothrax (Anthrax Vaccine Adsorbed) is indicated for the active immunization against *Bacillus anthracis* of individuals between 18 and 65 years of age who come in contact with animal products such as hides, hair or bones that come from anthrax endemic areas, and that may be contaminated with *Bacillus anthracis* spores. This product is not considered an ''adequate, approved, and available'' alternative for several reasons including: (1) the license for Biothrax does not extend to post exposure use; (2) the immunization consists of three subcutaneous injections given 2 weeks apart followed by three additional subcutaneous injections given at 6, 12 and 18 months; and (3) following the initial injections, time is needed to develop the antibodies. Therefore, I have concluded that there is no adequate, approved, and available alternative to doxycycline hyclate tablet emergency kits for the post-exposure prophylaxis of inhalational anthrax for the specified population.

III. Scope of Authorization

Pursuant to section 564(d)(1) of the Act, this authorization is limited to the use of doxycycline hyclate tablet emergency kits for the post-exposure prophylaxis of inhalational anthrax[16] for eligible[17] USPS participants in the Postal Module of CRI and their household members.

The doxycycline hyclate tablets authorized under this EUA were manufactured by West-Ward Pharmaceutical Corp. and have been repackaged into unit-of-use bottles containing 20 tablets (a 10-day supply) by PD-Rx Pharmaceuticals, consistent with current Good Manufacturing Practice (CGMP) and the Draft Guidance entitled ''Expiration Dating of Unit-Dose Repackaged Drugs; Compliance Policy Guide.'' The product has been stored under conditions consistent with the manufacturer's labeled storage conditions and CGMP and is within its labeled expiration date. Once doxycycline hyclate tablets covered by this EUA have passed their expiration date, they are outside the scope of this EUA.

ASPR will determine whether to initiate distribution of product under this EUA to particular CRI locations based on:

(a) whether the municipality has submitted a Strategic Security Plan acceptable to USPS and ASPR;

(b) whether the municipality, in collaboration with pertinent State public health officials, local law enforcement agencies, USPS, ASPR, and other appropriate entities, has developed a mutually acceptable set of policies and procedures for recruiting USPS participants, screening them for fitness to receive doxycycline hyclate tablets, providing the doxycycline hyclate tablet emergency kits to eligible USPS participants and their household members, and maintaining the readiness of the participant force. Policies and procedures must also include screening for fitness to receive OSHA-required personal protective equipment (PPE) (i.e., N95 masks) and provision of PPE to eligible USPS participants;[18]

(c) whether ASPR has determined that it has sufficient funds to cover the costs of CRI Postal Module implementation in that location.

After the distribution decision has been made by ASPR and conveyed to FDA, the unit-of-use bottles will be delivered to secure site(s), where the participating public health authority(ies) will assume control over them. Under this EUA, the unit-of-use bottles will be repackaged and relabeled[19] into doxycycline hyclate tablet emergency kits by licensed health care providers under the auspices of the participating public health authority(ies).

I have concluded, pursuant to section 564(d)(2) of the Act, that it is reasonable to believe that the known and potential benefits of the doxycycline hyclate tablet emergency kits, when used for the post-exposure prophylaxis of inhalational anthrax, outweigh the known and potential risks of the product for the population described above.

I have concluded, pursuant to section 564(d)(3) of the Act, based on the totality of scientific evidence available to FDA, that it is reasonable to believe that the doxycycline hyclate tablet emergency kits may be effective for the post-exposure prophylaxis of inhalational anthrax pursuant to section 564(c)(2)(A) of the Act. FDA has reviewed the scientific information available, including the information described in Section II above, and concludes that the doxycycline hyclate tablet emergency kits, when used for the post-exposure prophylaxis of inhalational anthrax in the specified population, meet the criteria set forth in section 564(c) of the Act concerning safety and potential effectiveness.

The pre-event distribution and use of doxycycline hyclate tablet emergency kits under this EUA must conform to and may not exceed the terms of this letter of authorization, including the scope and the conditions of authorization set forth below. Subject to the terms of this EUA and under the circumstances set forth in the Secretary of Homeland Security's determination under section 564(b)(1)(A) described above and the Secretary of HHS's corresponding declaration under section 564(b)(1), doxycycline hyclate tablet emergency kits are authorized for the post-exposure prophylaxis of inhalational anthrax for eligible USPS participants and their household members.

This EUA will cease to be effective when the declaration of emergency is terminated under section 564(b)(2) of the Act or when the EUA is revoked under section 564(g) of the Act. When the EUA ceases to be effective, doxycycline hyclate tablet emergency kits will no longer be authorized for emergency use under this EUA, and doxycycline hyclate tablet emergency kits that have been distributed under this EUA must be collected as described in this letter of authorization.

IV. Conditions of Authorization

Pursuant to section 564 of the Act, I am establishing the following conditions on this authorization:

A. BARDA will provide to the participating public health authority(ies) the written materials included in BARDA's October 3, 2008 submission, as amended on February 19, 2009, and authorized under this EUA.

B. The participating public health authority(ies) will conduct an educational and information program under appropriate

[15] The terms of this letter of authorization, including its scope and conditions, are integral to the conclusions regarding the known and potential risks and benefits of the emergency use of this product in eligible USPS participants and their household members.

[16] See footnote 8.

[17] See footnote 3.

[18] The emergency use of unapproved, unlicensed, or uncleared PPE or the unapproved use of approved, licensed, or cleared PPE is not authorized as part of this EUA.

[19] The term ''repackaged and relabeled'' will be used to refer to the activity of putting unit-of-use bottles into clear, tamper-evident bags with the addition of certain written information.

conditions designed to ensure that health care providers or other authorized dispensers (hereinafter health care providers) distributing doxycycline hyclate tablet emergency kits are informed:

(1) that FDA has authorized the emergency use of doxycycline hyclate tablet emergency kits for the post-exposure prophylaxis of inhalational anthrax for eligible USPS participants and their household members;

(2) of the significant known and potential benefits and risks of the emergency use of doxycycline hyclate tablet emergency kits, and of the extent to which such benefits and risks are unknown for eligible USPS participants and their household members; and

(3) of the alternatives to doxycycline hyclate tablet emergency kits for eligible USPS participants and their household members, and of their benefits and risks.

With respect to condition (2) above, relating to provision of the significant known and potential benefits and risks of the emergency use of doxycycline hyclate tablet emergency kits, the participating public health authority(ies) will ensure that the manufacturer's package insert is provided to all health care providers who distribute doxycycline hyclate tablet emergency kits to eligible USPS participants and their household members. With respect to conditions (1) - (3), the participating public health authority(ies) will ensure that health care providers are provided with the authorized Fact Sheet for Health Care Providers. Any revision to the authorized Fact Sheet for Health Care Providers is subject to FDA's prior approval. The participating public health authority(ies) will also ensure that all such health care providers are provided with the same information as that provided to eligible recipients described immediately below.

C. The participating public health authority(ies) will conduct an educational and information program under appropriate conditions designed to ensure that individuals to whom doxycycline hyclate tablet emergency kits are distributed are informed:

(1) that FDA has authorized the emergency use of doxycycline hyclate tablet emergency kits for the post-exposure prophylaxis of inhalational anthrax for eligible USPS participants and their household members;

(2) of the significant known and potential benefits and risks of the emergency use of doxycycline hyclate tablet emergency kits for eligible USPS participants and their household members, and of the extent to which such benefits and risks are unknown; and

(3) of the option to accept or refuse administration of doxycycline hyclate tablet emergency kits, of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available, and of their benefits and risks.

As a condition of this authorization, the participating public health authority(ies) will ensure that, prior to distribution of doxycycline hyclate tablet emergency kits, the authorized information that meets the requirements set forth above is provided to each eligible recipient (i.e., in the case of the **household** doxycycline hyclate emergency kit, the Fact Sheet for Recipients, home preparation instructions, and information placard (or bag pre-printed with placard information); in the case of the **individual** doxycycline hyclate emergency kit, the Fact Sheet for Recipients, and information placard (or bag pre-printed with placard information)). Any revision to the authorized information for potential recipients is subject to FDA's prior approval.

D. The participating public health authority(ies) will distribute doxycycline hyclate tablet emergency kits to eligible recipients through health care providers who are qualified and licensed under applicable state law to dispense prescription drugs. The health care providers will distribute doxycycline hyclate tablet emergency kits under conditions that assure that otherwise eligible[20] recipients are screened for medical eligibility (including contraindications) and are issued prescriptions for the doxycycline hyclate tablet emergency kit. Such conditions shall include exclusion of a USPS participant if:

- No medical history and Health Assessment Form is available for the USPS participant or any member of their household; or
- Doxycycline hyclate is contraindicated for the USPS participant.

The participating public health authority(ies) must ensure documentation of eligibility or ineligibility to receive doxycycline hyclate tablet emergency kits. If doxycycline hyclate tablets are contraindicated for any of the USPS participant's household members, the USPS participant can still receive the doxycycline hyclate tablet emergency kit if s/he consents in writing to accept an incomplete kit and acknowledges that the household member(s) will have the same dependence on whatever community-based mass prophylaxis is available to the general public in an emergency.

USPS will be responsible for providing copies of the authorized Health Assessment Form to potential USPS participants. If they elect to apply for participation, potential USPS participants and their household members should complete Health Assessment Forms and mail them to the participating public health authority(ies) at the address provided. Qualified health care providers, under the auspices of the participating public health authority(ies), will be responsible for reviewing the completed Health Assessment Forms to determine whether potential recipients are eligible to receive doxycycline hyclate tablet emergency kits prior to dispensing such kits to eligible USPS recipients . Any revision of the authorized Health Assessment Form is subject to FDA's prior approval. A health care provider will review with each USPS participant his/her Health Assessment Form and the Health Assessment Form corresponding to each family member and will comply with applicable state prescribing laws before authorizing the filling of one unit-of-use bottle for each eligible USPS participant and household member. See Section D below for requirements regarding repackaging and relabeling of doxycycline hyclate tablet emergency kits prior to dispensing to eligible recipients.

E. Doxycycline hyclate tablet emergency kits must be manufactured, (re)packaged, (re)labeled, and held according to applicable good manufacturing practice requirements, except that with respect to the doxycycline hyclate tablet emergency kits that will be repackaged and relabeled by participating local public health authorities using the doxycycline unit-of-use bottles manufactured by West-Ward Pharmaceutical Corp. and repackaged by PD-Rx Pharmaceuticals described in this EUA, the Secretary waives good manufacturing practice requirements applicable to the repackaging and relabeling of such kits, subject to the following requirements

- The participating public health authority(ies) will be responsible for repackaging and relabeling doxycycline hyclate unit-of-use bottles into doxycycline hyclate tablet emergency kits through health care providers qualified and licensed under state law to dispense prescription drugs.
- The packaging and relabeling described below should be performed in a controlled environment such that there is adequate space, lighting, and freedom from debris and from other drug products to prevent mix-ups or cross-contamination.

- A health care provider who initially assembles the doxycycline hyclate tablet emergency kits will do the following:
  - The health care provider will determine the number of authorized individuals in a household eligible to receive the product using the completed Health Assessment Form. The health care provider will document the prescription number, lot number, and expiration date of doxycycline hyclate for each authorized individual.
  - The health care provider will record all prescription numbers for the household on the Healthcare Provider Quality Checklist.
  - The health care provider will be responsible for maintaining an inventory/drug accountability record. At a minimum, this record will contain a running total/balance, the date filled, household name, and number of unit-of-use bottles dispensed to a household. The prescription number, lot number, and expiration date of the doxycycline hyclate tablets for each authorized individual will also be recorded.
  - For the **household** doxycycline hyclate tablet emergency kit, the health care provider will place the correct number of unit-of-use bottles of doxycycline hyclate (corresponding to the authorized USPS participant and each authorized

[20] USPS postal carriers are not eligible to receive a doxycycline hyclate tablet emergency kit if they have not passed their N95 mask fit test. See Section III, Scope of Authorization, above.

household member) in one clear, tamper-evident plastic bag. Each unit-of-use bottle will be labeled with the appropriate authorized individual's name.

- For an **individual** doxycycline hyclate tablet emergency kit, the health care provider will place one unit-of-use bottle of doxycycline hyclate tablets in a separate clear, tamper-evident plastic bag for the authorized USPS participant for secure storage by the USPS at work. The unit-of-use bottle will be labeled with the authorized USPS participant's name.
- For the **household** doxycycline hyclate tablet emergency kit, the health care provider will place the Fact Sheet for Recipients, home preparation instructions, and MedWatch Form 3500 inside and in the outer pocket of the clear, tamper-evident plastic bag; and, if the bag is not pre-printed with placard information, the health care provider will place the information placard inside the bag facing out so the wording is plainly visible.
- For the **individual** doxycycline hyclate tablet emergency kit, the health care provider will place the Fact Sheet for Recipients and MedWatch Form 3500 Form inside and in the outer pocket of the clear, tamper-evident plastic bag; and, if the bag is not pre-printed with placard information, the health care provider will place the information placard inside the bag facing out so the wording is plainly visible.
- The health care provider will complete the first page of the Healthcare Provider Quality Checklist, including signature and date.
- The health care provider will **not** seal the bag, and will give it to the identified health care provider to check the contents of the bags as described below.
- Before dispensing, a different health care provider will check each doxycycline hyclate tablet emergency kit that has been assembled as follows:
- Review and verify Health Assessment Forms for eligibility of USPS participant and each household member to receive the doxycycline hyclate tablet emergency kit.
- Verify that each unit-of-use bottle is labeled with the authorized individual's name.
- Verify the prescription number, lot number, and expiration date of the doxycycline hyclate tablets for each authorized individual on the Health Assessment Forms.
- Verify prescription numbers for each authorized individual on the Healthcare Provider Quality Checklist.
- For the **household** doxycycline hyclate tablet emergency kit, verify that the correct number of unit-of-use bottles of doxycycline hyclate tablets have been placed in the tamper-evident bag for that household based on the number of household members eligible. For the **individual** doxycycline hyclate tablet emergency kit, verify that the correct unit-of-use bottle of doxycycline hyclate tablets has been placed in the tamper-evident bag for the USPS participant for secure storage by USPS at work.
- Verify that the appropriate written information is inside the tamper-evident bags.
- Verify that the appropriate written information is in the outer pocket of the tamper-evident bags.
- If the information placard is not pre-printed on the outside of the tamper-evident bags, verify that the information placard is inside the tamper-evident bags and plainly visible.
- Complete the second page of the Healthcare Provider Quality Checklist, including signature and date.
- Seal the bags.
- Attach the Healthcare Provider Quality Checklist to the Health Assessment Forms for the household.
- The doxycycline hyclate tablet emergency kits may then be dispensed to the USPS participant along with review of the instructions and information.

The authorized Healthcare Provider Quality Checklist and placard information will be used. Any revision of the authorized Healthcare Provider Quality Checklist or placard information is subject to FDA's prior approval.

F. ASPR will record the amount of unit-of-use bottles of doxycycline hyclate tablets (including lot numbers) shipped under this EUA to the participating public health authority(ies) for use by eligible USPS participants and their households. Such records will be made available to FDA for inspection upon request. However, the the participating public health authority(ies) responsible for distributing the doxycycline hyclate tablet emergency kits will prepare, maintain, and make available records and provide reports as directed by ASPR/FDA.

G. Once an **individual** doxycycline hyclate tablet emergency kit has been dispensed to an eligible USPS participant, USPS will store the **individual** doxycycline hyclate tablet emergency kit in a secure location for the eligible USPS participant.

H. ASPR, USPS, and the participating public health authority(ies) may only provide written materials as included in BARDA's October 3, 2008 submission, as amended on February 19, 2009, and authorized under this EUA. Any revisions or additional written materials to be provided by ASPR, USPS, or the participating public health authority(ies) are subject to FDA's prior approval, except that USPS may provide additional materials for recruitment purposes to the extent that those materials are consistent with the materials included in BARDA's October 3, 2008 submission, as amended on February 19, 2009, that are authorized under this EUA. The participating public health authority(ies) may evaluate activities undertaken pursuant to this authorization. To ensure consistency with this authorization, the participating public health authority(ies) must consult with FDA before conducting such evaluations.

I. The participating public health authority(ies) will conduct an adverse event monitoring and reporting program designed to ensure that adverse events and medication errors associated with the use of the doxycycline hyclate tablet emergency kit are documented and reported within 15 days to MedWatch through *www.fda.gov/medwatch*, by submitting MedWatch Form 3500 in hard copy, or by calling 1-800-FDA-1088; and that any such report identifies the product as ''doxycycline hyclate tablet emergency kit'' and includes in the description of the event the designation ''USPS-CRI EUA'' or ''USPS-CRI Emergency Use Authorization.'' As part of this program, health care providers will be provided copies of MedWatch Form 3500, recipients will be instructed to report if they take any of the doxycycline hyclate tablets in their emergency kit and experience an adverse event or medication error, MedWatch Form 3500 will be included in each doxycycline hyclate tablet emergency kit, and recipients will be provided with a toll-free number for contacting a health care provider if they experience an adverse event or medication error. The participating public health authority(ies) will maintain associated records until notified by FDA and will make such records available to FDA for inspection upon request.

J. The participating public health authority(ies) will periodically verify and document that any undistributed doxycycline hyclate is within its labeled expiration date. The participating public health authority(ies) will maintain any associated records until notified by FDA and will make such records available to FDA for inspection upon request. Appropriate local public health authorities will periodically verify and reconcile drug accountability records.

K. USPS will be responsible for providing USPS participants every six months with the Form entitled ''Questions to Determine Status of Your Household Antibiotic Kit (HAK)'' (Kit Status form) to document whether (a) they have stored their kits as instructed; (b) they are able to locate their kits readily; (c) their kits are intact; and (d) the doxycycline hyclate in their kits has not expired. USPS participants should complete these forms and mail them to the participating public health authority(ies) at the address provided. The participating public health authority(ies) will ascertain the circumstances surrounding non-compliance for USPS participants who (a) report loss of a kit; (b) report use of doxycycline hyclate from the emergency kit in the absence of instructions to do so; or (c) fail to return a completed Kit Status Form. Depending on its findings, the participating public health authority(ies) may disqualify an individual from further participation. If the doxycycline hyclate emergency kit will expire before the next 6-month follow-up, a new doxycycline hyclate emergency kit will be prescribed for eligible participants in accordance with paragraph D and the other terms of this letter. In such cases, USPS will be responsible for collecting such kits and turning them over to the participating public health authority(ies), which then will be responsible for accounting for them and disposing ofthem as instructed by ASPR. The participating public health authority(ies) will maintain drug accountability records. The participating public health authority(ies) will also

ascertain whether there have been any adverse events or medication errors associated with the doxycycline hyclate tablet emergency kit. If any such adverse events or medication errors have not previously been reported to FDA as outlined in paragraph H, they must be reported within 15 days to FDA. FDA has authorized ASPR's Form entitled ''Questions to Determine Status of Your Household Antibiotic Kit (HAK)'' (Kit Status form). Any revision of the Kit Status form is subject to FDA's prior approval. USPS, in conjunction with appropriate local public health authorities, will be responsible for ensuring that completed Kit Status forms are maintained until notified by FDA. A report summarizing the information collected on Kit Status forms under this paragraph will be submitted to FDA within 30 days of gathering such information. Associated records will be made available to FDA for inspection upon request.

L. USPS will be responsible for collecting any expired doxycycline hyclate tablet emergency kits and turning them over to the participating public health authority(ies). The participating public health authority(ies) will be responsible for disposing of expired doxycycline hyclate tablet emergency kits as instructed by ASPR at that time. The participating public health authority(ies) will ensure that drug accountability records are maintained and reconciled. Such records shall be made available to FDA for inspection upon request.

M. USPS and the participating public health authority(ies) will be responsible for ensuring that completed Health Assessment Forms, Healthcare Provider Quality Checklists, and any other records associated with this EUA are maintained until notified by FDA. Such records will be made available to FDA for inspection upon request.

N. As a condition of this EUA, all advertising and promotional descriptive printed matter relating to the use of doxycycline hyclate tablet emergency kits authorized under this EUA shall be consistent with the Fact Sheets, home preparation instructions, and placard information, as well as the terms set forth in this EUA and other requirements set forth in the Act and FDA regulations.

O. Upon termination of the declaration of emergency under section 564(b)(2) of the Act or upon revocation of this EUA under section 564(g) of the Act, USPS will be responsible for collecting all doxycycline hyclate tablet emergency kits and turning them over to the participating public health authority(ies). The participating public health authority(ies) will dispose of doxycycline hyclate emergency kits as instructed by ASPR at that time. The participating public health authority(ies) will ensure that drug accountability records are maintained and reconciled. Such records will be made available to FDA for inspection upon request.

P. HHS will notify FDA of its decision to add a CRI location and its decision to initiate distribution of doxycycline hyclate tablet emergency kits under this EUA to particular CRI locations.

The emergency use of doxycycline hyclate tablet emergency kits as described in this letter of authorization must comply with the conditions above and all other terms of this authorization.

V. Duration of Authorization

This EUA will be effective until the declaration of emergency is terminated under section 564(b)(2) of the Act or the EUA is revoked under section 564(g) of the Act.

Randall W. Lutter, Ph.D.
Deputy Commissioner for Policy

Dated: June 17, 2009.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E9–15044 Filed 6–25–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–2896–FN2]

Medicare and Medicaid Programs; Approval of the Joint Commission's Continued Deeming Authority for Critical Access Hospitals

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final Notice of Removal of Conditional Probationary Status.

SUMMARY: Based on our review and observations, we have determined that the Joint Commission's accreditation standards for critical access hospitals (CAHs) meet or exceed our requirements. Therefore, this final notice announces our decision to approve without condition the Joint Commission's request for continued recognition as a national accreditation program for CAHs seeking to participate in the Medicare or Medicaid programs.

DATES: *Effective Date:* This final notice of approval is effective November 21, 2008 through November 21, 2011.

FOR FURTHER INFORMATION CONTACT: Cindy Melanson, (410) 786–0310. Patricia Chmielewski, (410) 786–6899.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services in a Critical Access Hospital (CAH) provided certain requirements are met. Sections 1820(c)(2)(B) and 1861(mm) of the Social Security Act (the Act) establish distinct criteria for facilities seeking designation as a CAH. Under this authority, the minimum requirements that a CAH must meet to participate in Medicare are set forth in regulations at 42 CFR part 485, subpart F (Conditions of Participation: Critical Access Hospitals (CAHs)) which determine the basis and scope of CAH covered services. Conditions for Medicare payment for CAHs are set forth at § 413.70. Applicable regulations concerning provider agreements are located in 42 CFR part 489 (Provider Agreements and Supplier Approval) and those pertaining to facility survey and certification are located in 42 CFR part 488, subparts A and B.

In general, we approve a CAH for participation in the Medicare program if it is participating as a hospital at the time it applies for CAH designation, and it is in compliance with part 482 (Conditions of Participation for Hospitals) and part 485, subpart F (*Conditions of Participation:* Critical Access Hospital (CAHs)).

For a CAH to enter into a provider agreement, a State survey agency must certify that the CAH is in compliance with the conditions or standards set forth in section 1820 of the Act and part 485 of our regulations. Thereafter, the CAH is subject to ongoing review by a State survey agency to determine whether it continues to meet the Medicare requirements. There is, however, an alternative to State compliance surveys. Accreditation by a nationally-recognized accreditation program can substitute for ongoing State review.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by an approved national accreditation organization (AO) that all applicable Medicare conditions are met or exceeded, we may ''deem'' that provider entity as having met the requirements. Accreditation by an AO is voluntary and is not required for Medicare participation.

A national AO applying for approval of deeming authority under part 488, subpart A must provide us with reasonable assurance that the AO requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions of participation. Our regulations concerning re-approval of AOs are set forth at § 488.4 and § 488.8(d)(3). The regulations at § 488.8(d)(3) require AOs to reapply for continued approval of deeming authority every 6 years, or sooner as we determine. The regulations at § 488.8(f)(3)(i) provide CMS the authority to grant conditional approval of an AO's deeming authority, with a 180-day probationary period, if the AO has not adopted comparable standards during the reapplication process.

We received a complete application from the Joint Commission for continued recognition as a national accrediting organization for CAHs on March 28, 2008. In accordance with the

requirements at § 488.4 and § 488.8(d)(3), we published a proposed notice on May 23, 2008 (73 FR 30107) and a final notice announcing our decision approving deeming authority subject to probationary conditions on October 24, 2008 (73 FR 63480). This final notice is in response to the conditional approval with a 180-day probationary period granted to the Joint Commission on October 24, 2008. The Joint Commission did not adopt comparable standards to meet the requirements for distinct part units (DPU) in CAHs during its reapplication for renewal of deeming authority. This final notice is required to be published no later than July 19, 2009.

II. Deeming Applications Approval Process

Section 1865(a)(3)(A) of the Act provides a statutory timetable to ensure that our review of deeming applications is conducted in a timely manner. The Act provides us with 210 calendar days after the date of receipt of a complete application to conduct our survey activities and application review process. Within 60 days of receiving a complete application, we must publish a notice in the **Federal Register** that identifies the national accreditation body making the request, describes the request, and provides no less than a 30-day public comment period. At the end of the 210-day period, we must publish an approval or denial of the application. In accordance with § 488.8(f)(2), if CMS determines, following the deeming authority review that the organization has failed to adopt requirements comparable to CMS requirements, the AO may be given a conditional approval of its deeming authority for a probationary period of up to 180 days to adopt comparable requirements. Within 60 days after the end of this period, we must make a final determination as to whether or not the Joint Commission's CAH DPU accreditation requirements are comparable to CMS requirements and issue an appropriate notice that includes the reasons for our determination.

III. Provisions of the October 23, 2008 Final Notice

We revised the CAH requirements on August 11, 2004 (69 FR 49272) to include a new condition at § 485.647. This condition of participation (CoP) outlines the eligibility requirements for CAHs that wish to have a psychiatric or rehabilitation DPU. Under this condition, a CAH can provide inpatient psychiatric or rehabilitation services in a DPU so long as the services furnished in the DPU comply with the general hospital requirements specified at part 482, the requirements for excluded hospital units at § 412.25, and the additional requirements at § 412.27 for excluded psychiatric units; and § 412.29 and § 412.30 for excluded rehabilitation units as applicable. As a result, the Joint Commission had to address all of the DPU requirements set out at § 485.647, including a crosswalk addressing the Medicare hospital CoPs at part 482, as part of its application for renewal of CAH deeming authority. Review of the Joint Commission's accreditation standards during the reapplication submitted for renewal of deeming authority revealed significant gaps between the Joint Commission's standards and the Medicare CoPs. On October 24, 2008, we conditionally approved the Joint Commission's accreditation program for CAHs that request participation in the Medicare program with a 180 day probationary period. Under section 1865(a)(2) of the Act and our regulations at § 488.4 and § 488.8, we conducted a comparability review of the Joint Commission's CAH DPU standards to CMS hospital standards in part 482 and appropriate provisions of part 412 in order to determine compliance with the CAH DPU requirements at § 485.647.

IV. Provisions of the Final Notice

A. Differences Between the Joint Commission's CAH DPU Standards and Requirements for Accreditation and Medicare's Conditions and Survey Requirements

During the 180-day probationary period, we conducted a comparison of the Joint Commission's CAH DPU accreditation standards to our current Medicare CAH CoPs as outlined in the State Operations Manual. We also conducted a survey observation to validate proper application of the standards. Our review and evaluation of the Joint Commission's CAH DPU standards yielded the following:

- To meet the requirements at § 482.12(b), the Joint Commission added an element of performance (EP) to affirm that only one individual or designee may be the chief executive officer.
- To meet the requirements at § 482.12(e)(2), the Joint Commission added a new EP to require hospitals to maintain a list of all contracted services.
- To meet the requirements at § 482.12(f)(2), the Joint Commission added a new EP to require that the medical staff have written policies and procedures for on-campus and off-campus locations appraising emergencies, providing initial treatment, and for referring and transferring patients.
- To meet the requirements at § 482.13(e)(1)(i),the Joint Commission revised its EPs to include a definition of restraints.
- To meet the requirements at § 482.13(e)(1)(ii), the Joint Commission revised its EPs to include a definition of seclusion.
- To meet the requirements at § 482.13(e)(5), § 482.13(e)(8)(ii), § 482.23(c), and § 482.23(c)(2), the Joint Commission revised its EPs to include the reference ''as specified under § 482.12(c),'' which addresses the care of the patient.
- To meet the requirements at § 482.13(e)(10), the Joint Commission revised its EP to address the staff training requirements of individuals that monitor patients in restraints and seclusion.
- To meet the requirements at § 482.11(e)(11), the Joint Commission revised its EPs to require physicians and other licensed independent practitioners authorized to order restraints and seclusion have a working knowledge of hospital policy regarding the use of restraint and seclusion.
- To meet the requirements at § 482.13(f)(2), the Joint Commission revised its EPs to address the components of training, education, and demonstrated knowledge on restraint and seclusion.
- To meet the requirements at § 482.22(c)(5)(i), the Joint Commission revised its EP to include ''as defined in section 1861(r) of the Social Security Act,'' which contains the definition of a physician.
- To meet the requirements at § 482.23(b), the Joint Commission revised its EP to address the nurse staffing requirements, supervisory personnel, and immediate availability of a registered nurse for bedside care.
- To meet the requirements at § 482.23(c)(2), the Joint Commission revised its EP to address the requirements related to orders for drugs and biologicals.
- To meet the requirements at § 482.23(c)(2)(ii), the Joint Commission revised its EPs to address the requirement that hospitals have policies and procedures on who is authorized to accept verbal orders.
- To meet the requirements at § 482.23(c)(3), the Joint Commission added a new EP to require special training for staff members administering blood transfusions.
- To meet the requirements at § 482.24, the Joint Commission revised its EPs to include medical records as an essential service.

• To meet the requirements at § 482.24(a), the Joint Commission added a new EP that states the hospital must be able to ensure prompt completion, filing, and retrieval of records.

• To meet the requirements at 482.24(c)(1), the Joint Commission added a new EP that requires all patient medical records entries be timed.

• To meet the requirements at 482.24(c)(1)(i), the Joint Commission revised its EP to address ''all orders.''

• To meet the requirements at § 482.24(c)(1)(iii), the Joint Commission added a new EP to address the timeframe requirement for verbal order authentication.

• To meet the requirements at § 482.25, the Joint Commission revised its EP to include a requirement that the pharmacy must be directed by a registered pharmacist.

• To meet the requirements at § 482.25(b)(1), the Joint Commission revised its EP to require a pharmacist supervise all compounding, packing, and dispensing of drugs and biologicals.

• To meet the requirements at § 482.25(b)(2)(ii), the Joint Commission revised its EP to require all controlled substances included in Schedules II, III, IV, and V of the Comprehensive Drug Abuse and Prevention and Control Act be locked and secure.

• To meet the requirements at § 482.25(b)(6), the Joint Commission revised its EP to address the requirement, if necessary, to report drug administration errors, adverse drug reactions and incompatibilities to the hospital-wide quality assurance program.

• To meet the requirements at § 482.26(c)(1), the Joint Commission revised its EPs to state that a radiologist is a doctor of medicine or osteopathy.

• To meet the requirements at § 482.27(a), the Joint Commission revised its EP to include a statement that hospitals must provide laboratory services with a certified laboratory that meet the requirements of part 493 of title 42 of the Code of Federal Regulations.

• To meet the requirements at § 482.27(a)(1), the Joint Commission added a new EP requiring laboratory services be available 24 hours a day.

• To meet the requirements at § 482.27(a)(4), the Joint Commission added a new EP to require the medical staff and pathologist establish which tissue specimens require macroscopic and microscopic examinations.

• To meet the requirements at § 482.27(b), the Joint Commission added new EPs associated with potentially infectious blood and blood components.

• To meet the requirements at § 482.27(b)(5)(ii), the Joint Commission revised its EP to include the requirement that the plan to transfer medical records must be ''fully funded.''

• To meet the requirements at § 482.27(b)(6)(ii), the Joint Commission revised its EPs to include the statement that if the hospital administered potentially HIV or HCV infectious blood or blood components and the physician is unavailable or declines to make the notification, the hospital must make reasonable attempts to give this notification to the patient, legal guardian, or relative.

• To meet the requirements at § 482.28(a)(1)(iii), the Joint Commission revised its EP to include that the full time director of food and dietetic services be qualified by experience or training.

• To meet the requirements at § 482.43, the Joint Commission added a new EP to require hospitals have a discharge planning process that applies to all patients.

• To meet the requirements at § 482.43(b)(2), the Joint Commission added a new EP to require RNs, social workers or other appropriately qualified personnel develop, or supervise the development of the evaluation.

• To meet the requirements at § 482.43(b)(6), the Joint Commission added a new EP to require the inclusion of a discharge planning evaluation in the medical record for use in establishing an appropriate discharge plan. The Joint Commission also requires the hospital to discuss the results of the discharge plan with the patient or individual acting on behalf of the patient.

• To meet the requirements at § 482.43(c), the Joint Commission added new EPs to address the discharge planning requirements.

• To meet the requirements at § 482.51(b)(1)(ii), the Joint Commission revised its EPs to include a requirement for an update within 24 hours after admission or registration when the medical history and physical examination are completed within 30 days before admission or registration.

• To meet the requirements at § 482.52(a)(5), the Joint Commission revised its EPs to include ''as defined in § 410.69(c),'' which provides the definition of an anesthesiologist assistant.

• To meet the requirements at § 482.52(b)(3), the Joint Commission added a new EP to address the requirements of the postanesthesia evaluation.

• To meet the requirements at § 482.53(a)(1), the Joint Commission added a new EP to identify the nuclear medicine services that must be supervised and administered by a doctor of medicine or osteopathy qualified in nuclear medicine.

• To meet the requirements at § 482.53(b)(1), the Joint Commission added a new EP to state that the ''in-house preparation'' of radiopharmaceuticals must be under the supervision of an ''appropriately trained registered pharmacist or a doctor of medicine or osteopathy.''

• To meet the requirements at § 482.55(a)(1), the Joint Commission added a new EP that requires a qualified member of the medical staff direct emergency services.

• To meet the requirements at § 482.55(a)(3), the Joint Commission added an EP to clarify that the policies and procedures governing medical care provided in the emergency department are established by and are a continuing responsibility of the medical staff.

• To meet the requirements at § 482.55(b)(1), the Joint Commission added a new EP to require a qualified member of the medical staff supervise emergency services.

• To meet the requirements at § 482.57(a)(1), the Joint Commission added a new EP to address the requirement that there must be a director of respiratory services who is a doctor of medicine or osteopathy.

• To meet the requirements at § 482.57(b)(3), the Joint Commission added new EPs to state respiratory services are provided only on and in accordance with, the orders of a doctor of medicine or osteopathy.

B. Term of Approval

Based on the review and observations, we have determined that the Joint Commission's accreditation standards for CAHs meet or exceed our requirements. Therefore, we approve the Joint Commission as a national accreditation organization for CAHs that request participation in the Medicare program, effective November 21, 2008 through November 21, 2011. Under § 488.8(f)(4), notice was given to the Joint Commission on October 24, 2008 (73 FR 63480) and this notice, although not required by our regulations is being published as a public service for informational purposes.

V. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the

Paperwork Reduction Act of 1995 (44 U.S.C. 35).

Authority: Section 1865 of the Social Security Act (42 U.S.C. 1395bb).

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program; No. 93.773 Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplemental Medical Insurance Program)

Dated: May 7, 2009.

Charlene Frizzera,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. E9–14778 Filed 6–25–09; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–2476–PN]

Medicare and Medicaid Programs; Application by the American Association for Accreditation of Ambulatory Surgery Facilities for Continued Deeming Authority for Ambulatory Surgical Centers

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed notice.

SUMMARY: This proposed notice acknowledges the receipt of an application from the American Association for Accreditation of Ambulatory Surgery Facilities (AAAASF) for continued recognition as a national accrediting organization for ambulatory surgical centers (ASCs) that wish to participate in the Medicare or Medicaid programs. The statute requires that we publish, within 60 days of receipt of an organization's complete application, a notice identifying the national accrediting body making the request, describing the nature of the request, and providing at least a 30-day public comment period.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on July 27, 2009.

ADDRESSES: In commenting, please refer to file code CMS–2476–PN. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the instructions under the ''More Search Options'' tab.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, *Attention:* CMS–2476–PN, P.O. Box 8010, Baltimore, MD 21244–8010.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, *Attention:* CMS–2476–PN, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* If you prefer, you may deliver (by hand or courier) your written comments before the close of the comment period to either of the following addresses: a. For delivery in Washington, DC—Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. For delivery in Baltimore, MD—Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, please call telephone number (410) 786–9994 in advance to schedule your arrival with one of our staff members.

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Lillian Williams, (410) 786–8636. Patricia Chmielewski, (410) 786–6899.

SUPPLEMENTARY INFORMATION: *Inspection of Public Comments:* All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that Web site to view public comments.

Comments received timely will also be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services from an ambulatory surgical center (ASC) provided certain requirements are met. Section 1832(a)(2)(F)(i) of the Social Security Act (the Act) establishes distinct criteria for facilities seeking designation as an ASC. Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to activities relating to the survey and certification of facilities are at 42 CFR part 488. The regulations at 42 CFR part 416 specify the conditions that an ASC must meet in order to participate in the Medicare program, the scope of covered services and the conditions for Medicare payment for ASCs.

Generally, in order to enter into a provider agreement with the Medicare program, an ASC must first be certified by a State survey agency as complying with the conditions or requirements set forth in part 416 of our regulations. Thereafter, the ASC is subject to regular surveys by a State survey agency to determine whether it continues to meet these requirements. There is an alternative, however, to surveys by State agencies.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by an approved national accrediting organization that all applicable Medicare conditions are met or exceeded, we will deem those provider entities as having met the requirements. Accreditation by an accrediting organization is voluntary and is not required for Medicare participation.

If an accrediting organization is recognized by the Secretary as having standards for accreditation that meet or exceed Medicare requirements, any

provider entity accredited by the national accrediting body's approved program would be deemed to meet the Medicare conditions. A national accrediting organization applying for deeming authority under part 488, subpart A, must provide us with reasonable assurance that the accrediting organization requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the reapproval of accrediting organizations are set forth at § 488.4 and § 488.8(d)(3). The regulations at § 488.8(d)(3) require accrediting organizations to reapply for continued deeming authority every 6 years or sooner as determined by us. The American Association for Accreditation of Ambulatory Surgery Facilities (AAAASF) term of approval as a recognized accreditation program for ASCs expires November 26, 2009.

II. Approval of Deeming Organizations

Section 1865(a)(2) of the Act and our regulations at § 488.8(a) require that our findings concerning review and reapproval of a national accrediting organization's requirements consider, among other factors, the applying accrediting organization's: requirements for accreditation; survey procedures; resources for conducting required surveys; capacity to furnish information for use in enforcement activities; monitoring procedures for provider entities found not in compliance with the conditions or requirements; and ability to provide us with the necessary data for validation.

Section 1865(a)(3)(A) of the Act further requires that we publish, within 60 days of receipt of an organization's complete application, a notice identifying the national accrediting body making the request, describing the nature of the request, and providing at least a 30-day public comment period. We have 210 days from the receipt of a complete application to publish notice of approval or denial of the application.

The purpose of this proposed notice is to inform the public of AAAASF's request for continued deeming authority for ASCs. This notice also solicits public comment on whether AAAASF's requirements meet or exceed the Medicare conditions for coverage for ASCs.

III. Evaluation of Deeming Authority Request

The AAAASF submitted all the necessary materials to enable us to determine its application to be complete on May 1, 2009. Under Section 1865(a)(2) of the Act and our regulations at § 488.8 (Federal review of accreditation organizations), our review and evaluation of AAAASF will be conducted in accordance with, but not necessarily limited to, the following factors:

- The equivalency of AAAASF's standards for an ASC as compared with CMS' ASC conditions for coverage.
- AAAASF's survey process to determine the following:

—The composition of the survey team, surveyor qualifications, and the ability of the organization to provide continuing surveyor training.

—The comparability of AAAASF's processes to those of State agencies, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities.

—AAAASF's processes and procedures for monitoring ASCs found out of compliance with AAAASF's program requirements. These monitoring procedures are used only when AAAASF identifies noncompliance. If noncompliance is identified through validation reviews, the State survey agency monitors corrections as specified at § 488.7(d).

—AAAASF's capacity to report deficiencies to the surveyed facilities and respond to the facility's plan of correction in a timely manner.

—AAAASF's capacity to provide us with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

—The adequacy of AAAASF's staff and other resources, and its financial viability.

—AAAASF's capacity to adequately fund required surveys.

—AAAASF's policies with respect to whether surveys are announced or unannounced, to assure that surveys are unannounced.

—AAAASF's agreement to provide us with a copy of the most current accreditation survey together with any other information related to the survey as we may require (including corrective action plans).

IV. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995.

V. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program; No. 93.773 Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: June 11, 2009.

Charlene Frizzera,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. E9–15186 Filed 6–25–09; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–2302–PN]

Medicare and Medicaid Programs; Application by the Joint Commission for Continued Deeming Authority for Hospitals

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Proposed notice.

SUMMARY: This proposed notice acknowledges the receipt of a deeming application from the Joint Commission for continued recognition as a national accrediting organization for hospitals that wish to participate in the Medicare or Medicaid programs. The statute requires that we publish within 60 days of receipt of an organization's complete application, a notice that identifies the national accrediting body making the request, describes the nature of the request, and provides at least a 30-day public comment period.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on July 27, 2009.

ADDRESSES: In commenting, please refer to file code CMS–2302–PN. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow

the instructions under the ''More Search Options'' tab.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, *Attention:* CMS–2302–PN, P.O. Box 8010, Baltimore, MD 21244–1850.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, *Attention:* CMS–2302–PN, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* If you prefer, you may deliver (by hand or courier) your written comments before the close of the comment period to either of the following addresses:

a. For delivery in Washington, DC—Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. For delivery in Baltimore, MD—Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, please call telephone number (410) 786–9994 in advance to schedule your arrival with one of our staff members.

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

FOR FURTHER INFORMATION CONTACT: Cindy Melanson, (410) 786–0310. Patricia Chmielewski, (410) 786–6899.

SUPPLEMENTARY INFORMATION: *Inspection of Public Comments:* All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that Web site to view public comments.

Comments received timely will also be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services from a hospital provided certain requirements are met. Section 1861(e) of the Social Security Act (the Act) establishes distinct criteria for facilities seeking designation as a hospital. Regulations concerning provider agreements are at 42 CFR part 489, and those pertaining to activities relating to the survey and certification of facilities are at 42 CFR part 488. The regulations at 42 CFR part 482 specify the conditions that a hospital must meet in order to participate in the Medicare program, the scope of covered services and the conditions for Medicare payment for hospitals.

Generally, in order to enter into a provider agreement with the Medicare program, a hospital must first be certified by a State survey agency as complying with the conditions or requirements set forth in part 482 of our regulations. Thereafter, the hospital is subject to regular surveys by a State survey agency to determine whether it continues to meet these requirements. There is an alternative, however, to surveys by State agencies.

Section 1865(a)(1) of the Act (as re-designated under section 125 of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) (Pub. L. 110–275)) provides that, if a provider entity demonstrates through accreditation by an approved national accrediting organization that all applicable Medicare conditions are met or exceeded, we will deem those provider entities as having met the requirements. (We note that section 125 of MIPPA redesignated subsections (b) and (e) of subsection 1865 of the Act as (a) and (d), respectively.) Accreditation by an accrediting organization is voluntary and is not required for Medicare participation.

If an accrediting organization is recognized by the Secretary as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting body's approved program would be deemed to meet the Medicare conditions. A national accrediting organization applying for deeming authority under part 488, subpart A, must provide us with reasonable assurance that the accrediting organization requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the reapproval of accrediting organizations are set forth at § 488.4 and § 488.8(d)(3). The regulations at § 488.8(d)(3) require accrediting organizations to reapply for continued deeming authority every 6 years or as we determine.

Section 125 of MIPPA revoked the Joint Commission's statutory deeming status for their hospital program and required the Joint Commission to apply to be recognized as a national accreditation body for hospitals, based on terms and conditions required by the Secretary. These terms and conditions are outlined under part 488, subpart A, as described above. Based on the 24-month transition period allowed by section 125 of MIPPA, the Joint Commission's term of approval as a recognized accreditation program for hospitals expires July 15, 2010.

II. Approval of Deeming Organizations

Section 1865(a)(2) of the Act and our regulations at § 488.8(a) require that our findings concerning review and reapproval of a national accrediting organization's requirements consider, among other factors, the applying accrediting organization's: Requirements for accreditation; survey procedures; resources for conducting required surveys; capacity to furnish information for use in enforcement activities; monitoring procedures for provider entities found not in compliance with the conditions or requirements; and ability to provide us with the necessary data for validation.

Section 1865(a)(3)(A) of the Act further requires that we publish, within 60 days of receipt of an organization's complete application, a notice identifying the national accrediting body making the request, describing the nature of the request, and providing at least a 30-day public comment period. We have 210 days from the receipt of a complete application to publish a notice of approval or denial of the application.

The purpose of this proposed notice is to inform the public of the Joint

Commission's request for continued deeming authority for hospitals. This notice also solicits public comment on whether the Joint Commission's requirements meet or exceed the Medicare conditions for participation for hospitals.

III. Evaluation of Deeming Authority Request

The Joint Commission submitted all the necessary materials to enable us to make a determination concerning its request for reapproval as a deeming organization for hospitals. This application was determined to be complete on May 1, 2009. Under section 1865(a)(2) of the Act and our regulations at § 488.8 (Federal review of accrediting organizations), our review and evaluation of the Joint Commission will be conducted in accordance with, but not necessarily limited to, the following factors:

• The equivalency of the Joint Commission's standards for a hospital as compared with CMS' hospital conditions of participation.

• The Joint Commission's survey process to determine the following:

—The composition of the survey team, surveyor qualifications, and the ability of the organization to provide continuing surveyor training.

—The comparability of the Joint Commission's processes to those of State agencies, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities.

—The Joint Commission's processes and procedures for monitoring hospitals found out of compliance with the Joint Commission's program requirements. These monitoring procedures are used only when the Joint Commission identifies noncompliance. If noncompliance is identified through validation reviews, the State survey agency monitors corrections as specified at § 488.7(d).

—The Joint Commission's capacity to report deficiencies to the surveyed facilities and respond to the facility's plan of correction in a timely manner.

—The Joint Commission's capacity to provide us with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

—The adequacy of the Joint Commission's staff and other resources, and its financial viability.

—The Joint Commission's capacity to adequately fund required surveys.

—The Joint Commission's policies with respect to whether surveys are announced or unannounced, to assure that surveys are unannounced.

—The Joint Commission's agreement to provide us with a copy of the most current accreditation survey together with any other information related to the survey as we may require (including corrective action plans).

IV. Response to Public Comments and Notice Upon Completion of Evaluation

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

Upon completion of our evaluation, including evaluation of comments received as a result of this notice, we will publish a final notice in the **Federal Register** announcing the result of our evaluation.

V. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program; No. 93.773 Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: May 14, 2009.

Charlene Frizzera,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. E9–15183 Filed 6–25–09; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 Child Health and Human Development Special Emphasis Panel; Mechanisms of Practice-Induced Reaching Improvement after Stroke.

Date: July 17, 2009.

Time: 11:30 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Room 5B01, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Peter Zelazowski, PhD, Scientific Review Officer, Division of Scientific Review, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Rm. 5B01, Bethesda, MD 20892–7510, 301–435–6902, *peter.zelazowski@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: June 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15053 Filed 6–25–09; 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; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, June 25, 2009, 6 p.m. to June 26, 2009, 5 p.m., Embassy Suites, 1250 22nd Street NW., Washington, DC 20037 which was published in the **Federal Register** on May 27, 2009, 74 FR 25261.

This meeting will be held on August 3, 2009 from 8:30 a.m. until 5 p.m. The meeting is closed to the public.

Dated: June 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15055 Filed 6–25–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 Center for Research Resources Special Emphasis Panel; ARRA STRB July Meeting 2.

Date: July 24, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Carol Lambert, PhD, Scientific Review Officer, Office of Review, National Institutes of Health, NCRR, 6701 Democracy Blvd., 1 Democracy Plaza, Room 1076, MSC 4874, Bethesda, MD 20892, (301)–435–0814, *lambert@mail.nih.gov*.

Name of Committee: National Center for Research Resources Special Emphasis Panel; ARRA STRB July Meeting 1.

Date: July 24, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Mohan Viswanathan, PhD, Scientific Review Officer, National Center for Research Resources, National Institutes of Health, One Democracy Plaza, 6701 Democracy Blvd., Room 1084, Bethesda, MD 20892–4874, 301–435–0829, *mv10f@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.371, Biomedical Technology; 93.389, Research Infrastructure, 93.306, 93.333; 93.702, ARRA Related Construction Awards., National Institutes of Health, HHS)

Dated: June 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15057 Filed 6–25–09; 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 Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Interagency Autism Coordinating Committee (IACC), part of which will be a joint meeting between the IACC and the National Vaccine Advisory Committee (NVAC).

The meeting will be open to the public, with attendance limited to space availability; interested individuals are encouraged to register early to secure a space. The meeting will be accessible by videocast and conference call. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should inform the Contact Person listed below at least 5 business days in advance of the meeting.

Name of Committee: Interagency Autism Coordinating Committee (IACC).

Date: July 15, 2009.

Time: 8:30 a.m. to 4 p.m.

Agenda: In the morning, the IACC will host a joint meeting with the NVAC Vaccine Safety Working Group to discuss vaccine safety and autism; the afternoon will include discussion of analysis of the autism research portfolio and services-related activities. Public comment periods will be allotted in both the morning and afternoon sessions.

Place: In Person: Ronald Reagan Building and International Trade Center, The Polaris Room (Overflow: The Horizon Room), 1300 Pennsylvania Ave., NW., Washington, DC 20004.

Videocast and conference call information, as well as Web pre-registration and the agenda will be available through the IACC Web site meetings and events page: *http://iacc.hhs.gov/events/*.

Contact Person: Ms. Lina Perez, Office of Autism Research Coordination, Office of the Director, National Institute of Mental Health, NIH, 6001 Executive Boulevard, Bethesda, MD 20892–9669, (301) 443–6040, *IACCPublicInquiries@mail.nih.gov*.

Any member of the public interested in presenting oral comments to the Committee(s) must notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations must submit a letter of intent, a brief description of the organization represented, and a written/electronic copy of the oral presentation/statement at least 24 hours in advance of the meeting. A printed/electronic copy of the comment/statement provided by the deadline is required prior to the oral presentation; the document will become a part of the public record. Only one representative of an organization will be allowed to present oral comments and presentations will be limited to three to five minutes per speaker, depending on the number of speakers to be accommodated within the allotted time. Speakers will be assigned a time to speak in order of the date and time when their request to speak is received, along with the required written statement submitted at least 24 hours in advance of the meeting.

In addition, any interested person may submit written comments to the IACC and/or the NVAC prior to the meeting by sending the statement to the Contact Person listed on this notice at least 24 hours in advance of the meeting. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person. All written statements received by the deadline for both oral and written public comment will be provided to the IACC (and the NVAC, if appropriate) for their consideration.

Information about the IACC and a registration link for this meeting are available on the IACC Web site: *http://www.iacc.hhs.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: June 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15059 Filed 6–25–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 Environmental Health Sciences Special Emphasis Panel; Molecular and Oncology Support Services.

Date: July 16, 2009.

Time: 10 a.m. to 12:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: NIEHS/National Institues of Health, Keystone Building, 530 Davis Drive, Research Triangle Park, NC 207709, (Telephone Conference Call).

Contact Person: RoseAnne M. McGee, Associate Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–0752, *mcgee1@niehs.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: June 19, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15068 Filed 6–25–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 Cancer Institute Special Emphasis Panel. NCI ARRA Grand Opportunities Cancer Vaccines.

Date: August 5–6, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Bethesda North Hotel & Conf. Ctr., Bethesda, MD.

Contact Person: Shamala K. Srinivas, PhD, Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 8123, Bethesda, MD 20892. 301–594–1224. *ss537t@nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel. NCI–ARRA Grand Opportunities—Stem Cells.

Date: August 5–6, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Bethesda North Hotel and Conf. Ctr., Bethesda, MD.

Contact Person: Shakeel Ahmad, PhD, Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 6116 Executive Boulevard, Room 8139, Bethesda, MD 20892–8328. (301) 594–0114. *ahmads@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel. NCI ARRA Grand Opportunities—Transcriptional & Translational.

Date: August 5–6, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Bethesda North Hotel and Conf. Ctr., Bethesda, MD.

Contact Person: Thomas M Vollberg, PhD, Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 7142, Bethesda, MD 20892. 301–594–9582. *vollbert@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel. NCI ARRA Grand Opportunities-Molecular Targets & Cancer Genomics.

Date: August 5–6, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Bethesda North Hotel and Conf. Ctr., Bethesda, MD.

Contact Person: Adriana Stoica, PhD, Scientific Review Officer, Special Review & Logistics Branch, Division of Extramural Activities, National Cancer Insitute, NIH, 6116 Executive Blvd, Ste 703, Rm 7072, Bethesda, MD 20892–8329. 301–594–1408. *Stoicaa2@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control; 93.701, ARRA Related Biomedical Research and Research Support Awards, National Institutes of Health, HHS)

Dated: June 19, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15067 Filed 6–25–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 Cancer Institute Special Emphasis Panel. NCI–ARRA Grand Opportunities—Nanotechnology.

Date: July 22–23, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Bethesda North Hotel and Conference Ctr., Bethesda, MD.

Contact Person: Peter J. Wirth, PhD, Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 8131, Bethesda, MD 20892–8328. 301–496–7565. *pw2q@nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel. NCI–ARRA Grand Opportunities—Comparative Oncology.

Date: August 4–5, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Bethesda North Hotel and Conf. Ctr., Bethesda, MD.

Contact Person: Caron A. Lyman, PhD, Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Blvd., Room 8119, Bethesda, MD 20892–8328. 301–451–4761. *lymanc@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel. NCI–ARRA Grand Opportunities—Clinical/Translational.

Date: August 5–6, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Marriott Bethesda North Hotel & Conference Center, Bethesda, MD.
Contact Person: Timothy C. Meeker, MD, PhD, Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 8103, Bethesda, MD 20892. (301) 594–1279. *meekert@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel. NCI–ARRA Grand Opportunity.
Date: August 5–6, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Marriott Bethesda North Hotel & Conf. Ctr., Bethesda, MD.
Contact Person: Jeannette F. Korczak, PhD, Scientific Review Administrator, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 6116 Executive Blvd., Room 8115, Bethesda, MD 20892. 301–496–9767. *korczakj@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control; 93.701, ARRA Related Biomedical Research and Research Support Awards, National Institutes of Health, HHS)

Dated: June 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15066 Filed 6–25–09; 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. App.), 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; NHLBI Grant Opportunities in Comparative Effectiveness (ARRA).
Date: July 8, 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: Robert Blaine Moore, PhD, Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7213, Bethesda, MD 20892, 301–594–8394, *mooreb@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; 93.701, ARRA Related Biomedical Research and Research Support Awards, National Institutes of Health, HHS)

Dated: June 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15065 Filed 6–25–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 Cancer Institute Special Emphasis Panel; R13 Conference Grant Review.
Date: July 1, 2009.
Time: 1 p.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6116 Executive Boulevard, Room 8041, Rockville, MD 20852, (Telephone Conference Call).
Contact Person: Bratin K. Saha, PhD, Scientific Review Officer, Program Coordination and Referral Branch, Division of Extramural Activities, National Cancer Institute, NIH, 6116 Executive Boulevard, Room 8041, Bethesda, MD 20892, (301) 402–0371, *sahab@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to scheduling conflicts.

Name of Committee: National Cancer Institute Special Emphasis Panel; Small Grants for Behavioral Research in Cancer Control.
Date: July 7, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Legacy Hotel and Meeting Center, 1775 Rockville Pike, Rockville, MD 20852.
Contact Person: Gerald G. Lovinger, PhD, Scientific Review Administrator, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Blvd., Room 8101, Bethesda, MD 20892–8329, 301/496–7987, *lovingeg@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to scheduling conflicts.

Name of Committee: National Cancer Institute Special Emphasis Panel; Quantitative Imaging.
Date: July 22–23, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Rockville, MD 20852.
Contact Person: Sherwood Githens, PhD, Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Blvd., Room 8053, Bethesda, MD 20892, 301/435–1822, *githenss@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15064 Filed 6–25–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. App.), 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 Child Health and Human Development Special Emphasis Panel; The Ontogeny of Infant Detection of Inauthentic Emotion.

Date: July 7, 2009.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Room 5B01, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Carla T. Walls, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5b01, Bethesda, MD 20892, (301) 435–6898, *wallsc@mail.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.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: June 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15063 Filed 6–25–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 Human Genome Research Institute Special Emphasis Panel; RC2 ENCODE & Cellular Perturbation.

Date: July 22, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Keith McKenney, PhD, Scientific Review Officer, NHGRI, 5635 Fishers Lane, Suite 4076, Bethesda, MD 20814, 301–594–4280, *mckenneyk@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: June 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15062 Filed 6–25–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 Child Health and Human Development Special Emphasis Panel; Preterm Birth in Nulliparous Women: An Understudied Population at Great Risk.

Date: July 20–21, 2009.

Time: 12 p.m. to 5 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Sathasiva B. Kandasamy, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, 6100 Executive Boulevard, Room 5b01, Bethesda, MD 20892–9304, (301) 435–6680, *skandasa@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: June 19, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15061 Filed 6–25–09; 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 Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 Mental Health Special Emphasis Panel, ARRA NIMH Grand Opportunities (GO): Genomic Profiling and Genomic Technologies in Mental Disorders—#1.

Date: June 29, 2009.

Time: 9 a.m. to 2 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: Vinod Charles, PhD, Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6151, MSC 9606, Bethesda, MD 20892–9606, 301–443–1606.

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: National Institute of Mental Health Special Emphasis Panel, ARRA NIMH Grand Opportunities (GO): Neurodevelopmental Genomics.

Date: June 29, 2009.
Time: 2 p.m. to 6 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: Vinod Charles, PhD, Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6151, MSC 9606, Bethesda, MD 20892–9606, 301–443–1606.
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: National Institute of Mental Health Special Emphasis Panel, ARRA NIMH Grand Opportunities (GO): Genomic Profiling and Genomic Technologies in Mental Disorders—#2.
Date: June 30, 2009.
Time: 9 a.m. to 1 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: Vinod Charles, PhD, Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6151, MSC 9606, Bethesda, MD 20892–9606, 301–443–1606.
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.

(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; 93.701, ARRA Related Biomedical Research and Research Support Awards, National Institutes of Health, HHS)

Dated: June 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15060 Filed 6–25–09; 8:45 am]

BILLING CODE 4140–01–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. App.), 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; ACE Competitive Revisions.
Date: July 10, 2009.
Time: 12 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Renaissance M Street Hotel, 1143 New Hampshire Avenue, NW., Washington, DC 20037.
Contact Person: Hilary D. Sigmon, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, (301) 594–6377, *sigmonh@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; Arthritis and Dermatology SEP.
Date: July 13–14, 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: Jean D. Sipe, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4106, MSC 7814, Bethesda, MD 20892, 301/435–1743, *sipej@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; Competing Revision Applications Related to Community Research.
Date: July 13, 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, (Telephone Conference Call).
Contact Person: Ellen K. Schwartz, EDD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, 301–435–0681, *schwarte@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; Review of Shared Instrumentation Grant Applications.
Date: July 13–14, 2009.
Time: 3 p.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: Sir Francis Drake Hotel, 450 Powell Street at Sutter, San Francisco, CA 94102.
Contact Person: Eileen W. Bradley, DSC, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5100, MSC 7854, Bethesda, MD 20892, (301) 435–1179, *bradleye@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; ZRG1 DKUS–F96 S Revisions.
Date: July 14, 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: Rass M. Shayiq, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, (301) 435–2359, *shayiqr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Review of Shared Instrumentation Grant Applications.
Date: July 14–15, 2009.
Time: 1 p.m. to 11 a.m.
Agenda: To review and evaluate grant applications.
Place: Sir Francis Drake Hotel, 450 Powell Street at Sutter, San Francisco, CA 94102.
Contact Person: Antonio Sastre, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5215, MSC 7412, Bethesda, MD 20892, 301–435–2592, *sastrea@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; DKUS Competitive Revisions.
Date: July 15, 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: Najma Begum, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2186, MSC 7818, Bethesda, MD 20892, 301–435–1243, *begumn@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group; AIDS Discovery and Development of Therapeutics Study Section.
Date: July 16–17, 2009.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: The Westin Seattle, 1900 Fifth Avenue, Seattle, WA 98101.
Contact Person: Shiv A. Prasad, PhD, Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, 301–443–5779, *prasads@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Pre-doctoral Diversity Fellowships.

Date: July 16–17, 2009.

Time: 8 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.

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*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Genetic Disease Pathogenesis and Therapy.

Date: July 17, 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: Richard Panniers, PhD, Scientific Review Officer, 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.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA OD–09–003 Challenge Grants Panel 10.

Date: July 20–21, 2009.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.

Contact Person: Syed M. Quadri, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6210, MSC 7804, Bethesda, MD 20892, 301–435–1211, *quadris@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; ARRA Competitive Revision Applications: ZRG1 MOSS–K (95) R.

Date: July 28, 2009.

Time: 11 a.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: 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.*

(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: June 19, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15123 Filed 6–25–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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: Center for Scientific Review Special Emphasis Panel; HDM Competitive Revision Applications.

Date: June 30, 2009.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: InterContinental Harbor Court Baltimore, 550 Light Street, Baltimore, MD 21202.

Contact Person: Karin F. Helmers, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7770, Bethesda, MD 20892, 301–435–1017, *helmersk@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.

(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: June 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15122 Filed 6–25–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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: Center for Scientific Review Special Emphasis Panel; Member Conflicts in Language and Communication.

Date: July 1, 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: Dana Jeffrey Plude, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3176, MSC 7848, Bethesda, MD 20892, 301–435–2309, *pluded@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.

(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: June 19, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15121 Filed 6–25–09; 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, July 22, 2009, 8 a.m. to July 22, 2009, 5 p.m., Avenue Hotel Chicago, 160 E Huron,

Chicago, IL 60611 which was published in the **Federal Register** on June 15, 2009, 74 FR 28260–28262.

The meeting will be two days July 22, 2009, 8 a.m. to July 23, 2009, 4 p.m. The meeting location remains the same. The meeting is closed to the public.

Dated: June 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15120 Filed 6–25–09; 8:45 am]

BILLING CODE 4140–01–M

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. App.), 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; Social Science and Population Studies R03s, R15s, and R21s.

Date: July 8, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036.

Contact Person: Valerie Durrant, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3148, MSC 7770, Bethesda, MD 20892, (301) 435–3554, *durrantv@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: AIDS and Related Research Integrated Review Group; Behavioral and Social Consequences of HIV/AIDS Study Section.

Date: July 9–10, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Palomar, 2121 P Street, NW., Washington, DC 20037.

Contact Person: Mark P. Rubert, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1775, *rubertm@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: AIDS and Related Research Integrated Review Group; HIV/AIDS Vaccines Study Section.

Date: July 9–10, 2009.

Time: 9 a.m. to 6 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: Mary Clare Walker, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5208, MSC 7852, Bethesda, MD 20892, (301) 435–1165, *walkermc@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; Health Services Research Competing Revisions.

Date: July 13–14, 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: Katherine N. Bent, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3160, MSC 7770, Bethesda, MD 20892, (301) 435–0695, *bentk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Review of Competitive Revisions.

Date: July 13, 2009.

Time: 8 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Sir Francis Drake Hotel, 450 Powell Street at Sutter, San Francisco, CA 94102.

Contact Person: Antonio Sastre, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5215, MSC 7412, Bethesda, MD 20892, 301–435–2592, *sastrea@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; HDM Competitive Revisions.

Date: July 13–14, 2009.

Time: 8 a.m. to 9 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Melinda Tinkle, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3141, MSC 7770, Bethesda, MD 20892, (301) 594–6594, *tinklem@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business Grant Applications: Non-HIV Microbial Vaccine Development.

Date: July 13–14, 2009.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: The George Washington University Inn, 824 New Hampshire Avenue, NW., Washington, DC 20037.

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.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Review of SBIR AIDS Applications.

Date: July 14–16, 2009.

Time: 6 a.m. to 9 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kenneth A. Roebuck, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, MSC 7852, Bethesda, MD 20892, (301) 435–1166, *roebuckk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel Small Business: Cell Biology and Instrumentation.

Date: July 14–15, 2009.

Time: 8:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ross D. Shonat, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5156, MSC 7849, Bethesda, MD 20892, 301–435–2786, *shonatr©csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Healthcare Delivery and Methodologies—Occupational Health.

Date: July 14, 2009.

Time: 11 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: Karin F. Helmers, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7770, Bethesda, MD 20892, 301–435–1017, *helmersk@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group, AIDS-associated Opportunistic Infections and Cancer Study Section.

Date: July 16–17, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Denver, 650 15th Street, Denver, CO 80202.

Contact Person: Eduardo A. Montalvo, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435–1168, *montalve@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Competitive Revisions-2: DKUS.

Date: July 16, 2009.

Time: 12 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: Patricia Greenwel, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2178, MSC 7818, Bethesda, MD 20892, 301–435–1169, *greenwep@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA OD–09–003: Challenge Grants Panel 8.

Date: July 20–21, 2009.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Beacon Hotel and Corporate Quarters, 1615 Rhode Island Avenue, NW., Washington, DC 20036.

Contact Person: Christine L. Melchior, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892, (301) 435–1713, *melchioc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA OD–09–003: Challenge Grants Panel 1.

Date: July 20–21, 2009.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz Carlton Hotel, 1150 22nd Street, NW., Washington, DC 20037.

Contact Person: Lee S. Mann, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7848, Bethesda, MD 20892, 301–435–0677, *mannl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–OD–09–003: Challenge Grants Panel 1.

Date: July 20–21, 2009.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel, 1515 Rhode Island Avenue, NW., Washington, DC 20005.

Contact Person: Maribeth Champoux, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, MSC 7848, Bethesda, MD 20892, 301–594–3163, *champoum@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–OD–09–003: Challenge Grants Panel 1.

Date: July 20–21, 2009.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz Carlton Hotel, 1150 22nd Street, NW., Washington, DC 20037.

Contact Person: Jane A. Doussard-Roosevelt, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, (301) 435–4445, *doussarj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Shared Instrumentation.

Date: July 22–24, 2009.

Time: 11 a.m. to 9 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ross D. Shonat, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5156, MSC 7849, Bethesda, MD 20892, 301–435–2786, *shonatr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Risk Prevention and Health Behavior.

Date: July 24, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Palomar, 2121 P Street, NW., Washington, DC 20037.

Contact Person: Karen Lechter, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3128, MSC 7759, Bethesda, MD 20892, 301–496–0726, *lechterk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cognition and Central Visual Processing.

Date: July 29–30, 2009.

Time: 7 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: Edwin C. Clayton, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 50950, MSC 7844, Bethesda, MD 20892, (301) 402–1304, *claytone@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: June 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15118 Filed 6–25–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 Neurological Disorders and Stroke Special Emphasis Panel; Conflict Review.

Date: July 8, 2009.

Time: 5 p.m. to 6 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: Joann McConnell, PhD, Scientific Review Administrator, Scientific Review Branch, NIH/NINDS/Neuroscience Center, 6001 Executive Blvd., Suite 3208, Msc 9529, Bethesda, MD 20892–9529, (301) 496–5324, *mcconnej@ninds.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: June 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15077 Filed 6–25–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 on Aging Special Emphasis Panel; NIA ARRA P30–1.

Date: July 15, 2009.

Time: 1 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Room 2C218, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Alfonso R. Latoni, PhD, Deputy Chief and Scientific Review Officer, Scientific Review Branch, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Room 2C218, Bethesda, MD 20892, 301–402–7702, *latonia@nia.nih.gov*.

Name of Committee: National Institute on Aging Special Emphasis Panel; RC2–SEP1 ARRA.

Date: July 17, 2009.

Time: 12 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, 2C212, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jeannette L. Johnson, PhD, Scientific Review Officer, National Institutes on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2c212, Bethesda, MD 20892, 301–402–7705, *johnsonj9@nia.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research; 93.701, ARRA Related Biomedical Research and Research Support Awards, National Institutes of Health, HHS)

Dated: June 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15076 Filed 6–25–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 Nursing Research Special Emphasis Panel; NINR Interventions to Improve Palliative Care at the End of Life (R01).

Date: July 14, 2009.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Weiqun Li, MD, Scientific Review Administrator, National Institute of Nursing Research, National Institutes of Health, 6701 Democracy Blvd., Ste., 710, Bethesda, MD 20892, (301) 594–5966, *wli@mail.nih.gov.*

Name of Committee: National Institute of Nursing Research Special Emphasis Panel; NINR Cost-Effectiveness Analysis Into Factors Affecting Quality-of-Life Research (R01).

Date: July 16, 2009.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Mario Rinaudo, MD, Scientific Review Administrator, Office of Review, National Inst of Nursing Research, National Institutes of Health, 6701 Democracy Blvd (DEM 1), Suite 710, Bethesda, MD 20892, 301–594–5973, *mrinaudo@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: June 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15075 Filed 6–25–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 Dental and Craniofacial Research Special Emphasis Panel. Review RFA–OD–09–004 Research and Research Infrastructure Grand Opportunities (RC2).

Date: July 15, 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. (Telephone Conference Call).

Contact Person: Mary Kelly, Scientific Review Officer, Scientific Review Branch, National Inst of Dental & Craniofacial Research, NIH 6701 Democracy Blvd, room 672, MSC 4878, Bethesda, MD 20892–4878. 301–594–4809. *mary_kelly@nih.gov.*

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel. Review RFA–OD–09–004 Research and Research Infrastructure Grand Opportunities (RC2).

Date: July 15, 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: Mary Kelly, Scientific Review Officer, Scientific Review Branch, National Inst of Dental & Craniofacial Research, NIH 6701 Democracy Blvd, room 672, MSC 4878, Bethesda, MD 20892–4878. 301–594–4809. *mary_kelly@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: June 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15074 Filed 6–25–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 Dental and Craniofacial Research Special Emphasis Panel.

Date: July 17, 2009.

Time: 11 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Victor Henriquez, PhD, Scientific Review Officer, DEA/SRB/NIDCR, 6701 Democracy Blvd., Room 668, Bethesda, MD 20892–4878, 301–451–2405, *henriquv@nidcr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: June 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15073 Filed 6–25–09; 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 Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 Heart, Lung, and Blood Institute Special Emphasis Panel, NHLBI Progenitor Cell Biology Consortium Research Hubs.

Date: July 14–15, 2009.

Time: 8 a.m. to 12 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: Charles Joyce, PhD, Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892–7924. 301–435–0288. *cjoyce@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Limited Competition for the Continuation of the Resuscitation Outcomes Consortium.

Date: July 15, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Katherine M. Malinda, PhD, Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7198, Bethesda, MD 20892–7924. 301–435–0297. *malindakm@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, NHLBI Progenitor Cell Biology Consortium Administrative Coordinating Center.

Date: July 15, 2009.

Time: 12 p.m. to 4 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: Charles Joyce, PhD, Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892–7924. 301–435–0288. *cjoyce@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Mentored Clinical Scientist Research Career Development Awards (K02's and K08's).

Date: July 16–17, 2009.

Time: 8 a.m. to 11 a.m.

Agenda: To review and evaluate grant applications.

Place: Crystal City Marriott, 2899 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Robert Blaine Moore, PhD, Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7213, Bethesda, MD 20892. 301–594–8394. *mooreb@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Program Project in Lung Alveolar Stability.

Date: July 16, 2009.

Time: 10 a.m. to 3 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: William J. Johnson, PhD, Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892–7924. 301–435–0725. *johnsonw@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Program Project in Vascular Dysfunction.

Date: July 17, 2009.

Time: 10:30 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Four Points Sheraton BWI Airport Hotel, 7032 Elm Road, Baltimore, MD 21240.

Contact Person: Charles Joyce, PhD, Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892–7924. 301–435–0288. *cjoyce@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: June 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15072 Filed 6–25–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 Environmental Health Sciences Special Emphasis Panel; Public Environmental Health Panel on Research to Action.

Date: July 13–15, 2009.

Time: July 13, 2009, 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Chapel Hill Hotel, One Europa Drive, Chapel Hill, NC 27517.

Time: July 14, 2009, 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Chapel Hill Hotel, One Europa Drive, Chapel Hill, NC 27517.

Time: July 15, 2009, 9 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Chapel Hill Hotel, One Europa Drive, Chapel Hill, NC 27517.

Contact Person: Sally Eckert-Tilotta, PhD, Scientific Review Officer, Nat. Institute of Environmental Health Sciences, Office of Program Operations, Scientific Review Branch, P.O. Box 12233, Research Triangle Park, NC 27709, (919) 541–1446, *eckertt1@niehs.nih.gov*.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Public Environmental Health Panel on Research to Action (Conflict Meeting)

Date: July 15, 2009.

Time: 8 a.m. to 9 a.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Chapel Hill Hotel, One Europa Drive, Chapel Hill, NC 27514.

Contact Person: Linda K. Bass, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–1307, *bass@niehs.nih.gov*.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Pathways to Independence/Career Development.

Date: July 15, 2009.

Time: 11 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton, One Europa Drive, Chapel Hill, NC 27514.

Contact Person: Linda K. Bass, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute Environmental Health Sciences, P. O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–1307, *bass@niehs.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: June 19, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15071 Filed 6–25–09; 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 Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI Grand Opportunities in Ancillary Studies (ARRA)

Date: July 22, 2009.

Time: 2 p.m. to 6 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: Chang Sook Kim, PhD, Scientific Review Officer, Review Branch, DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7190, Bethesda, MD 20892, 301–435–0287, *carolko@mail.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI Grand Opportunities in Testing Mechanistic Hypotheses from Genomic Studies (ARRA)

Date: July 23, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza Washington National Airport, 1489 Jefferson Davis Hwy, Arlington, VA 22202.

Contact Person: Mark Roltsch, PhD, Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7192, Bethesda, MD 20892–7924, 301–435–0287, *roltschm@nhlbi.nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI Grand Opportunities in Translational Research Implementation Program (ARRA)

Date: July 23–24, 2009.

Time: 8:30 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: YingYing Li-Smerin, MD, PhD, Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7184, Bethesda, MD 20892–7924, 301–435–0277, *lismerin@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI Grand Opportunities in Building Upon GWAS (ARRA)

Date: July 24, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza Washington National Airport, 1489 Jefferson Davis Hwy, Arlington, VA 22202.

Contact Person: Mark Roltsch, PhD, Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7192, Bethesda, MD 20892–7924, 301–435–0287, *roltschm@nhlbi.nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Grand Opportunities in Large Scale DNA Sequencing and Molecular Profiling of Well Phenotyped NHLBI Cohorts (ARRA)

Date: July 28, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Keary A. Cope, PhD, 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; 93.701, ARRA Related Biomedical Research and Research Support Awards, National Institutes of Health, HHS)

Dated: June 19, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15070 Filed 6–25–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. App.), 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 Nursing Research Special Emphasis Panel; NINR Grand Opportunities Grants.

Date: July 20, 2009.

Time: 7 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Yujing Liu, PhD, MD, Chief, Office of Review, Division of Extramural Activities, National Institute of Nursing Research, National Institutes of Health, 6701 Democracy Blvd., Ste 710, Bethesda, MD 20892, (301) 451–5152, *yujing_liu@nih.gov.*

Name of Committee: National Institute of Nursing Research Special Emphasis Panel; NINR Center Core Grants.

Date: July 21, 2009.

Time: 7 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Yujing Liu, PhD, MD, Chief, Office of Review, Division of Extramural Activities, National Institute of Nursing Research, National Institutes of Health, 6701 Democracy Blvd., Ste 710, Bethesda, MD 20892, (301) 451–5152, *yujing_liu@nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and, when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research; 93.701, ARRA Related Biomedical Research and Research Support Awards, National Institutes of Health, HHS)

Dated: June 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15069 Filed 6–25–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Translating Research To Protect Health Through Health Promotion, Prevention, and Preparedness, Panel C, Funding Opportunity Announcement (FOA) CD09–001, Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 1 p.m.–4 p.m., July 16, 2009 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the initial review, discussion, and evaluation of ''Translating Research to Protect Health through Health Promotion, Prevention, and Preparedness, Panel C, FOA CD09–001, initial review.''

Contact Person for More Information: Susan B. Stanton, D.D.S., Scientific Review Administrator, CDC, 1600 Clifton Road, NE., Mailstop D72, Atlanta, GA 30333, Telephone (404) 639–4640.

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: June 18, 2009.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E9–15092 Filed 6–25–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Translating Research To Protect Health Through Health Promotion, Prevention, and Preparedness, Panel A, Funding Opportunity Announcement (FOA) CD09–001, Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 1 p.m.–4 p.m., July 24, 2009 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the initial review, discussion, and evaluation of ''Translating Research to Protect Health through Health Promotion, Prevention, and Preparedness, Panel A, FOA CD09–001, initial review.''

Contact Person for More Information: Shoukat Qari, Ph.D., Scientific Review Administrator, CDC, 1600 Clifton Road, NE., Mailstop D72, Atlanta, GA 30333, Telephone (404) 639–4663.

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: June 18, 2009.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E9–15084 Filed 6–25–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 Allergy and Infectious Diseases Special Emphasis Panel; To Review Career Development/Career Research Applications.

Date: July 13, 2009.

Time: 12 p.m. to 4 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: Annie Walker-Abbey, PhD, Scientific Review Officer, Scientific Review Program, NIAID/NIH/DHHS, 6700B Rockledge Drive, RM 3266, MSC–7616, Bethesda, MD 20892–7616, 301–451–2671, *aabbey@niaid.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.

(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: June 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15056 Filed 6–25–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 Child Health and Human Development Special Emphasis Panel. CPCCRN RFA Review Committee.

Date: July 16, 2009.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Legacy Hotel, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Rita Anand, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health, and Human Development, NIH, 6100 Executive Blvd. Room 5B01, Bethesda, MD 20892. (301) 496–1487. *anandr@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: June 18, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–15054 Filed 6–25–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–D–0260]

Reportable Food Registry; Public Workshops

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshops.

The Food and Drug Administration (FDA) is announcing three public workshops to discuss the draft guidance FDA issued on June 11, 2009, concerning the Congressionally-mandated Reportable Food Registry (the Registry). The purpose of the public workshop is to explain the purpose of the Registry, how it will work, and the responsibilities of persons required to submit a report regarding instances of reportable food to FDA through the reportable food electronic portal. The role of Federal, State, and local public health officials in voluntarily reporting instances of reportable food to FDA will also be discussed.

Dates, Times, and Locations: See ''How to Participate in the Workshops'' in the **SUPPLEMENTARY INFORMATION** section of this document for dates and times of the workshops, closing dates for advance registration, requesting special accommodations due to disability, requesting onsite parking, and other information regarding meeting participation.

Contact Person: For general questions about the workshops, to request onsite parking for the July 23 workshop, or for special accommodations due to a disability, contact Juanita Yates, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301–436–1731, e-mail: *juanita.yates@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. How to Participate in the Workshops

Table 1 of this document provides information on participation in the workshops.

TABLE 1.

	Date	Address	Electronic Address	Other Information
First public workshop	July 23, 2009, from 9 a.m. to noon	Harvey W. Wiley Federal Bldg., Food and Drug Administration, Center for Food Safety and Applied Nutrition, 5100 Paint Branch Pkwy., College Park, MD 20740 (Metro stop: College Park on the Green Line)		

TABLE 1.—Continued

	Date	Address	Electronic Address	Other Information
Advance registration	by July 17, 2009	We encourage you to use electronic registration if possible.[1]	*http://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/* click on the link to the Reportable Food Registry Public Workshops	There is no registration fee for the public workshops. Early registration is recommended because seating is limited.
Request special accommodations due to a disability	by July 17, 2009	See *Contact Person*		
Request onsite parking	by July 20, 2009	See *Contact Person*		
Second public workshop	August 5, 2009, from 9 a.m. to noon	Hyatt Regency Chicago, 151 East Wacker Dr., Chicago, IL 60601		
Advance registration	by July 27, 2009	We encourage you to use electronic registration if possible.[1]	*http://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/* click on the link to the Reportable Food Registry Public Workshops	There is no registration fee for the public workshops. Early registration is recommended because seating is limited.
Request special accommodations due to a disability	by July 27, 2009	See *Contact Person*		
Third public workshop	August 25, 2009, from 9 a.m. to noon	Ronald V. Dellums Federal Bldg., Edward Roybal Auditorium, 1301 Clay St., 3d floor, Oakland, CA 94612		
Advance registration	by August 14, 2009	We encourage you to use electronic registration if possible.[1]	*http://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/* click on the link to the Reportable Food Registry Public Workshops	There is no registration fee for the public workshops. Early registration is recommended because seating is limited.
Request special accommodations due to a disability	by August 14, 2009	See *Contact Person*		

[1] You may also register via e-mail, mail, or fax. Please include your name, title, firm name, address, and phone and fax numbers in your registration information and send to: Deborah Harris, EDJ Associates, Inc., 11300 Rockville Pike, suite 1001, Rockville, MD 20852, 240–221–4326, FAX: 301–945–4295, e-mail: *fda-CFSAN_Registration@edjassociates.com*. Onsite registration will also be available at all workshop sites.

II. Background

In the **Federal Register** of June 11, 2009 (74 FR 27803), FDA announced the availability of a draft guidance entitled ''Guidance for Industry: Questions and Answers Regarding the Reportable Food Registry as Established by the Food and Drug Administration Amendments Act of 2007''. The draft guidance, when finalized, will assist the industry with complying with the Reportable Food Registry requirements prescribed by the Food and Drug Administration Amendments Act of 2007 (FDAAA). FDA also announced a further delay in the implementation of the Registry of FDAAA until September 8, 2009, to consider any comments received on the draft guidance and through the agency's planned outreach initiatives, and to allow for further testing of the electronic portal for reportable foods.

This notice announces three public workshops as part of the agency's planned outreach initiatives regarding the Registry.

III. Transcripts

Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov*. It may be viewed at the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD. A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to Division of Freedom of Information (HFI–35), Office of Management Programs, Food and Drug Administration, 5600 Fishers Lane, rm. 6–30, Rockville, MD 20857.

Dated: June 22, 2009.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E9–15107 Filed 6–25–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Translating Research To Protect Health Through Health Promotion, Prevention, and Preparedness, Panel F, Funding Opportunity Announcement (FOA) CD09–001, Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 1 p.m.–5 p.m., July 23, 2009 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters to be Discussed: The meeting will include the initial review, discussion, and evaluation of ''Translating Research to Protect Health through Health Promotion, Prevention, and Preparedness, Panel F, FOA CD09–001, initial review.''

Contact Person for More Information: Shoukat Qari, D.V.M., Ph.D., Scientific Review Administrator, CDC, 1600 Clifton Road, NE., Mailstop D72, Atlanta, GA 30333, Telephone (404) 639–4663.

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: June 22, 2009.

Andre Tyler,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E9–15098 Filed 6–25–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Translating Research to Protect Health Through Health Promotion, Prevention, and Preparedness, Panel B, Funding Opportunity Announcement (FOA) CD09–001, Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 12 p.m.–3 p.m., July 23, 2009 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters to be Discussed: The meeting will include the initial review, discussion, and evaluation of ''Translating Research To Protect Health Through Health Promotion, Prevention, and Preparedness, Panel B, FOA CD09–001, initial review.''

Contact Person for More Information: Hylan Shoob, PhD, Scientific Review Administrator, CDC, 1600 Clifton Road, NE., Mailstop D72, Atlanta, GA 30333, Telephone (404) 639–4793.

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: June 18, 2009.

Elaine L. Baker,

Director, Management Analysis and Services Office Centers for Disease Control and Prevention.

[FR Doc. E9–15097 Filed 6–25–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention (CDC)

National Center for Injury Prevention and Control Initial Review Group (NCIPC IRG)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), CDC announces the following meeting of the aforementioned review group:

Time and Date: 9:30 a.m.–11 a.m. July 7, 2009 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5, U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Section 10(d) of Public Law 92–463.

Purpose: This group is charged with providing advice and guidance to the Secretary, Department of Health and Human Services, and the Director, CDC, concerning the scientific and technical merit of grant and cooperative agreement applications received from academic institutions and other public and private profit and nonprofit organizations, including State and local government agencies, to conduct specific injury research that focuses on prevention and control.

Matters to be Discussed: The meeting will include the review, discussion, and evaluation of applications submitted in response to Fiscal Year 2009 Requests for Applications related to the following individual research announcement: CE09–009, Youth Violence Prevention through Economic, Environmental, and Policy Change (U01).

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Lisa Garbarino, B.S., NCIPC, Extramural Research Program Office, CDC, 4770 Buford Highway, NE., Mailstop F62, Atlanta, Georgia 30341–3724, Telephone (404) 723–1527.

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: June 18, 2009.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E9–15096 Filed 6–25–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Translating Research To Protect Health Through Health Promotion, Prevention, and Preparedness, Panel G, Funding Opportunity Announcement (FOA) CD09–001, Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announce the aforementioned meeting:

Time and Date: 12:30 p.m.–4:30 p.m., July 23, 2009 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the initial review, discussion, and evaluation of ''Translating Research To Protect Health Through Health Promotion, Prevention, and Preparedness, Panel E, FOA CD09–001, initial review.''

Contact Person for More Information: Maurine Goodman, M.A., M.P.H., Scientific Review Administrator, CDC, 1600 Clifton Road, NE., Mailstop D72, Atlanta, GA 30333, Telephone (404) 639–4737.

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: June 18, 2009.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E9–15095 Filed 6–25–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Translating Research To Protect Health Through Health Promotion, Prevention, and Preparedness, Panel E, Funding Opportunity Announcement (FOA) CD09–001, Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 12:30 p.m.–4:30 p.m., July 21, 2009 (Closed)

Place: Teleconference.

The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters to be Discussed: The meeting will include the initial review, discussion, and evaluation of ''Translating Research To Protect Health Through Health Promotion, Prevention, and Preparedness, Panel E, FOA CD09–001, initial review.''

Contact Person for More Information: Maurine Goodman, M.A, M.P.H., Scientific Review Administrator, CDC, 1600 Clifton Road, NE., Mailstop D72, Atlanta, GA 30333, Telephone (404) 639–4737.

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: June 18, 2009.

Elaine L. Baker,

Director, Management Analysis and Services Office Centers for Disease Control and Prevention.

[FR Doc. E9–15094 Filed 6–25–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Center for Injury Prevention and Control Initial Review Group (NCIPC IRG)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the following meeting of the aforementioned group:

Times and Date: 12 p.m.–1:30 p.m., July 16, 2009 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5, U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Section 10(d) of Public Law 92–463.

Purpose: This group is charged with providing advice and guidance to the Secretary, Department of Health and Human Services, and the Director, CDC, concerning the scientific and technical merit of grant and cooperative agreement applications received from academic institutions and other public and private profit and nonprofit organizations, including State and local government agencies, to conduct specific injury research that focuses on prevention and control.

Matters To Be Discussed: The meeting will include the reporting and voting of the peer reviews conducted in response to Fiscal Year 2009 Requests for Applications related to the following individual research announcements:

(1) *RFA–EH–09–001 Climate Change:* Environmental Impact on Human Health (U01); (2) RFA–CD–09–001 Translating Research to protect Health Through Health Promotion, Prevention, and Preparedness (R18); (3) RFA–EH–09–002 Program to Expand State Public Health Laboratory Capacity for Newborn Bloodspot Screening (U01); (4) RFA–EH–009–003 program to Enhance State Public Health Laboratory Capacity for Newborn Bloodspot Screening (U01); (5) RFA–TS–09–003 Environmental Health and Toxicology Educational Research Program (U01).

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Rick Waxweiler, PhD, Director, Extramural Research Program Office, National Center for Injury Prevention & Control and Executive Secretary, NCIPC IRG, CDC, 4770 Buford Highway, NE., Mailstop F–62, Atlanta, Georgia 30341, Telephone (770) 488–4850.

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: June 18, 2009.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E9–15093 Filed 6–25–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Privacy Act of 1974; Addition of a New Routine Use

AGENCY: Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS).

ACTION: Notice to add a new routine use to all CMS systems of records (SOR).

SUMMARY: CMS proposes to add a new routine use to its inventory of SOR subject to the Privacy Act of 1974 (Title 5 United States Code (U.S.C.) 552a) authorizing disclosure of individually identifiable information to assist in efforts to respond to a suspected or confirmed breach of the security or confidentiality of information maintained in these systems of records. The new routine use will be prioritized in the next consecutive numbered order of routine uses in each system notice and will be included in the next published notice as part of our normal SOR review process. The new routine use will read as follows:

1. To appropriate Federal agencies, Department officials and Agency contractors that need access to identifiable information to provide assistance to the Department's efforts to respond to a suspected or confirmed breach of the security or confidentiality of information. In order to receive the information, CMS must:

a. Determines that the use or disclosure does not violate legal

limitations under which the record was provided, collected, or obtained;

b. Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) there is reasonable probability that the objective for the use would be accomplished;

c. Requires the recipient of the information to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the disclosure, and

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual, or

(b) When required by law.

d. Secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions and complete a Data Use Agreement (CMS Form 0235) in accordance with current CMS policies.

The reason for this routine use is as follows:

Other Federal agencies, Department officials and contractors, as well as CMS contractors may need access to identifiable information that is both relevant and necessary to provide assistance to all efforts to respond to a suspected or confirmed breach of the security or confidentiality of information maintained in these systems of records.

DATES: *Effective Date:* The new routine use will be effective on < *DATE* >.

ADDRESSES: The public should address comments to: CMS Privacy Officer, Division of Privacy Compliance, Enterprise Architecture and Strategy Group, Office of Information Services, CMS, Room N2–04–27, 7500 Security Boulevard, Baltimore, Maryland 21244–1850. The telephone number is (410) 786–5357. Comments received will be available for review at this location, by appointment, during regular business hours, Monday through Friday from 9 a.m.–3 p.m., Eastern Time zone.

SUPPLEMENTARY INFORMATION: On May 22, 2007, the Office of Management and Budget (OMB) released Memoranda (M) 07–16, *Safeguarding Against and Responding to the Breach of Personally Identifiable Information.* HHS convened a leadership committee composed of members from the Office of the Chief Information Officer (OICO), the Office of Assistant Secretary for Public Affairs (ASPA), and the Office of the Assistant Secretary for Planning and Evaluation (ASPE) in order to formulate a response plan for the newly established requirements. The final response plan was signed by the HHS Chief Information Officer (CIO), Mike Carleton and submitted to OMB on September 19, 2007. As required by the memoranda, to comply with the ''Incident Reporting and Handling Requirements,'' all Operations and Staff Divisions are instructed to incorporate the suggested routine use language as part of their normal SOR review process.

Dated: June 16, 2009.

Michelle Snyder,

Deputy Chief Operating Officer, Centers for Medicare & Medicaid Services.

ATTACHMENT A

SOR No.	Title	FR published
09–70–0500	Health Plan Management System (HPMS)	71 FR 60718, 10/16/2006
09–70–0501	Medicare Multi-Carrier Claims Systems (MCS)	71 FR 64968, 11/06/2006
09–70–0502	Enrollment Data Base (EDB)	73 FR 10249, 02/26/2008
09–70–0503	Fiscal Intermediary Shared System (FISS)	71 FR 64961, 11/06/2006
09–70–0514	Medicare Provider Analysis and Review (MEDPAR)	71 FR 17470, 04/06/2006
09–70–0519	Medicare Current Beneficiary Survey (MCBS)	71 FR 60722, 10/16/2006
09–70–0520	ESRD Program Management and Medical Information System (PMMIS)	72 FR 26126, 5/8/2007
09–70–0521	Inpatient Rehabilitation Facilities—Patient Assessment Instrument (IRF–PAI)	71 FR 67143, 11/20/2006
09–70–0522	Home Health Agency Outcome and Assessment Information Set (OASIS)	72 FR 63906, 11/13/2007
09–70–0526	Common Working File (CWF)	71 FR 64955, 11/06/2006
09–70–0528	Long Term Care-Minimum Data Set (LTC MDS)	72 FR 12801, 3/19/2007
09–70–0532	Provider Enrollment Chain and Ownership System (PECOS)	71 FR 60536, 10/13/2006
09–70–0536	Medicare Beneficiary Database (MBD)	71 FR 11420, 03/07/2006
09–70–0538	Individuals Authorized Access to the CMS Computer Services (IACS)	72 FR 63902, 11/13/2007
09–70–0541	Medicaid Statistical Information System (MSIS)	71 FR 65527, 11/08/2006
09–70–0550	Retiree Drug Subsidy Program (RDSP)	70 FR 41035, 7/15/2005
09–70–0553	Medicare Drug Data Processing System (DDPS)	70 FR 58436, 10/06/2005
09–70–0558	National Claims History File (NCH)	71 FR 67137, 11/20/2006
09–70–0568	One Program Integrity Data Repository (ODR)	71 FR64530, 11/02/2006
09–70–0569	Post Acute Care Payment Reform/Continuity Assessment Report Demonstration and Evaluation (PAC–CARE).	72 FR 55225, 09/28/2007
09–70–0571	Medicare Integrated Data Repository (IDR)	71 FR 64530, 11/02/2006
09–70–0573	Chronic Condition Data Repository (CCDR)	71 FR 54495, 09/15/2006
09–70–4001	Medicare Advantage Prescription Drug (MARx)	70 FR 60530, 10/18/2005
09–70–0575	Organ Procurement Organizations System (OPOS)	71 FR 29336, 05/22/2006
09–70–0594	Minimum Data Set (MDS) for Home and Community Based Alternatives (CBA) to Psychiatric Residential Treatment) Facilities (PRTF) (CBA–PRTF).	72 FR 72733, 12/21/2007

[FR Doc. E9–15192 Filed 6–25–09; 8:45 am]
BILLING CODE 4120–03–P

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Draft Program Comment for the U.S. General Services Administration on Select Envelope and Infrastructure Repairs and Upgrades to Historic Public Buildings

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of intent to issue program comments for the U.S. General Services Administration on select envelope and infrastructure repairs and upgrades to historic public buildings.

SUMMARY: The Advisory Council on Historic Preservation (ACHP) is considering issuing a Program Comment for the U.S. General Services Administration setting forth the way in which it will comply with Section 106 of the National Historic Preservation Act for select repairs and upgrades to windows, lighting, roofing, and heating, ventilating, and air-conditioning (HVAC) systems within historic public buildings. The ACHP seeks public input on the proposed Program Comment.

DATES: Submit comments on or before July 20, 2009.

ADDRESSES: Address all comments concerning this proposed Program Comment to Kirsten Brinker Kulis, Office of Federal Agency Programs, Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue, NW., Suite 803, Washington, DC 20004. Fax (202) 606–8647. You may submit electronic comments to: *kkulis@achp.gov.*

FOR FURTHER INFORMATION CONTACT: Kirsten Brinker Hulls, (202) 606–8517, *kkulis@achp.gov.*

SUPPLEMENTARY INFORMATION: Section 106 of the National Historic Preservation Act requires Federal agencies to consider the effects of their undertakings on historic properties and to provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment with regard to such undertakings. The ACHP has issued the regulations that set forth the process through which Federal agencies comply with these duties. Those regulations are codified under 36 CFR part 800 (Section 106 regulations).

Under Section 800.14(e) of those regulations, agencies can request the ACHP to provide a ''Program Comment'' on a particular category of undertakings in lieu of conducting individual reviews of each individual undertaking under such category, as set forth in 36 CFR 800.4 through 800.7. An agency can meet its Section 106 responsibilities with regard to the effects of particular aspects of those undertakings by taking into account ACHP's Program Comment and following the steps set forth in that comment.

I. Background

The ACHP is now considering issuing a Program Comment to the U.S. General Services Administration (GSA) which would streamline Section 106 compliance for select repairs and upgrades to windows, lighting, roofing, and heating, ventilation, and air-conditioning (HVAC) systems.

While the proposed Program Comment may be applied to the types of projects noted above at all of GSA's historic public buildings, the repairs and upgrades must be undertaken using GSA's Technical Preservation Guidelines (Guidelines), written by the GSA's Center for Historic Buildings, Office of the Chief Architect, Public Buildings Service. The following Guidelines will be included as part of the proposed Program Comment as appendices:

—Upgrading Historic Building Windows;
—Upgrading Historic Building Lighting;
—Historic Building Roofing;
—HVAC Upgrades in Historic Buildings.

Due to their volume, the Guidelines will not be copied into this notice. However, they can be accessed in their entirety on the Internet at: *http://www.gsa.gov/technicalpreservationguidelines.* Those without access to the Internet can contact Kirsten Brinker Kulis at (202) 606–8517, or by e-mail at *kkulis@achp.gov,* to arrange an alternate method of access to these appendices.

The GSA has consulted with the National Park Service (NPS) with regard to the cited Guidelines, and the NPS has confirmed their consistency with the Secretary of the Interior's Standards for Rehabilitation when applied under the conditions set out in the Program Comment.

In addition, the repairs and upgrades contemplated by the proposed Program Comment would be limited to projects executed by GSA employees and contractors who meet the professional standards developed by the Secretary of the Interior. The Program Comment would be further limited to those projects where the proposed repairs and upgrades would not adversely affect the qualities that qualify a subject building for the National Register of Historic Places.

Before using the Program Comment, these findings would be made by GSA's Regional Historic Preservation Officers (RHPO), who would notify the relevant State Historic Preservation Officer (SHPO) by providing them with the GSA's Section 106 Short Form (appended to the Program Comment) for a ten business day review period, during which time they may object to use of this Program Comment for the project. If the SHPO objects within that timeframe, GSA would follow the standard Section 106 review process, rather than this Program Comment, for the proposed work. If GSA already has a Section 106 agreement that covers the proposed work (e.g., a state or regional Programmatic Agreement) GSA would have the option of following that agreement, rather than this Program Comment.

The proposed Program Comment provides for regular reports and meetings on its implementation.

II. Expected Benefits

Just as the American Reinvestment and Recovery Act (ARRA) legislation has provided GSA with significant stewardship opportunities for its historic public buildings, the rigid spending deadline associated with the legislation has prompted the need for this alternative approach to preservation compliance for the mentioned select routine repairs and upgrades. The resulting proposed Program Comment, which may be applied to ARRA-funded projects and projects with other funding sources, was conceived to promote best preservation practices within the GSA for routine window repairs, and upgrades to lighting, roofing, and heating, ventilation, and air-conditioning (HVAC) systems within historic public buildings, as specified above.

The proposed Program Comment could satisfy preservation compliance requirements, facilitate GSA's efforts to meet its upcoming ARRA spending deadlines, and reduce the ARRA-related workload for GSA, ACHP, SHPOs, and consulting parties. Once the public comments resulting from this notice are considered, and edits are incorporated as deemed appropriate, the ACHP will decide whether to issue the Program Comment. The ACHP expects to make that decision at its upcoming quarterly meeting scheduled on August 7, 2009 in Washington, DC, or shortly thereafter.

III. Text of the Proposed Program Comment

The text of the proposed Program Comment is included below. As noted above, due to their volume the Guideline appendices are not included herein, but can be accessed on the Internet at *http://www.gsa.gov/technicalpreservationguidelines.* The relevant Guidelines are those for:

—Upgrading Historic Building Windows;
—Upgrading Historic Building Lighting;
—Historic Building Roofing;
—HVAC Upgrades in Historic Buildings.

Those without access to the Internet can contact Kirsten Brinker Kulis at (202) 606–8517, or by e-mail at *kkulis@achp.gov,* to arrange an alternate method of accessing these appendices.

The following is the text of the proposed Program Comment, without the Guideline appendices:

Program Comment for General Services Administration Repairs and Upgrades to Windows, Lighting, Roofing, and Heating, Ventilating, and Air Conditioning (HVAC)

I. *Establishment and Authority:* This Program Comment was issued by the Advisory Council on Historic Preservation (ACHP) on [Date To Be Determined], pursuant to 36 CFR 800.14(e).

It provides the General Services Administration (GSA) with an alternative way to comply with its responsibilities under Section 106 of the National Historic Preservation Act, 16 U.S.C. 470f, and its implementing regulations, 36 CFR part 800 (Section 106), with regard to the effects of repairs and upgrades to windows, lighting, roofing, and heating, ventilating and air-conditioning (HVAC) systems (Repairs/Upgrades) that follow the appended GSA Technical Preservation Guidelines (Guidelines) . The appended Guidelines have been reviewed by the National Park Service, which confirms that they are in keeping with the Secretary of the Interior's Standards on Rehabilitation.

II. *Applicability to General Services Administration:* Only GSA may use this Program Comment.

III. *Date of Effect:* This Program Comment will go into effect on [Date To Be Determined].

IV. *Use of This Program Comment To Comply With Section 106 Regarding the Effects of the Repairs and Upgrades:*

(1) GSA may comply with Section 106 regarding the effects of Repairs/Upgrades on historic properties by:

(i) Making a determination that the proposed Repair/Upgrade may not adversely affect a historic property;

(ii) Notifying the relevant SHPO, through use of the notice form appended to this Program Comment, that it intends to carry out a Repair/Upgrade:

(a) If, within 10 business days from receipt of the notification, the SHPO objects to the use of this Program Comment for the proposed Repair/Upgrade, GSA may not use the Program Comment for the proposed Repair/Upgrade. GSA will then comply with Section 106 for the proposed Repair/Upgrade in accordance with 36 CFR 800.3 through 800.7 or any applicable alternative per 36 CFR 800.14. (b) If the SHPO agrees with the proposed Repair/Upgrade, or does not object within 10 business days from receipt of the notification, GSA may proceed with the proposed Repair/Upgrade in accordance with this Program Comment.

(iii) Conducting such work as provided by the relevant Guidelines appended to this document;

(iv) Ensuring that all work described herein and in the appended Guidelines is designed by an architect and supervised and approved by a cultural resources professional, both of whom meet the relevant standards outlined in the Secretary of the Interior's Professional Qualification Standards, pursuant to 36 CFR part 61. In addition, the qualified supervisor will ensure construction phase preservation competency and quality control measures are implemented; and

(v) Keeping a record, at the relevant GSA Region, detailing each use of this Program Comment for no less than five years from the final date of the implementation. Each record must include the following information:

(a) A description of the implementation of the Program Comment (including the specific location of the work);

(b) the date(s) when the Program Comment was implemented;

(c) the name(s) of the qualified personnel that carried out and/or supervised the use of the Program Comment; and

(d) a summary of the implementation, indicating how the Repair/Upgrade was carried out, any problems that arose, and the final outcome.

GSA must provide copies of these records, within a reasonable timeframe, when requested by the ACHP or the relevant SHPO.

V. *Discoveries:* If previously unknown features are discovered while work under this Program Comment is being implemented (*e.g.,* a mural behind plaster), GSA will notify SHPO of the discovery and provide SHPO an opportunity to object to the use of this Program Comment, per Stipulation IV (1)(ii), above.

VI. *Program Comment Does Not Cover Undertakings Involving Activities Beyond the Specific Repairs/Upgrades:* The Repairs/Upgrades within the scope of this Program Comment will be discrete undertakings that do not include activities beyond the Repairs/Upgrades themselves. Among other things, the Repairs/Upgrades themselves will not include earth disturbing activities, new construction, site acquisition, change of occupancy or use, or alteration of exteriors or significant interior spaces.

VII. *Process for Adding or Updating Repairs/Upgrades and Guidelines:* While this Program Comment, as originally adopted, was limited to Repairs/Upgrades relating to four Guidelines, more Repairs/Upgrades (and their relevant Guidelines) may be added to it. Moreover, Guidelines already included in the Program Comment may eventually need updating. Accordingly, Repairs/Upgrades and their Guidelines may be added to this Program Comment, or updated, as follows:

(1) GSA will notify the ACHP, the National Conference of State Historic Preservation Officers (NCHSPO), and the Department of the Interior (DOI) (collectively, parties) that it wants to add an Upgrade/Guideline, or to update a Guideline that is already a part of the Program Comment. Such a notification will include a draft of the proposal.

(2) The parties will consult on the proposal; and

(3) If a final version of the proposal is approved by the ACHP Executive Director, the ACHP will publish a notice of availability of the approved addition or update in the **Federal Register**. The addition or update will go into effect as part of this Program Comment upon such publication.

VIII. *Process for Removing a Repair/Upgrade and Its Guideline:* After consulting with the parties, the ACHP may remove a Repair/Upgrade and its Guideline from the scope of this Program Comment by publishing a **Federal Register** notice to that effect. The Program Comment will continue to operate with the other Repairs/Upgrades and their Guidelines that have not been removed.

IX. *GSA Option To Use Applicable Section 106 Agreements:* If an existing Section 106 agreement applies to a proposed Repair/Upgrade, GSA may follow either that existing agreement or this Program Comment.

X. *Latest Version of the Program Comment:* GSA and/or the ACHP will include the most current version of the Program Comment (with the latest amendments and updates) in a publicly accessible Web site. The latest Web address for that site will be included in each of the **Federal Register** notices for amending, removing or updating the Program Comment. This document and its appended form and guidelines will initially be available at http://(Web site to be determined)

XI. *Meetings and Reports:* The parties shall meet in September 2011 and every three years thereafter, to discuss the implementation of the Program Comment. GSA will include in its reports under Section 3 of Executive Order 13287, a summary of its experience implementing this Program Comment, how often and where the Program Comment has been utilized, examples of successful implementation, and examples of failures or problems with implementation.

XII. *Amendment:* The ACHP may amend this Program Comment (other than the appended Guidelines themselves, which are added, updated or removed according to Stipulations VI and VII, above) after consulting with the parties and publishing a **Federal Register** notice to that effect.

XIII. *Termination:* The ACHP may terminate this Program Comment by publication of a notice in the **Federal Register** 30 days before the termination takes effect.

XIV. *Sunset Clause:* This Program Comment will terminate on its own accord on August 1, 2018, unless it is amended before that date to extend that period.

XV. *Historic Properties of Significance to Indian tribes and Native Hawaiian Organizations:* This Program Comment does not apply in connection with effects to historic properties that are located on tribal lands and/or that are of religious and cultural significance to Indian tribes or Native Hawaiian organizations.

XVI. *Definitions:* The definitions found at 36 CFR part 800 apply to the terms used in this Program Comment.

XVII. *Notification Form and GSA Technical Preservation Guidance Appendices:*

Appendix A

GSA Program Comment Notification Form

I. General

Building Name (s):
Address (City, State):
Project Title:

Qualified Preservation Professional Preparing Report:
Date:

(Note: Qualified professionals must meet the relevant standards outlined in the Secretary of the Interior's professional Qualification Standards, pursuant to 36 CFR part 61.)

Location of Work in the Building:
Project Team: A/S firm, Preservation Consultant, GSA Project Officer, Building Manager, and GSA Regional Historic Preservation Officer or Historic Preservation Program staff reviewer:

II. Scope and Purpose of Project (Bullets Are Acceptable)

III. Locations and Materials Affected (Check All That Apply)

Preservation Zones affected (see Building Preservation Plan; contact RHPO for assistance)
__Restoration __Rehabilitation __Renovation

Where does the project affect the historic property?
__Exterior __Interior __Lobbies/Vestibules __Corridors __Stairwells __Elevators __Restrooms __Courtrooms __Executive Suites __General Office Space __Other (specify)

What materials are affected by the project?
__Stone __Brick __Architectural Concrete __Historic Roofing __Bronze __Architectural Metals (specify) __Woodwork __Ornamental Plaster __Other (specify)

What assemblies are affected by the project?
__Windows and Skylights __Doors __Lighting __Other (specify)

IV. Preservation Design Issues

List solutions explored, how resolved and why, such as (not inclusive)
—Locating new work/installation: visibility, protection of ornamental finishes, cost concerns;
—Design of new work/installation: compatibility with existing original materials, research on original design (if original materials non-extant), materials/finishes chosen;
—Method of supporting new work/installation;
—Preservation and protection of historic materials.

V. Graphics—Include

—Site or floor plan showing work location(s);
—Captioned photographs of existing site conditions in affected restoration zone locations;
—Reduced project drawings, catalogue cut sheets or photographs showing solutions.

VI. Confirmation

The undersigned hereby confirms and represents to the best of his or her knowledge and belief, the following as of this date: (1) The information in this form is correct; (2) GSA has determined that the proposed work may not adversely affect a historic property; (3) this project approach is consistent with the relevant GSA Technical Preservation Guidelines; (4) the design team includes a qualified preservation architect, engineer or conservator; (5) the design addresses construction phase preservation competency and quality control; and (6) this form will be submitted to the relevant SHPO for its review and opportunity for objection in a timely manner.

Signature and Date:

GSA Regional Historic Preservation Officer.

Authority: 36 CFR 800.14(e).

Dated: June 23, 2009.

John M. Fowler,

Executive Director.

[FR Doc. E9–15182 Filed 6–25–09; 8:45 am]

BILLING CODE 4310–K6–M

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Form N–644, Extension of an Existing Information Collection; Comment Request

ACTION: 30-Day Notice of Information Collection Under Review: Form N–644, Application for Posthumous Citizenship; OMB Control No. 1615–0059.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on April 22, 2009, at 74 FR 18391, allowing for a 60-day public comment period. USCIS did not receive any comments.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until July 27, 2009.

This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Department of Homeland Security (DHS), and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), USCIS Desk Officer. Comments may be submitted to: USCIS, Chief, Regulatory Products Division, Clearance Office, 111 Massachusetts Avenue, 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*, and to the OMB USCIS Desk Officer via facsimile at 202–395–5806 or via e-mail at *oira_submission@omb.eop.gov*.

When submitting comments by e-mail, please make sure to add OMB Control No. 1615–0059 in the subject box. Written comments and suggestions from the public and affected agencies 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:* Application for Posthumous Citizenship.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form N–644, U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individual or households. The information collected will be used to determine an applicant's eligibility to request posthumous citizenship status for a decedent and to determine the decedent's eligibility for such status.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 50 responses at 1 hour and 50 minutes (1.83 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 92 annual burden hours.

If you need a copy of the information collection instrument, please visit the Web site at: *http://www.regulations.gov*.

We may also be contacted at: USCIS, Regulatory Products Division, 111 Massachusetts Avenue, NW., Washington, DC 20529–2210, Telephone number 202–272–8377.

Dated: June 23, 2009.

Stephen Tarragon,

Deputy Chief, Regulatory Products Division, U.S. Citizenship and Immigration Services.

[FR Doc. E9–15081 Filed 6–25–09; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Form N–426, Revision of a Currently Approved Information Collection; Comment Request

ACTION: 30-Day Notice of Information Collection Under Review: Form N–426, Request for Certification of Military or Naval Service; OMB Control No. 1615–0053.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on April 16, 2009, at 74 FR 17684, allowing for a 60-day public comment period. USCIS did not receive any comments.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until July 27, 2009. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Department of Homeland Security (DHS), and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), USCIS Desk Officer. Comments may be submitted to: USCIS, Chief, Regulatory Products Division, Clearance Office, 111 Massachusetts Avenue, NW., 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*, and to the OMB USCIS Desk Officer via facsimile at 202–395–5806 or via e-mail at *oira_submission@omb.eop.gov*.

When submitting comments by e-mail, please make sure to add OMB Control No. 1615–0053 in the subject box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) 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;

(2) 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;

(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:* Revision of a currently approved information collection.

(2) *Title of the Form/Collection:* Request for Certification of Military or Naval Service.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form N–426. 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 or Households. This form will be used by USCIS to request a verification of the military or naval service claim by an applicant filing for naturalization on the

basis of honorable service in the U.S. armed forces.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 45,000 responses at 20 minutes (.333) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 14,985 annual burden hours.

If you need a copy of the information collection instrument, please visit the Web site at: *http://www.regulations.gov/.*

We may also be contacted at: USCIS, Regulatory Products Division, 111 Massachusetts Avenue, NW., Washington, DC 20529–2210, Telephone number 202–272–8377.

Dated: June 23, 2009.

Stephen Tarragon,

Deputy Chief, Regulatory Products Division, U.S. Citizenship and Immigration Services.

[FR Doc. E9–15083 Filed 6–25–09; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Form I–824, Extension of an Existing Information Collection; Comment Request

ACTION: 30-Day Notice of Information Collection Under Review: Form I–824, Application for Action on an Approved Application or Petition; OMB Control No. 1615–0044.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on April 22, 2009, at 74 FR 18390, allowing for a 60-day public comment period. USCIS did not receive any comments.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until July 27, 2009. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Department of Homeland Security (DHS), and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), USCIS Desk Officer. Comments may be submitted to: USCIS, Chief, Regulatory Products Division, Clearance Office, 111 Massachusetts Avenue, NW., 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,* and to the OMB USCIS Desk Officer via facsimile at 202–395–5806 or via e-mail at *oira_submission@omb.eop.gov.*

When submitting comments by e-mail, please make sure to add OMB Control No. 1615–0044 in the subject box. Written comments and suggestions from the public and affected agencies 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:* Application for Action on an Approved Application or Petition.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–824, U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individual or households. This information collection is used to request a duplicate approval notice, to notify and to verify to the U.S. Consulate that a petition has been approved or that a person has been adjusted to permanent resident status.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 43,772 responses at 25 minutes (.416 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 18,209 annual burden hours.

If you need a copy of the information collection instrument, please visit the Web site at: *http://www.regulations.gov/.*

We may also be contacted at: USCIS, Regulatory Products Division, 111 Massachusetts Avenue, NW., Washington, DC 20529–2210, Telephone number 202–272–8377.

Dated: June 23, 2009.

Stephen Tarragon,

Deputy Chief, Regulatory Products Division, U.S. Citizenship and Immigration Services.

[FR Doc. E9–15082 Filed 6–25–09; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2009–0553]

Material Safety Data Sheet Requirement in the International Convention for the Safety of Life at Sea

AGENCY: Coast Guard, DHS.

ACTION: Notice of effective date.

SUMMARY: In the interest of providing seafarers with clear, concise, and accurate information on the health effects of certain toxic substances, the International Maritime Organization (IMO) recently amended the International Convention for the Safety of Life at Sea (SOLAS), 1974, to require Material Safety Data Sheets (MSDSs) for ships carrying oil or oil fuel as defined in regulation 1 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL). Once accepted by member States in accordance with Article VIII of SOLAS, and effective January 1, 2011, SOLAS will require that each ship subject to SOLAS and carrying oil or oil fuel as defined in MARPOL must be provided with MSDSs prior to loading such oil as cargo in bulk or oil fuel. Additionally, the IMO has recommended a format and content for the MSDSs, and that recommendation becomes effective July 1, 2009; the Coast Guard encourages this recommended format, which is set out below.

DATES: If accepted in accordance with the Convention, the SOLAS requirement

that vessels be provided with MSDSs will become effective on January 1, 2011. The recommended IMO content and format for MSDS was approved effective July 1, 2009.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or e-mail Dr. Alan L. Schneider, CG–5223, Coast Guard, telephone 202–372–1421, e-mail *alan.l.schneider@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

IMO Requirement That MSDSs Be Provided

In October of 2007, IMO adopted amendments to SOLAS chapter VI, inserting a new regulation 5–1 to read as follows:

> Ships carrying oil or oil fuel, as defined in regulation 1 of Annex 1 of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, shall be provided with Material Safety Data Sheets, based on the recommendations developed by the Organization,* prior to the loading of such oil as cargo in bulk or bunkering of oil fuel.
>
> * Refer to the Recommendation for material safety data sheets (MSDS) for MARPOL Annex I cargoes and marine fuel oils, adopted by the Organization by resolution MSC.150(77), as may be amended.

The term ''Annex I cargoes'' refers to those oil cargoes included in Annex I (oils and oil products) of MARPOL; the term does not refer to chemicals.

The 2007 amendment created an anomaly in the application of SOLAS requirements. In June 2009, IMO amended regulation 1 of SOLAS Chapter VI to add the following to the first sentence, ''Except as otherwise provided, t'' and struck the ''T'', so that the text reads, ''Except as otherwise provided, this * * * .'' Additionally, regulation 5–1, as amended, continues to read as set forth above. The effect of this action is to harmonize Regulation 1 with the amended Regulation 5–1. The effective date of both regulations is January 1, 2011.

When accepted in accordance with the Convention Article VIII, the amendments to SOLAS chapter VI will enter into force on January 1, 2011. Accordingly, beginning January 1, 2011, State parties to SOLAS can be expected to verify that ships subject to SOLAS have been provided with MSDSs, as required. After that date, all U.S. flagged SOLAS vessels traveling overseas should expect foreign Administrations to ask for MSDSs for each Annex I cargo and marine oil fuel on board. Also, after January 1, 2011, all U.S. and foreign flagged SOLAS vessels in U.S. ports should anticipate that the Coast Guard will ask for MSDSs, as part of its domestic and foreign vessel compliance activities and in fulfillment of the United States' duties as a party to the SOLAS convention.

Because the IMO only recently adopted the recommended format and content for MSDSs, the Coast Guard will provide a future notice containing detailed enforcement guidance, including MSDS guidance for vessels involved in lightering operations. For now, the Coast Guard recommends that MSDSs provided to a ship follow the recommended IMO content and format contained below. The Coast Guard anticipates that these MSDSs will be provided by the oil terminal or bunker supplier, unless otherwise arranged by the cargo/bunker supplier and the ship interests. It is further expected that ship-board personnel will have access to these MSDSs in a working language or languages understood by them. Additionally, occupational exposure limits referenced in an MSDS should be based on internationally recognized standards.

Although the SOLAS requirements for MSDSs do not apply to vessels not subject to SOLAS, such as unmanned inland barges, other regulations, such as 46 CFR 197.565, may require MSDSs to be on board.

In most cases, as a matter of good safety practice, vessels will already have MSDSs for all cargoes and these MSDSs usually will contain the recommended information. An MSDS may contain more information than the IMO recommends. In some cases, certain recommended data may not apply to the bulk liquid in question (data not applicable should be so noted); however, since some IMO member States may require all of the recommended information, it may be a good idea to include all recommended data.

Coast Guard Recommendation as to Layout and Content of MSDSs

Effective July 1, 2009, the IMO adopted the ''Recommendation for Material Safety Data Sheets for MARPOL Annex I Cargoes and Marine Fuel Oils.'' The Coast Guard supports and encourages this recommendation in its entirety. Accordingly, the Coast Guard encourages industry to apply the following recommendations for the layout and content of an MSDS.

RECOMMENDATIONS FOR MATERIAL SAFETY DATA SHEETS (MSDSS) FOR MARINE USE SUITABLE TO MEET THE PARTICULAR NEEDS OF THE MARINE INDUSTRY CONTAINING SAFETY, HANDLING, AND ENVIRONMENTAL INFORMATION TO BE SUPPLIED TO A SHIP PRIOR TO THE LOADING OF MARPOL ANNEX I TYPE OIL AS CARGO IN BULK AND THE BUNKERING OF OIL FUEL

Section	Heading	Content
1	Identification of the substance or mixture and of the supplier.	Name of the category—see Guidelines following this table for MARPOL Annex I type oil cargoes and oil fuels. The name of the substances. Trade name of the substances. Description on Bill of Lading (B/L), Bunker Delivery Note or other shipping document. Other means of identification. Supplier's details (including name, address, telephone number, etc.). Emergency telephone number.
2	Hazards identification	GHS [1] classification of the substance/mixture and any regional information. Other hazards which do not result in classification (e.g., hydrogen sulfide) or are not covered by the GHS. See Guidelines following this table.
3	Composition/information on ingredients	Common name, synonyms, etc. Impurities and stabilizing additives which are themselves classified and which contribute to the classification of the substances. The chemical identity and concentration or concentration ranges of all ingredients which are hazardous within the meaning of GHS and are present above their cut-off levels. Cut-off level for reproductive toxicity, carcinogenicity and category 1 mutagenicity is 0.1%. Cut-off level for all other hazard classes is 1%. See Guidelines following this table.

RECOMMENDATIONS FOR MATERIAL SAFETY DATA SHEETS (MSDSS) FOR MARINE USE SUITABLE TO MEET THE PARTICULAR NEEDS OF THE MARINE INDUSTRY CONTAINING SAFETY, HANDLING, AND ENVIRONMENTAL INFORMATION TO BE SUPPLIED TO A SHIP PRIOR TO THE LOADING OF MARPOL ANNEX I TYPE OIL AS CARGO IN BULK AND THE BUNKERING OF OIL FUEL—Continued

Section	Heading	Content
4	First aid measures	Description of necessary measures, subdivided according to the different routes of exposure, i.e., inhalation, skin and eye contact and ingestion. Most important symptoms/effects, acute and delayed. Indication of immediate medical attention and special treatment, if necessary.
5	Fire-fighting measures	Suitable extinguishing media. Specific hazards arising from the chemical (e.g., nature of any hazardous combustion products). Special protective equipment and precautions for fire-fighters.
6	Accidental release measures	Personal precautions, protective equipment and emergency procedures. Environmental precautions. Methods and materials for containment and clean-up.
7	Handling and storage	Precautions for safe handling. Conditions for safe storage, including any incompatibilities.
8	Exposure controls/personal protection	Control parameters (e.g., occupational exposure limit values). Appropriate technical precautions. Individual protection measures, such as personal protective equipment.
9	Physical and chemical properties	See Guidelines following this table.
10	Stability and reactivity	Chemical stability. Possibility of hazardous reactions. Conditions to avoid (e.g., static discharge).
11	Toxicological information	Concise but complete and comprehensible description of the various toxicological (health) effects and the available data used to identify those effects, including: Information on the likely routes of exposure (inhalation, ingestion, skin and eye contact); Symptoms related to the physical, chemical and toxicological characteristics; Delayed and immediate effects and also chronic effects from short- and long-term exposure. Numerical measures of toxicity (such as acute toxicity estimates). See Guidelines following this table.
12	Ecological information	Ecotoxicity (aquatic and terrestrial, where available). Persistence and degradability. Bioaccumulation potential. Mobility in soil. Other adverse effects. See Guidelines following this table.
13	Disposal considerations	Description of waste residues and information on their safe handling and methods of disposal, in line with MARPOL requirements.
14	Transport information	UN number, where applicable. UN Proper shipping name, where applicable. Transport Hazard class(es), where applicable. Special precautions which a user needs to be aware of or needs to comply with in connection with transport (e.g., heating and carriage temperatures). Note that this product is being carried under the scope of MARPOL Annex I.
15	Regulatory information	Safety, health and environmental regulations specific for the product in question.
16	Other information including information on preparation and revision of the MSDS.	Version No. Date of issue. Issuing source.

[1] Globally Harmonized System of Classification and Labelling of Chemicals (GHS), United Nations (2007 edition, as revised).

Guidelines for the Completion of MSDSs for MARPOL Annex I Type Oil as Cargo in Bulk and Oil Fuel

1. Categories of Liquids

The following categories subdivide the full scope of substances covered by Annex I of MARPOL 73/78 and set in groups specific products for general identification purposes.

1.1 crude oils;
1.2 fuel and residual oils, including ship's bunkers;
1.3 unfinished distillates, hydraulic oils and lubricating oils;
1.4 gas oils, including ship's bunkers;
1.5 kerosenes;
1.6 naphthas and condensates;
1.7 gasoline blending stocks;
1.8 gasoline and spirits; and
1.9 asphalt solutions.

2. Properties and Information

In addition to properties and information specified in the above table containing the recommended MSDS format, the following properties and information should be reported:

2.1 for the following provide appropriate hazards identification in section 2, composition/information on ingredients in section 3, and toxicological information in section 11 of the MSDS:

2.1.1 Benzene—if present ≥0.1% by weight (even if naturally occurring ingredient of the material);

2.1.2 Hydrogen sulfide—if present at any concentration, in liquid and vapor phases, or if possible to accumulate in a tank's vapor space; and

2.1.3 Total Sulfur—if present ≥0.5% by weight, identify in section 3 and warn of potential for hydrogen sulfide evolution in sections 2 and 11;

2.2 for physical and chemical properties in section 9 of the MSDS:

2.2.1 appearance (physical state, color, etc.);
2.2.2 odor;
2.2.3 pour point;
2.2.4 boiling range;
2.2.5 flash point;
2.2.6 upper/lower flammability or explosive limits;
2.2.7 vapor pressure (Reid vapor pressure (RVP) when appropriate);
2.2.8 vapor density;
2.2.9 density;
2.2.10 auto-ignition temperature; and
2.2.11 kinematic viscosity; and
2.3 for ecological information in section 12 of the MSDS: Persistent or non-persistent oil as per the International Oil Pollution Compensation (IOPC) Fund definition.

This notice is issued under the authority of 33 U.S.C. 1231, 1321(j), and 1903(b).

Dated: June 24, 2009.

Jeffrey G. Lantz,

Director of Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. E9–15337 Filed 6–24–09; 4:15 pm]

BILLING CODE 4910–15–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5280–N–24]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

DATES: *Effective Date:* June 26, 2009.

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7262, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: June 18, 2009.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.

[FR Doc. E9–14739 Filed 6–25–09; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5336–N–01]

Conference Call Meeting of the Manufactured Housing Consensus Committee

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of upcoming meetings via conference call.

SUMMARY: This notice sets forth the schedule and proposed agenda of the upcoming meetings of the Manufactured Housing Consensus Committee (the Committee) to be held via telephone conference. The meetings are open to the general public, which may participate by following the instructions below.

DATES: The conference call meetings will be held on Wednesday, July 8, 2009, from 11 a.m. to 2 p.m. eastern daylight time, and Thursday, July 9, 2009, from 11 a.m. to 2 p.m. eastern daylight time.

ADDRESSES: Information concerning the conference calls can be obtained from the Department's Consensus Committee Administering Organization, the National Fire Protection Association (NFPA). Interested parties can link onto the NFPA Web site for instructions concerning how to participate, and for contact information for the conference calls, in the section marked ''Highlights'' ''Manufactured Housing Consensus Committee Information'' ''Administering Organization''. The link can be found at: *http://www.hud.gov/offices/hsg/ramh/mhs/mhcc.cfm.*

Alternately, interested parties may contact Jill McGovern of NFPA at (617) 984–7404 (this is not a toll-free number) for conference call information.

FOR FURTHER INFORMATION CONTACT: William W. Matchneer III, Associate Deputy Assistant Secretary, Office of Regulatory Affairs and Manufactured Housing, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–6409 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Notice of these meetings is provided in accordance with Sections 10(a) and (b) of the Federal Advisory Committee Act (5 U.S.C. App. 2) and 41 CFR 102–3.150. The Manufactured Housing Consensus Committee was established under Section 604(a)(3) of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 U.S.C. 5403(a)(3). The Committee is charged with providing recommendations to the Secretary to adopt, revise, and interpret manufactured home construction and safety standards and procedural and enforcement regulations, and with developing and recommending proposed model installation standards to the Secretary.

The purpose of these conference call meetings is for the Committee to review and provide comments to the Secretary on a draft proposed rule concerning the Primary Inspection Agencies.

Tentative Agenda

A. Roll Call.
B. Welcome and Opening remarks.
C. Public testimony.
D. Full committee meeting to discuss, provide comments and take actions on the Primary Inspection Agency Draft Proposed Rule.
E. Adjournment.

Dated: June 18, 2009.

Brian D. Montgomery,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. E9–15175 Filed 6–25–09; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5336–N–02]

Meeting of the Manufactured Housing Consensus Committee

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of upcoming meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of an upcoming meeting of the Manufactured Housing Consensus Committee (the Committee). The meeting is open to the public and the site is accessible to individuals with disabilities.

DATES: Meetings will be held on Tuesday, July 28, 2009, 8 a.m. to 5 p.m., Wednesday, July 29, 2009, 8 a.m. to 5 p.m., and Thursday, July 30, 2008, 8 a.m. to 11 a.m. eastern standard time.

ADDRESSES: These meetings will be held at the Holiday Inn Arlington at Ballston, 4610 North Fairfax Drive, Arlington, Virginia 22203, telephone (703) 243–9800.

FOR FURTHER INFORMATION CONTACT: William W. Matchneer III, Associate Deputy Assistant Secretary for Regulatory Affairs and Manufactured Housing, Office of Manufactured Housing Programs, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–6409 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Notice of this meeting is provided in accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2) and 41 CFR 102–3.150. The Manufactured Housing Consensus Committee was established under section 604(a)(3) of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended by the Manufactured Housing Improvement Act of 2000, 42 U.S.C. 5403(a)(3). The Consensus Committee is charged with providing recommendations to the Secretary to adopt, revise, and interpret manufactured housing construction and safety standards, procedural and enforcement regulations, installation standards, installation regulations, and dispute resolution regulations.

Tentative Agenda

A. Welcome and Introductions.

B. Full Committee Meeting.

C. MHCC Charter and Bylaws.

D. Primary Inspection Agency Proposed Rule.

E. Reference Standards—3rd Set of Standards Updates.

F. Public Testimony.

G. Reports and Actions on Committee Work.

H. Adjourn.

Dated: June 18, 2009.

Brian D. Montgomery,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. E9–15174 Filed 6–25–09; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Notice of Offering of Five Alternative Energy Interim Policy Leases for Wind Resource Data Collection on the Outer Continental Shelf Offshore Delaware and New Jersey; Notice of Availability of an Environmental Assessment

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of Lease Offering; Notice of Availability of an Environmental Assessment.

SUMMARY: Notice is given that the MMS will issue five limited leases authorizing wind resource data collection on the Outer Continental Shelf (OCS) offshore New Jersey and Delaware. Five OCS blocks will be leased for a term of 5 years; and the annual rent will be $3.00 per acre as established in the interim policy published in the **Federal Register** (72 FR 214, pp. 62673–62675) on November 6, 2007. The OCS blocks will be leased subject to the terms set forth in the lease form published in the **Federal Register** (73 FR 77, pp. 21363–21375) on April 21, 2008, and also subject to stipulations. The MMS will issue leases for four OCS blocks off the coast of New Jersey and one off the coast of Delaware to four companies: Bluewater Wind Delaware, LLC; Bluewater Wind New Jersey Energy LLC; Fishermen's Energy of New Jersey, LLC, and Deepwater Wind, LLC. The OCS blocks off the coast of New Jersey are Wilmington NJ 18–02 Block 6936 to Bluewater Wind New Jersey Energy, LLC; Wilmington NJ 18–02 Block 6931 to Fishermen's Energy of New Jersey, LLC; Wilmington NJ 18–02 Block 6738 and Wilmington NJ 18–02 Block 7033 to Deepwater Wind, LLC. The OCS block MMS will lease off the coast of Delaware is Salisbury NJ 18–05 Block 6325 to Bluewater Wind Delaware, LLC.

The MMS is also giving notice that MMS is making available to the public an environmental assessment (EA) that addresses the issue of whether offering of leases off the coasts of New Jersey and Delaware would have a significant effect on the human environment and whether an environmental impact statement (EIS) must be prepared pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended, 42 U.S.C. 4321 *et seq.* Based on the environmental review set forth in the EA, the MMS has determined that no significant effects on the human environment have been identified that would result from the issuance of leases for wind resource data collection on the OCS off the coasts of New Jersey and Delaware. Therefore, MMS concluded that an EIS was not required under the NEPA and prepared a Finding of No Significant Impact (FONSI). The MMS is making available the FONSI and the decision memorandum approving the selection of the preferred alternative on the MMS Web site provided at the time of this notice.

SUPPLEMENTARY INFORMATION:

Background. Section 388 of the Energy Policy Act of 2005 (EPAct) gave the Secretary of the Department of the Interior (DOI) the authority to issue leases, easements and rights-of-way on the OCS for alternative energy activities. In a Request for Information and Nominations published on November 6, 2007, in the **Federal Register** (72 FR 214, pp. 62673–62675) the MMS announced that it had established an interim policy under which it would issue limited leases authorizing alternative energy resource assessment data collection and technology testing activities on the OCS and that it was accepting requests for limited leases to conduct such activities. Limited leases issued under the interim policy for energy resource assessment data collection and technology testing activities have a term of 5 years, and do not authorize the production or transmission of energy. Subsequently, MMS received more than 40 nominations proposing areas for limited leases on the OCS off the Pacific and Atlantic Coasts. The MMS reviewed in detail all nominations received and established priority areas for initial leasing based on considerations such as technological complexity, geographical balance, timing needs, competing space-use issues, and relevant State-supported renewable energy activities and initiatives. The MMS also took into consideration the importance of supporting the advancement of activities relating to the development of each of the renewable energy resource types cited in the nominations—wind, current, and wave. In April 2008, MMS identified a subset of 16 proposed lease areas for priority consideration, including 7 areas offshore Delaware and New Jersey, and provided public notice of those areas in the **Federal Register** (73 FR 76, pp. 21152–21155) in which it sought other project proposals for those areas for the purpose of determining competitive interest as required by the EPAct. No competing nominations were received for any of the areas offshore Delaware and New Jersey, allowing the MMS to proceed with the issuance of the leases noncompetitively and the required

environmental review. The MMS received applications for five of the initial seven lease areas proposed offshore Delaware and New Jersey. The five limited leases are as follows:

State	Approximate distance offshore	Technology type	Protraction	Company
New Jersey	15–18 miles	Wind	Wilmington NJ 18–02, block 6936	Bluewater Wind New Jersey Energy, LLC.
New Jersey	7–10 miles	Wind	Wilmington NJ 18–02, block 6931	Fishermen's Energy of New Jersey, LLC.
New Jersey	15–18 miles	Wind	Wilmington NJ 18–02, block 6738	Deepwater Wind, LLC.
New Jersey	12–15 miles	Wind	Wilmington NJ 18–02, block 7033	Deepwater Wind, LLC.
Delaware	12–15 miles	Wind	Salisbury NJ 18–05, block 6325	Bluewater Wind Delaware, LLC.

The limited leases will be governed by the terms outlined in the interim policy lease and stipulations. The interim policy lease form was published in the **Federal Register** (73 FR 77, pp. 21363–21375) on April 21, 2008.

Environmental Assessment. The MMS has prepared an EA to determine whether issuance of leases under MMS' alternative energy interim policy authorizing wind resource data collection on seven lease blocks, including the five lease blocks listed above, located on the OCS offshore Delaware and New Jersey would have a significant effect on the human environment and whether an EIS must be prepared. The EA examines potential effects of activities associated with the proposed action—the issuance of seven limited leases—and the alternatives (reduced number of leases and no action) that would occur over the life of the leases, including site assessment activities, construction, operation, and decommissioning of meteorological and oceanographic data collection facilities. The EA concluded that offshore activities would result in localized impacts and impacts from the individual meteorological towers. The activities related to the seven proposed facilities would not overlap due to the distance between the proposed lease areas. Therefore, the EA concluded that there would be no additive effect on offshore environmental resources by approving multiple locations for wind resource data collection. The proposed leases would be located 7–18 miles from the nearest shoreline and result in virtually no visual impacts. There also would be no need to expand existing onshore facilities or construct new facilities to support staging and fabrication of meteorological towers. There would, however, be a small increase in vessel traffic associated with limited construction and decommissioning activities for very short time periods. During the operation of the proposed meteorological towers, there would be no significant impacts on air and water quality; coastal, wildlife, and archeological resources; or fishing and recreational activities. Furthermore, EA recommended that several mitigation measures, in the form of lease stipulations, be added to the lease that would reduce or eliminate the potential impacts to the environment. Based on the analyses in the EA, no significant effects on the human environment were identified that would result from the proposed action. Therefore, MMS has concluded that an EIS is not required and prepared a FONSI.

EA Availablity: The EA, FONSI, and decision memorandum are available on the MMS Web site at: *http://www.mms.gov/offshore/AlternativeEnergy/RegulatoryInformation.htm.*

FOR FURTHER INFORMATION CONTACT:

Regarding the Lease Issuance: Ms. Maureen Bornholdt, Program Manager, Office of Offshore Alternative Energy Programs, 381 Elden Street MS 4090, Herndon, Virginia 20170, (703) 787–1300.

Regarding the Environmental Assessment: Mr. James F. Bennett, Chief, Branch of Environmental Assessment, 381 Elden Street MS 4042, Herndon, Virginia 20170, (703) 787–1660.

Dated: June 12, 2009.

Walter D. Cruickshank,

Acting Director, Minerals Management Service.

[FR Doc. E9–15169 Filed 6–25–09; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–ES–2009–N0107; 61411–0000–1115–F4]

Montana Department of Natural Resources and Conservation; Draft Environmental Impact Statement Availability and Public Meetings

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice and request for comment.

SUMMARY: This notice advises the public that the Montana Department of Natural Resources and Conservation (DNRC), on behalf of the State of Montana, has submitted an incidental take permit (ITP) application to the U.S. Fish and Wildlife Service (Service, US) under the Endangered Species Act of 1973, as amended (ESA). As the ESA requires, DNRC has also prepared a proposed habitat conservation plan (HCP) designed to minimize and mitigate any such take of endangered or threatened species. The ITP application includes the proposed HCP and draft Implementation Agreement (IA). We also announce the availability of a draft environmental impact statement (draft EIS) for the proposed action. The ITP application addresses forest management and timber harvest activities on approximately 221,970 hectares (548,500 acres) of forested State trust lands in western Montana. We request comments from the public on the ITP application, proposed HCP, IA, and draft EIS.

DATES: We must receive any comments no later than September 24, 2009.

ADDRESSES: Address all written comments to Kathleen Ports, by mail at Montana Department of Natural Resources and Conservation, 2705 Spurgin Road, Missoula, MT 59802, or by facsimile at (406) 542–4274; or to Tim Bodurtha, by mail at U.S. Fish and Wildlife Service, 780 Creston Hatchery Road, Kalispell, MT 59901, or by

facsimile at (406) 758–6877. Alternatively, submit comments by e-mail to *dnrchcp@mt.gov.* See the **SUPPLEMENTARY INFORMATION** below for where documents are available for viewing.

FOR FURTHER INFORMATION CONTACT: For further information about the proposed action, to receive the documents on CD–ROM, or for further information about reasonable accommodations to attend and participate in the public meetings, please contact Kathleen Ports, (406) 542–4330, or Tim Bodurtha, (406) 758–6882. To allow sufficient time to process reasonable accommodation requests, please call no later than 1 week before the public meeting. Information regarding the proposed action is available in alternative formats upon request.

SUPPLEMENTARY INFORMATION:

Availability of Documents

The draft documents are available for public inspection and review on the internet at *http://www.dnrc.mt.gov/HCP/default.asp* and at the following Montana libraries:

- Missoula Public Library, 301 East Main Street, Missoula;
- Kalispell Public Library, 247 First Avenue East, Kalispell;
- Whitefish Public Library, 9 Spokane Avenue, Whitefish; and
- Lewis and Clark Library, 120 South Last Chance Gulch, Helena.

Copies of the application and draft documents also are available for inspection and review, by appointment, at the DNRC and Service offices (*see* **ADDRESSES**) during normal business hours or by requesting copies on CD ROM from the Service (see **FOR FURTHER INFORMATION CONTACT**).

Public Meetings

The DNRC and Service will hold public meetings at 2 p.m.–8 p.m. at the following dates and locations:

- July 20, 2009—Flathead Valley Community College, Arts & Technology Building, Room 139, 745 Grand View Drive, Kalispell, MT 59901.
- July 22, 2009—Best Western Great Northern Hotel, 835 Great Northern Boulevard, Helena, MT 59601.
- July 23, 2009—Double Tree Hotel, 100 Madison Street, Missoula, MT 59802.

Exact locations and any changes to locations and meeting times will be made available via media outlets and on the Internet at *http://www.dnrc.mt.gov/HCP/default.asp.*

Background

Section 9 of the ESA (16 U.S.C. 1531 *et seq.*) and Federal regulations prohibit the taking of a species listed as endangered or threatened. The term take is defined under the ESA to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Harm is defined to include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering.

Section 10(a)(1)(B) of the ESA and its implementing regulations specify the requirements for issuance of permits to non-Federal parties for the take of listed species. Any proposed take must be incidental to, and not the purpose of, otherwise lawful activities, must not appreciably reduce the likelihood of the survival and recovery of the species in the wild, and must minimize and mitigate the impact of such take to the maximum extent practicable. The Service's regulations governing permits for threatened and endangered species are in 50 CFR 13 and 50 CFR 17, respectively.

The DNRC Trust Lands Management Division manages more than 5.1 million surface acres and more than 6.2 million subsurface acres of trust lands to produce revenues for the trust beneficiaries. Approximately 294,071 hectares (726,666 acres) of trust lands Statewide are managed for timber production and other forest products. Forested State trust lands are managed in accordance with the State Forest Land Management Plan (SFLMP) and the Forest Management Administrative Rules of Montana (Rules). The SFLMP and Rules directed DNRC to coordinate with the Service to develop habitat mitigation measures to address the needs of listed species.

The HCP covers approximately 221,970 hectares (548,500 acres) of trust lands in western Montana in three of the six DNRC land offices. The DNRC manages scattered parcels of land as well as blocks of land in the Swan River State Forest and Stillwater State Forest.

The DNRC prepared a 50-year HCP to address incidental take of grizzly bear (*Ursus arctos horribilis*), Canada lynx (*Lynx canadensis*), and bull trout (*Salvelinus confluentus*), all of which are listed as threatened under the ESA. Unlisted species included in DNRC's application are the westslope cutthroat trout (*Oncorhynchus clarki lewisi*) and Columbia redband trout (*Oncorhynchus mykiss gairdneri*). The DNRC would receive incidental take authorization should these species be listed during the term of the permit.

Activities proposed for coverage under the ITP include the following: (1) Timber harvesting (including salvage harvesting and silvicultural treatments such as thinning); (2) road construction, maintenance, use, and abandonment and associated gravel quarrying, as well as installation, removal, and replacement of stream crossing structures; (3) site preparation and reforestation of harvested areas (including piling and/or burning harvest debris and mechanical scarification); and (4) issuance of grazing licenses on classified forest trust lands.

We formally initiated an environmental review of the project through publication of a notice of intent to prepare an EIS in the **Federal Register** on April 28, 2003 (68 FR 22412). That notice also announced a public scoping period during which we invited interested parties to provide written comments expressing their issues or concerns related to the proposal and to attend one of four public scoping meetings held in western Montana.

Based on public scoping comments, we have prepared a draft EIS to analyze the effects of alternatives on the human environment. The proposed HCP, including issuance of the associated incidental take permit, is analyzed as Alternative 2 in the Draft EIS. The Draft EIS also includes analyses of a no-action alternative and two additional HCP alternatives.

We provide this notice under the ESA and National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321). To determine whether the application meets the requirements of the ESA and NEPA, we will evaluate the application, associated documents, and public comments we receive.

Public Review and Comment

We furnish this notice to allow other agencies and the public an opportunity to review and comment on these documents. For locations to review the documents, please see **SUPPLEMENTARY INFORMATION.**

If you wish to comment on the permit application or the Agreement, you may submit your comments to the address listed under **ADDRESSES**. Before including your address, telephone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we

cannot guarantee that we will be able to do so.

We are particularly interested in comments pertaining to the application requirements under 50 CFR 17.22(b)(1). These include whether the HCP: Provides complete descriptions of the activities under which the incidental taking of covered species is likely to occur; describes the impacts to covered species that will likely result from the incidental taking; outlines the steps DNRC will take to monitor, minimize, and mitigate such impacts for each covered species and the available funding to implement such steps over the term of the ITP; and describes alternative actions to such taking and the reasons why such alternatives are not proposed to be utilized. As part of evaluating whether the permit issuance criteria are met, we specifically seek comment on whether the minimization and mitigation measures are being undertaken to the maximum extent practicable.

Next Steps

We will evaluate the ITP application, including the proposed HCP and any comments we receive, to determine whether the application meets the requirements of section 10(a)(1)(B) of the ESA. We will also evaluate whether issuance of the section 10(a)(1)(B) ITP complies with section 7 of the ESA by conducting an intra-Service section 7 consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue the ITP. If we determine that the requirements are met, we will issue the ITP for the incidental take of species.

Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: June 11, 2009.

Sharon R. Rose,

Acting Deputy Regional Director.

[FR Doc. E9–15246 Filed 6–25–09; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before June 13, 2009. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St., NW., 8th Floor, Washington DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by July 13, 2009.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

COLORADO

Alamosa County

Alamosa Post Office (US Post Offices in Colorado, 1900–1941, TR) 703 4th St., Alamosa, 09000544

LOUISIANA

De Soto Parish

Community Rosenwald School, LA 3015, Grand Cane, 09000545

Longstreet Rosenwald School, LA 5, Longstreet, 09000546

Lafourche Parish

House at 816 Jackson Street, 816 Jackson St., Thibodaux, 09000547

MAINE

Aroostook County

Elms, The, 59 Court St., Houlton, 09000549

Hancock County

Harbor Lane—Eden Street Historic District, Portions of Harbor Ln. and Eden St., Bar Harbor, 09000550

MARYLAND

Baltimore Independent City

Hollins-Roundhouse Historic District, W. Baltimore and Schroeder Sts., S. on Schroeder to Lombard; W. on Lombard to Carey, S. to Pratt; E. on Pratt to Hayes, Baltimore, 09000548

MICHIGAN

Ingham County

Lansing Downtown Historic District, N. and S. Washington, Grand, N. and S. Capitol, Michigan Ave., Allegan, Washtenaw, Kalamazoo, Lenawee, and Townsend, Lansing, 09000551

MISSOURI

Jackson County

Peters, Nelle E., Troost Avenue Historic District (Working-Class and Middle-Income Apartment Buildings in Kansas City, Missouri MPS), 2719–37 Troost Ave.; 2730 Troost Ave., Kansas City, 09000552

NEW YORK

Albany County

Matton Shipyard, Delaware Ave., Cohoes, 09000553

Erie County

Entranceway at Main Street at Darwin Drive (Suburban Development of Buffalo, New York MPS), Main St. at Darwin Dr., Amherst, 09000554

Entranceway at Main Street at High Park Boulevard (Suburban Development of Buffalo, New York MPS), Main St. at High Parl Blvd., Amherst, 09000555

Entranceway at Main Street at Lafayette Boulevard (Suburban Development of Buffalo, New York MPS), Main St. at Lafayette Blvd., Amherst, 09000556

Entranceway at Main Street at LeBrun Road (Suburban Development of Buffalo, New York MPS), Main St. at LeBrun Rd., Amherst, 09000557

Entranceway at Main Street at Westfield Road and Ivyhurst Road (Suburban Development of Buffalo, New York MPS), Main St. at Westfield Rd. and Ivyhurst Rd., Amherst, 09000558

Monroe County

Lake View Cemetery, NY 19, Brockport, 09000559

Oneida County

Sylvan Beach Union Chapel, 805 Park Ave., Sylvan Beach, 09000560

Ulster County

New Paltz Downtown Historic District, Main, N. Chestnut, S. Chestnut, Church, N. Front, Academy and W. Center Sts., Innis and Plattekill Aves., New Paltz, 09000561

OHIO

Belmont County

Concord Hicksite Friends Meeting House, Negus Rd., Colerain Township, 09000562

Clark County

Olive Branch High School, 9710 W. National Rd., New Carlisle, 09000563

Franklin County

Groveport School, 715 E. Main St., Groveport, 09000564

WYOMING

Laramie County

Crow creek—Cole Ranch Headquarters Historic District, 1065 Happy Jack Rd., Cheyenne, 09000565

[FR Doc. E9–15197 Filed 6–25–09; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Weekly Listing of Historic Properties

Pursuant to (36 CFR 60.13(b,c)) and (36 CFR 63.5), this notice, through publication of the information included

herein, is to apprise the public as well as governmental agencies, associations and all other organizations and individuals interested in historic preservation, of the properties added to, or determined eligible for listing in, the National Register of Historic Places from May 4, to May 8, 2009.

For further information, please contact Edson Beall via: United States Postal Service mail, at the National Register of Historic Places, 2280, National Park Service, 1849 C St., NW., Washington, DC 20240; in person (by appointment), 1201 Eye St., NW., 8th floor, Washington DC 20005; by fax, 202–371–2229; by phone, 202–354–2255; or by e-mail, *Edson_Beall@nps.gov.*

Dated: June 11, 2009.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

KEY: State, County Property Name, Address/ Boundary, City, Vicinity, Reference Number, Action, Date, Multiple Name

CALIFORNIA

Los Angeles County

Neutra, Richard and Dion, VDL Research House II, 2300 Silver Lake Blvd., Los Angeles, 03000774, LISTED, 5/08/09

COLORADO

San Miguel County

Lewis Mill, 3.5 mi. SE of Telluride at the head of Bridal Veil Basin, Telluride vicinity, 09000267, LISTED, 5/06/09 (Mining Industry in Colorado, MPS)

GEORGIA

Dawson County

Gilleland, Boyd and Sallie, House, 3 Shepard's Ln., Dawsonville, 09000268, LISTED, 5/06/09

Fulton County

Ellis, Rutherford and Martha, House, 543 W. Wesley Rd., NW., Atlanta, 09000269, LISTED, 5/06/09

Rockdale County

Parker, Aaron and Margaret, Jr., House, 4835 Flat Bridge Rd., SW., Stockbridge vicinity, 09000271, LISTED, 5/06/09

IDAHO

Blaine County

Chase, Eben S. and Elizabeth S., House, 203 E. Bullion St., Hailey, 09000292, LISTED, 5/05/09

Latah County

Snow, Arthur, House, 2949 Clyde Rd., Moscow, 09000294, LISTED, 5/05/09

IOWA

Polk County

Clemens Automobile Company Building, 200 10th St., Des Moines, 09000272, LISTED, 5/06/09

Polk County

National Biscuit Company Building, 1001 Cherry St., Des Moines, 09000273, LISTED, 5/06/09

KANSAS

Leavenworth County

Leavenworth Terminal Railway & Bridge Company Freight Depot, 306 S. 7th St., Leavenworth, 09000274, LISTED, 5/06/09 (Railroad Resources of Kansas MPS)

Marion County

Florence Water Tower, 525 W. 5th St., E. of US 77 at jct. US 50 & 77, Florence, 09000275, LISTED, 5/06/09

Sedgwick County

Wilkie, Grace, House, 4230 E. English St., Wichita, 09000278, LISTED, 5/06/09

MASSACHUSETTS

Essex County

Blakeley Building, 475–479 Essex St., Lawrence, 09000299, LISTED, 5/04/09

Essex County

North Canal Historic District (Boundary Increase), Roughly bounded by the Merrimack and Spicket rivers, North Canal, and Broadway, Lawrence, 09000280, LISTED, 5/08/09

MISSOURI

St. Louis Independent City

Gill, William A., Building, 622 Olive St., St. Louis, 09000282, LISTED, 5/08/09

NEW YORK

Niagara County

House at 8 Berkley Drive, 8 Berkley Dr., Lockport, 09000287, LISTED, 5/04/09

Suffolk County

Cauldwell, William, House, 51 Peconic Ave., Noyac, 09000305, LISTED, 5/04/09

NORTH CAROLINA

Cleveland County

Margrace Mill Village Historic District, 101–117, 102–120 Cloninger St., 101–113, 102–116, 200 Fulton Dr., 145 Ark St., 101–107, 102–114 Water Oak St., Kings Mountain, 09000288, LISTED, 5/06/09

Davie County

Barnhardt, George E., House, 291 Hartley Rd., Mocksville vicinity, 09000289, LISTED, 5/04/09

VIRGINIA

James City County

Norge Train Depot, 7770 Croaker Rd., Williamsburg vicinity, 08000256, LISTED, 5/05/09

[FR Doc. E9–15227 Filed 6–25–09; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application

Pursuant to Title 21 Code of Federal Regulations 1301.34(a), this is notice that on May 8, 2009, Chattem Chemicals, Inc., 3801 St. Elmo Avenue, Building 18, Chattanooga, Tennessee 37409, made application by renewal to the Drug Enforcement Administration (DEA) for registration as an importer of the basic classes of controlled substances listed in schedule II:

Drug	Schedule
Methamphetamine (1105)	II
Phenylacetone (8501)	II
Raw Opium (9600)	II
Concentrate of Poppy Straw (9670).	II

The company plans to import the listed controlled substances to manufacture bulk controlled substances for sale to its customers.

No comments, objections, or requests for any hearings will be accepted on any application for registration or re-registration to import crude opium, poppy straw, concentrate of poppy straw, and coca leaves. As explained in the Correction to Notice of Application pertaining to Rhodes Technologies, 72 FR 3417 (2007), comments and requests for hearings on applications to import narcotic raw material are not appropriate.

Any bulk manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic classes of controlled substances listed in schedule I or II, which fall under the authority of section 1002(a)(2)(B) of the Act (21 U.S.C. 952(a)(2)(B)) may, in the circumstances set forth in 21 U.S.C. 958(i), file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43 and in such form as prescribed by 21 CFR 1316.47.

Any such comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than July 27, 2009.

This procedure is to be conducted simultaneously with, and independent of, the procedures described in 21 CFR

1301.34(b), (c), (d), (e), and (f). As noted in a previous notice published in the **Federal Register** on September 23, 1975, (40 FR 43745–46), all applicants for registration to import a basic class of any controlled substances in schedule I or II are, and will continue to be, required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR § 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: June 22, 2009.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E9–15228 Filed 6–25–09; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application

Pursuant to 21 USC 958(i), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under 21 U.S.C. 952(a)(2) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Title 21, Code of Federal Regulations 1301.34(a), this is notice that on May 22, 2009, Noramco, Inc., Division of Ortho-McNeil, Inc., 500 Swedes Landing Road, Wilmington, Delaware 19801, made application by letter to the Drug Enforcement Administration (DEA) to be registered as an importer of Tapentadol (9780), a basic class of controlled substance listed in schedule II.

The company plans to import an intermediate of the basic class listed for the bulk manufacture of Tapentadol which it will distribute to its customers.

Any bulk manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic class of controlled substance may file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43 and in such form as prescribed by 21 CFR 1316.47.

Any such comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, **Federal Register** Representative (ODL), 8701 Morrissette Drive, Springfield, VA 22152; and must be filed no later than July 27, 2009.

This procedure is to be conducted simultaneously with, and independent of, the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice published in the **Federal Register** on September 23, 1975 (40 FR 43745–46), all applicants for registration to import a basic class of any controlled substance listed in schedule I or II are, and will continue to be, required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. 958(a); 21 U.S.C. 823(a); and 21 CFR 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: June 22, 2009.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E9–15233 Filed 6–25–09; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a), Title 21 of the Code of Federal Regulations (CFR), this is notice that on March 19, 2009, Wildlife Laboratories Inc., 1401 Duff Drive, Suite 400, Fort Collins, Colorado 80524, made application to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of Carfentanil (9743), a basic class of controlled substance listed in schedule II.

The company will manufacture the above listed controlled substance for sale to veterinary pharmacies, zoos, and for other animal and wildlife applications.

Any other such applicant, and any person who is presently registered with DEA to manufacture such a substance, may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than August 25, 2009.

Dated: June 22, 2009.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E9–15235 Filed 6–25–09; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of a Change in Status of an Extended Benefit (EB) Period for Colorado

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces a change in benefit period eligibility under the EB program for Colorado.

The following change has occurred since the publication of the last notice regarding Colorado's EB status:

• Colorado has modified its law by adding a total unemployment rate (TUR) trigger retroactive to March 22, 2009. As a result, Colorado has retroactively triggered ''on'' to an extended benefit period for weeks of unemployment beginning April 12, 2009, and eligible unemployed workers will be able to collect up to an additional 13 weeks of unemployment insurance benefits.

Information for Claimants

The duration of benefits payable in the EB program, and the terms and conditions on which they are payable, are governed by the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the operating instructions issued to the states by the U.S. Department of Labor. In the case of a state beginning an EB period, the State Workforce Agency will furnish a written notice of potential entitlement to each individual who has exhausted all rights to regular benefits and is potentially eligible for EB (20 CFR 615.13(c)(1)). Persons who believe they may be entitled to EB or who wish to inquire about their rights under the program should contact their State Workforce Agency.

FOR FURTHER INFORMATION CONTACT: Scott Gibbons, U.S. Department of Labor, Employment and Training Administration, Office of Workforce Security, 200 Constitution Avenue, NW., Frances Perkins Building, Room S–4231, Washington, DC 20210,

telephone number (202) 693–3008 (this is not a toll-free number) or by e-mail: *gibbons.scott@dol.gov*.

Signed in Washington, DC, this 19th day of June 2009.

Douglas F. Small,

Deputy Assistant Secretary, Employment and Training Administration.

[FR Doc. E9–15164 Filed 6–25–09; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of a Change in Status of an Extended Benefit (EB) Period for Florida

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces a change in benefit period eligibility under the EB program for Florida.

The following change has occurred since the publication of the last notice regarding Florida's EB status:

• Florida has modified its law by adding a total unemployment rate (TUR) trigger retroactive to February 1, 2009. As a result, Florida has retroactively triggered ''on'' to a high unemployment period (HUP) for weeks of unemployment beginning February 22, 2009, and eligible unemployed workers will be able to collect up to an additional 20 weeks of unemployment insurance benefits.

Information for Claimants

The duration of benefits payable in the EB program, and the terms and conditions on which they are payable, are governed by the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the operating instructions issued to the states by the U.S. Department of Labor. In the case of a state beginning an HUP, the State Workforce Agency will furnish a written notice of potential entitlement to each individual who has exhausted all rights to regular benefits and is potentially eligible for EB (20 CFR 615.13(c)(1)). Persons who believe they may be entitled to EB or who wish to inquire about their rights under the program should contact their State Workforce Agency.

FOR FURTHER INFORMATION CONTACT: Scott Gibbons, U.S. Department of Labor, Employment and Training Administration, Office of Workforce Security, 200 Constitution Avenue, NW., Frances Perkins Building, Room S–4231, Washington, DC 20210, telephone number (202) 693–3008 (this is not a toll-free number) or by e-mail: *gibbons.scott@dol.gov.*

Signed in Washington, DC, this 19th day of June 2009.

Douglas F. Small,

Deputy Assistant Secretary, Employment and Training Administration.

[FR Doc. E9–15166 Filed 6–25–09; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of a Change in Status of an Extended Benefit (EB) Period for Ohio

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces a change in benefit period eligibility under the EB program for Ohio.

The following change has occurred since the publication of the last notice regarding the State's EB status:

• Ohio has modified its law by adding a total unemployment rate (TUR) trigger retroactive to February 22, 2009. As a result, Ohio has retroactively triggered ''on'' to a high unemployment period (HUP) for weeks of unemployment beginning March 15, 2009, and eligible unemployed workers will be able to collect up to an additional 20 weeks of unemployment insurance benefits.

Information for Claimants

The duration of benefits payable in the EB Program, and the terms and conditions on which they are payable, are governed by the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the operating instructions issued to the states by the U.S. Department of Labor. In the case of a state beginning an HUP, the State Workforce Agency will furnish a written notice of potential entitlement to each individual who may be eligible for increased benefits due to the HUP (20 CFR 615.13(c)(1)). Persons who wish to inquire about their rights under the program should contact their State Workforce Agency.

FOR FURTHER INFORMATION CONTACT: Scott Gibbons, U.S. Department of Labor, Employment and Training Administration, Office of Workforce Security, 200 Constitution Avenue, NW., Frances Perkins Building, Room S–4231, Washington, DC 20210, telephone number (202) 693–3008 (this is not a toll-free number) or by e-mail: *gibbons.scott@dol.gov.*

Signed in Washington, DC, this 19th day of June 2009.

Douglas F. Small,

Deputy Assistant Secretary, Employment and Training Administration.

[FR Doc. E9–15165 Filed 6–25–09; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Prohibited Transaction Exemptions and Grant of Individual Exemptions Involving: 2009–15, D–11493, Schloer Enterprises, Inc., 2009–16, D–11519, Amendment to Prohibited Transaction Exemption (PTE) 90–29, 55 FR 21459 (May 24, 1990), as Amended by PTE 97–34, 62 FR 39021 (July 21, 1997), PTE 2000–58, 65 FR 67765 (November 13, 2000), PTE 2002–41, 67 FR 54487 (August 22, 2002) and PTE 2007–05, 72 FR 13130 (March 20, 2007) as Corrected at 72 FR 16385 (April 4, 2007) (PTE 2007–05), (PTE 90–29), Involving Merrill Lynch, Pierce, Fenner & Smith, Inc., the Principal Subsidiary of Merrill Lynch & Co., Inc. and Its Affiliates (Merrill Lynch) and to PTE 2002–19, 67 FR 14979 (March 28, 2002) as Amended by PTE 2007–05, (PTE 2002–19), Involving J.P. Morgan Chase & Company and Its Affiliates 2009–17, D–11536 Through D–11550, Individual Retirement Accounts (the IRAs) for Ralph Hartwell, Harold Latin, Kenlon Johnson, Carol Johnson, Shanon Taylor, Michael Ball, Dianne Barkas, Roy Barkas, Harry DeWall, Alice Pike, Steven Larsen, C. Timothy Hopkins, Wayne Meuleman, Robert L. Miller, and Richard T. Scott, Collectively, the Participants

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code).

A notice was published in the **Federal Register** of the pendency before the Department of a proposal to grant such exemption. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a

complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, DC. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicant has represented that it has complied with the requirements of the notification to interested persons. No requests for a hearing were received by the Department. Public comments were received by the Department as described in the granted exemption.

The notice of proposed exemption was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemption is administratively feasible;

(b) The exemption is in the interests of the plan and its participants and beneficiaries; and

(c) The exemption is protective of the rights of the participants and beneficiaries of the plan.

Schloer Enterprises, Inc., 401(k) Profit Sharing Plan (the Plan), Located in Pottstown, PA

[Prohibited Transaction Exemption 2009–15; Exemption Application No. D–11493]

Exemption

The restrictions of sections 406(a)(1)(A), 406(a)(1)(D), and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) and (c)(1)(D) through (E) of the Code, shall not apply to the sale of a certain parcel of real property (the Property) by the Plan to Craig J. Schloer, a party in interest with respect to the Plan, provided that the following conditions are satisfied:

(a) The sale is a one-time transaction for cash;

(b) The terms and conditions of the sale are at least as favorable to the Plan as those that the Plan could obtain in an arm's length transaction with an unrelated party;

(c) The sales price is the greater of $381,991 or the fair market value of the Property as of the date of the transaction, as determined by a qualified, independent appraiser;

(d) The Plan pays no commissions, costs, or other expenses in connection with the sale; and

(e) The Plan fiduciary will review and approve the methodology used by the qualified, independent appraiser, ensure that such methodology is properly applied in determining the Property's fair market value, and will also determine whether it is prudent to go forward with the transaction.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on February 25, 2009 at 72 FR 8579.

FOR FURTHER INFORMATION CONTACT: Ms. Karin Weng of the Department, telephone (202) 693–8557. (This is not a toll-free number).

Amendment to Prohibited Transaction Exemption (PTE) 90–29, 55 FR 21459 (May 24, 1990), as Amended by PTE 97–34, 62 FR 39021 (July 21, 1997), PTE 2000–58, 65 FR 67765 (November 13, 2000), PTE 2002–41, 67 FR 54487 (August 22, 2002) and PTE 2007–05, 72 FR 13130 (March 20, 2007) as Corrected at 72 FR 16385 (April 4, 2007) (PTE 2007–05), (PTE 90–29), Involving Merrill Lynch, Pierce, Fenner & Smith, Inc., the Principal Subsidiary of Merrill Lynch & Co., Inc. and Its Affiliates (Merrill Lynch) and to PTE 2002–19, 67 FR 14979 (March 28, 2002) as Amended by PTE 2007–05, (PTE 2002–19), Involving J.P. Morgan Chase & Company and Its Affiliates

[Prohibited Transaction Exemption 2009–16; Exemption Application Number D–11519]

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, August 10, 1990) and based upon the entire record, the Department amends PTE 90–29, 55 FR 21459 (May 24, 1990), as amended by PTE 97–34, 62 FR 39021 (July 21, 1997), PTE 2000–58, 65 FR 67765 (November 13, 2000), PTE 2002–41, 67 FR 54487 (August 22, 2002) and PTE 2007–05, 72 FR 13130 (March 20, 2007), as corrected at 72 FR 16385 (April 4, 2007) (PTE 2007–05), (PTE 90–29) and PTE 2002–19, 67 FR 14979 (March 28, 2002) as amended by PTE 2007–05 (PTE 2002–19).

I. Transactions

A. Effective January 1, 2009, the restrictions of sections 406(a) and 407(a) of the Act, and the taxes imposed by sections 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply to the following transactions involving Issuers and Securities evidencing interests therein:

(1) The direct or indirect sale, exchange or transfer of Securities in the initial issuance of Securities between the Sponsor or Underwriter and an employee benefit plan when the Sponsor, Servicer, Trustee or Insurer of an Issuer, the Underwriter of the Securities representing an interest in the Issuer, or an Obligor is a party in interest with respect to such plan;

(2) The direct or indirect acquisition or disposition of Securities by a plan in the secondary market for such Securities; and

(3) The continued holding of Securities acquired by a plan pursuant to subsection I.A.(1) or (2).

Notwithstanding the foregoing, section I.A. does not provide an exemption from the restrictions of sections 406(a)(1)(E), 406(a)(2) and 407 of the Act for the acquisition or holding of a Security on behalf of an Excluded Plan by any person who has discretionary authority or renders investment advice with respect to the assets of that Excluded Plan.[1]

B. Effective January 1, 2009, the restrictions of sections 406(b)(1) and 406(b)(2) of the Act and the taxes imposed by sections 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(E) of the Code, shall not apply to:

(1) The direct or indirect sale, exchange or transfer of Securities in the initial issuance of Securities between the Sponsor or Underwriter and a plan when the person who has discretionary authority or renders investment advice with respect to the investment of plan assets in the Securities is (a) an Obligor with respect to 5 percent or less of the fair market value of obligations or receivables contained in the Issuer, or (b) an Affiliate of a person described in (a); if:

(i) The plan is not an Excluded Plan;

(ii) Solely in the case of an acquisition of Securities in connection with the initial issuance of the Securities, at least 50 percent of each class of Securities in which plans have invested is acquired

[1] Section I.A. provides no relief from sections 406(a)(1)(E), 406(a)(2) and 407 of the Act for any person rendering investment advice to an Excluded Plan within the meaning of section 3(21)(A)(ii) of the Act, and regulation 29 CFR 2510.3–21(c).

by persons independent of the members of the Restricted Group and at least 50 percent of the aggregate interest in the Issuer is acquired by persons independent of the Restricted Group;

(iii) A plan's investment in each class of Securities does not exceed 25 percent of all of the Securities of that class outstanding at the time of the acquisition; and

(iv) Immediately after the acquisition of the Securities, no more than 25 percent of the assets of a plan with respect to which the person has discretionary authority or renders investment advice are invested in Securities representing an interest in an Issuer containing assets sold or serviced by the same entity.[2] For purposes of this paragraph (iv) only, an entity will not be considered to service assets contained in an Issuer if it is merely a Subservicer of that Issuer;

(2) The direct or indirect acquisition or disposition of Securities by a plan in the secondary market for such Securities, provided that the conditions set forth in paragraphs (i), (iii) and (iv) of subsection I.B.(1) are met; and

(3) The continued holding of Securities acquired by a plan pursuant to subsection I.B.(1) or (2).

C. Effective January 1, 2009, the restrictions of sections 406(a), 406(b) and 407(a) of the Act, and the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c) of the Code, shall not apply to transactions in connection with the servicing, management and operation of an Issuer, including the use of any Eligible Swap transaction; or the defeasance of a mortgage obligation held as an asset of the Issuer through the substitution of a new mortgage obligation in a commercial mortgage-backed Designated Transaction, provided:

(1) Such transactions are carried out in accordance with the terms of a binding Pooling and Servicing Agreement;

(2) The Pooling and Servicing Agreement is provided to, or described in all material respects in the prospectus or private placement memorandum provided to, investing plans before they purchase Securities issued by the Issuer; [3] and

(3) The defeasance of a mortgage obligation and the substitution of a new mortgage obligation in a commercial mortgage-backed Designated Transaction meet the terms and conditions for such defeasance and substitution as are described in the prospectus or private placement memorandum for such Securities, which terms and conditions have been approved by a Rating Agency and does not result in the Securities receiving a lower credit rating from the Rating Agency than the current rating of the Securities.

Notwithstanding the foregoing, section I.C. does not provide an exemption from the restrictions of section 406(b) of the Act or from the taxes imposed by reason of section 4975(c) of the Code for the receipt of a fee by a Servicer of the Issuer from a person other than the Trustee or Sponsor, unless such fee constitutes a Qualified Administrative Fee.

D. Effective January 1, 2009, the restrictions of sections 406(a) and 407(a) of the Act, and the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to any transactions to which those restrictions or taxes would otherwise apply merely because a person is deemed to be a party in interest or disqualified person (including a fiduciary) with respect to a plan by virtue of providing services to the plan (or by virtue of having a relationship to such service provider described in section 3(14)(F), (G), (H) or (I) of the Act or section 4975(e)(2)(F), (G), (H) or (I) of the Code), solely because of the plan's ownership of Securities.

II. General Conditions

A. The relief provided under section I. is available only if the following conditions are met:

(1) The acquisition of Securities by a plan is on terms (including the Security price) that are at least as favorable to the plan as they would be in an arm's-length transaction with an unrelated party;

(2) The rights and interests evidenced by the Securities are not subordinated to the rights and interests evidenced by other Securities of the same Issuer, unless the Securities are issued in a Designated Transaction;

(3) The Securities acquired by the plan have received a rating from a Rating Agency at the time of such acquisition that is in one of the three (or in the case of Designated Transactions, four) highest generic rating categories;

(4) The Trustee is not an Affiliate of any member of the Restricted Group, other than an Underwriter. For purposes of this requirement:

(a) The Trustee shall not be considered to be an Affiliate of a Servicer solely because the Trustee has succeeded to the rights and responsibilities of the Servicer pursuant to the terms of a Pooling and Servicing Agreement providing for such succession upon the occurrence of one or more events of default by the Servicer; and

(b) Subsection II.A.(4) will be deemed satisfied notwithstanding a Servicer becoming an Affiliate of the Trustee as the result of a merger or acquisition involving the Trustee, such Servicer and/or their Affiliates which occurs after the initial issuance of the Securities, provided that:

(i) Such Servicer ceases to be an Affiliate of the Trustee no later than six months after the date such Servicer became an Affiliate of the Trustee; and

(ii) Such Servicer did not breach any of its obligations under the Pooling and Servicing Agreement, unless such breach was immaterial and timely cured in accordance with the terms of such agreement, during the period from the closing date of such merger or acquisition transaction through the date the Servicer ceased to be an Affiliate of the Trustee;

(c) Effective January 1, 2009 through July 1, 2009, Bank of America, N.A., the Trustee, shall not be considered to be an Affiliate of any member of the Restricted Group solely as the result of the acquisition of Merrill Lynch & Co., Inc. and its affiliates (Merrill Lynch) by Bank of America Corporation and its subsidiaries (Bank of America), the parent holding company of Bank of America, N.A. (the Acquisition), which occurred after the initial issuance of the Securities, provided that:

(i) The Trustee, Bank of America, N.A., ceases to be an Affiliate of any member of the Restricted Group no later than July 1, 2009;

(ii) Any member of the Restricted Group that is an Affiliate of the Trustee, Bank of America, N.A., did not breach any of its obligations under the Pooling and Servicing Agreement, unless such breach was immaterial and timely cured in accordance with the terms of such agreement, during the period from

[2] For purposes of this Underwriter Exemption, each plan participating in a commingled fund (such as a bank collective trust fund or insurance company pooled separate account) shall be considered to own the same proportionate undivided interest in each asset of the commingled fund as its proportionate interest in the total assets of the commingled fund as calculated on the most recent preceding valuation date of the fund.

[3] In the case of a private placement memorandum, such memorandum must contain substantially the same information that would be disclosed in a prospectus if the offering of the securities were made in a registered public offering under the Securities Act of 1933. In the Department's view, the private placement memorandum must contain sufficient information to permit plan fiduciaries to make informed investment decisions. For purposes of this exemption, references to ''prospectus'' include any related prospectus supplement thereto, pursuant to which Securities are offered to investors.

January 1, 2009 through the date the member of the Restricted Group ceased to be an Affiliate of the Trustee, Bank of America, N.A.; and

(iii) In accordance with each Pooling and Servicing Agreement, the Trustee, Bank of America, N.A., appoints a co-trustee, which is not an Affiliate of Merrill Lynch or any other member of the Restricted Group, no later than the earlier of (A) April 1, 2009 or (B) five business days after Bank of America, N.A. becomes aware of a conflict between the Trustee and any member of the Restricted Group that is an Affiliate of the Trustee. The co-trustee will be responsible for resolving any conflict between the Trustee and any member of the Restricted Group that has become an Affiliate of the Trustee as a result of the Acquisition; provided, that if the Trustee has resigned on or prior to April 1, 2009 and no event described in clause (B) has occurred, no co-trustee shall be required.[4]

(iv) For purposes of this subsection II.A.(4)(c), a conflict arises whenever (A) Merrill Lynch, as a member of the Restricted Group, fails to perform in accordance with the timeframes contained in the relevant Pooling and Servicing Agreement following a request for performance from Bank of America, N.A., as Trustee, or (B) Bank of America, N.A., as Trustee, fails to perform in accordance with the timeframes contained in the relevant Pooling and Servicing Agreement following a request for performance from Merrill Lynch, a member of the Restricted Group.

The time as of which a conflict occurs is the earlier of: the day immediately following the last day on which compliance is required under the relevant Pooling and Servicing Agreement; or the day on which a party affirmatively responds that it will not comply with a request for performance.

For purposes of this subsection II.A.(4)(c), the term ''conflict'' includes but is not limited to, the following: (1) Merrill Lynch's failure, as Sponsor, to repurchase a loan for breach of representation within the time period prescribed in the relevant Pooling and Servicing Agreement, following Bank of America, N.A.'s request, as Trustee, for performance; (2) Merrill Lynch, as Sponsor, notifies Bank of America, N.A., as Trustee, that it will not repurchase a loan for breach of representation, following Bank of America, N.A.'s request that Merrill Lynch repurchase such loan within the time period prescribed in the relevant Pooling and Servicing Agreement (the notification occurs prior to the expiration of the prescribed time period for the repurchase); and (3) Merrill Lynch, as Swap Counterparty, makes or requests a payment based on a value of the London Interbank Offered Rate (LIBOR) that Bank of America, N.A., as Trustee, considers erroneous.

(5) The sum of all payments made to and retained by the Underwriters in connection with the distribution or placement of Securities represents not more than Reasonable Compensation for underwriting or placing the Securities; the sum of all payments made to and retained by the Sponsor pursuant to the assignment of obligations (or interests therein) to the Issuer represents not more than the fair market value of such obligations (or interests); and the sum of all payments made to and retained by the Servicer represents not more than Reasonable Compensation for the Servicer's services under the Pooling and Servicing Agreement and reimbursement of the Servicer's reasonable expenses in connection therewith;

(6) The plan investing in such Securities is an ''accredited investor'' as defined in Rule 501(a)(1) of Regulation D of the Securities and Exchange Commission under the Securities Act of 1933; and

(7) In the event that the obligations used to fund a Issuer have not all been transferred to the Issuer on the Closing Date, additional obligations of the types specified in subsection III.B.(1) may be transferred to the Issuer during the Pre-Funding Period in exchange for amounts credited to the Pre-Funding Account, provided that:

(a) The Pre-Funding Limit is not exceeded;

(b) All such additional obligations meet the same terms and conditions for determining the eligibility of the original obligations used to create the Issuer (as described in the prospectus or private placement memorandum and/or Pooling and Servicing Agreement for such Securities), which terms and conditions have been approved by a Rating Agency.

Notwithstanding the foregoing, the terms and conditions for determining the eligibility of an obligation may be changed if such changes receive prior approval either by a majority vote of the outstanding securityholders or by a Rating Agency;

(c) The transfer of such additional obligations to the Issuer during the Pre-Funding Period does not result in the Securities receiving a lower credit rating from a Rating Agency upon termination of the Pre-Funding Period than the rating that was obtained at the time of the initial issuance of the Securities by the Issuer;

(d) The weighted average annual percentage interest rate (the average interest rate) for all of the obligations held by the Issuer at the end of the Pre-Funding Period will not be more than 100 basis points lower than the average interest rate for the obligations which were transferred to the Issuer on the Closing Date;

(e) In order to ensure that the characteristics of the receivables actually acquired during the Pre-Funding Period are substantially similar to those which were acquired as of the Closing Date, the characteristics of the additional obligations will either be monitored by a credit support provider or other insurance provider which is independent of the Sponsor or an independent accountant retained by the Sponsor will provide the Sponsor with a letter (with copies provided to the Rating Agency, the Underwriter and the Trustee) stating whether or not the characteristics of the additional obligations conform to the characteristics of such obligations described in the prospectus, private placement memorandum and/or Pooling and Servicing Agreement. In preparing such letter, the independent accountant will use the same type of procedures as were applicable to the obligations which were transferred as of the Closing Date;

(f) The Pre-Funding Period shall be described in the prospectus or private placement memorandum provided to investing plans; and

(g) The Trustee of the Trust (or any agent with which the Trustee contracts to provide Trust services) will be a substantial financial institution or trust company experienced in trust activities and familiar with its duties, responsibilities and liabilities as a fiduciary under the Act. The Trustee, as the legal owner of the obligations in the Trust or the holder of a security interest in the obligations held by the Issuer, will enforce all the rights created in favor of securityholders of the Issuer, including employee benefit plans subject to the Act;

(8) In order to insure that the assets of the Issuer may not be reached by creditors of the Sponsor in the event of bankruptcy or other insolvency of the Sponsor:

(a) The legal documents establishing the Issuer will contain:

(i) Restrictions on the Issuer's ability to borrow money or issue debt other than in connection with the securitization;

[4] On March 16, 2009, Bank of America, N.A. informed the Department that for all 49 of the transactions on the Securitization List at Sec. III.KK, the replacement trustees will be in place as of March 31, 2009.

(ii) Restrictions on the Issuer merging with another entity, reorganizing, liquidating or selling assets (other than in connection with the securitization);

(iii) Restrictions limiting the authorized activities of the Issuer to activities relating to the securitization;

(iv) If the Issuer is not a Trust, provisions for the election of at least one independent director/partner/member whose affirmative consent is required before a voluntary bankruptcy petition can be filed by the Issuer; and

(v) If the Issuer is not a Trust, requirements that each independent director/partner/member must be an individual that does not have a significant interest in, or other relationships with, the Sponsor or any of its Affiliates; and

(b) The Pooling and Servicing Agreement and/or other agreements establishing the contractual relationships between the parties to the securitization transaction will contain covenants prohibiting all parties thereto from filing an involuntary bankruptcy petition against the Issuer or initiating any other form of insolvency proceeding until after the Securities have been paid; and

(c) Prior to the issuance by the Issuer of any Securities, a legal opinion is received which states that either:

(i) A ''true sale'' of the assets being transferred to the Issuer by the Sponsor has occurred and that such transfer is not being made pursuant to a financing of the assets by the Sponsor; or

(ii) In the event of insolvency or receivership of the Sponsor, the assets transferred to the Issuer will not be part of the estate of the Sponsor;

(9) If a particular class of Securities held by any plan involves a Ratings Dependent or Non-Ratings Dependent Swap entered into by the Issuer, then each particular swap transaction relating to such Securities:

(a) Shall be an Eligible Swap;

(b) Shall be with an Eligible Swap Counterparty;

(c) In the case of a Ratings Dependent Swap, shall provide that if the credit rating of the counterparty is withdrawn or reduced by any Rating Agency below a level specified by the Rating Agency, the Servicer (as agent for the Trustee) shall, within the period specified under the Pooling and Servicing Agreement:

(i) Obtain a replacement swap agreement with an Eligible Swap Counterparty which is acceptable to the Rating Agency and the terms of which are substantially the same as the current swap agreement (at which time the earlier swap agreement shall terminate); or

(ii) Cause the swap counterparty to establish any collateralization or other arrangement satisfactory to the Rating Agency such that the then current rating by the Rating Agency of the particular class of Securities will not be withdrawn or reduced.

In the event that the Servicer fails to meet its obligations under this subsection II.A.(9)(c), plan securityholders will be notified in the immediately following Trustee's periodic report which is provided to securityholders, and sixty days after the receipt of such report, the exemptive relief provided under section I.C. will prospectively cease to be applicable to any class of Securities held by a plan which involves such Ratings Dependent Swap; provided that in no event will such plan securityholders be notified any later than the end of the second month that begins after the date on which such failure occurs.

(d) In the case of a Non-Ratings Dependent Swap, shall provide that, if the credit rating of the counterparty is withdrawn or reduced below the lowest level specified in section III.GG., the Servicer (as agent for the Trustee) shall within a specified period after such rating withdrawal or reduction:

(i) Obtain a replacement swap agreement with an Eligible Swap Counterparty, the terms of which are substantially the same as the current swap agreement (at which time the earlier swap agreement shall terminate); or

(ii) Cause the swap counterparty to post collateral with the Trustee in an amount equal to all payments owed by the counterparty if the swap transaction were terminated; or

(iii) Terminate the swap agreement in accordance with its terms; and

(e) Shall not require the Issuer to make any termination payments to the counterparty (other than a currently scheduled payment under the swap agreement) except from Excess Spread or other amounts that would otherwise be payable to the Servicer or the Sponsor;

(10) Any class of Securities, to which one or more swap agreements entered into by the Issuer applies, may be acquired or held in reliance upon this Underwriter Exemption only by Qualified Plan Investors; and

(11) Prior to the issuance of any debt securities, a legal opinion is received which states that the debt holders have a perfected security interest in the Issuer's assets.

B. Neither any Underwriter, Sponsor, Trustee, Servicer, Insurer or any Obligor, unless it or any of its Affiliates has discretionary authority or renders investment advice with respect to the plan assets used by a plan to acquire Securities, shall be denied the relief provided under section I., if the provision of subsection II.A.(6) is not satisfied with respect to acquisition or holding by a plan of such Securities, provided that (1) such condition is disclosed in the prospectus or private placement memorandum; and (2) in the case of a private placement of Securities, the Trustee obtains a representation from each initial purchaser which is a plan that it is in compliance with such condition, and obtains a covenant from each initial purchaser to the effect that, so long as such initial purchaser (or any transferee of such initial purchaser's Securities) is required to obtain from its transferee a representation regarding compliance with the Securities Act of 1933, any such transferees will be required to make a written representation regarding compliance with the condition set forth in subsection II.A.(6).

III. Definitions

For purposes of this exemption:

A. ''Security'' means:

(1) A pass-through certificate or trust certificate that represents a beneficial ownership interest in the assets of an Issuer which is a Trust and which entitles the holder to payments of principal, interest and/or other payments made with respect to the assets of such Trust; or

(2) A security which is denominated as a debt instrument that is issued by, and is an obligation of, an Issuer; with respect to which the Underwriter is either (i) the sole underwriter or the manager or co-manager of the underwriting syndicate, or (ii) a selling or placement agent.

B. ''Issuer'' means an investment pool, the corpus or assets of which are held in trust (including a grantor or owner Trust) or whose assets are held by a partnership, special purpose corporation or limited liability company (which Issuer may be a Real Estate Mortgage Investment Conduit (REMIC) or a Financial Asset Securitization Investment Trust (FASIT) within the meaning of section 860D(a) or section 860L, respectively, of the Code); and the corpus or assets of which consist solely of:

(1)(a) Secured consumer receivables that bear interest or are purchased at a discount (including, but not limited to, home equity loans and obligations secured by shares issued by a cooperative housing association); and/or

(b) Secured credit instruments that bear interest or are purchased at a discount in transactions by or between

business entities (including, but not limited to, Qualified Equipment Notes Secured by Leases); and/or

(c) Obligations that bear interest or are purchased at a discount and which are secured by single-family residential, multi-family residential and/or commercial real property (including obligations secured by leasehold interests on residential or commercial real property); and/or

(d) Obligations that bear interest or are purchased at a discount and which are secured by motor vehicles or equipment, or Qualified Motor Vehicle Leases; and/or

(e) Guaranteed governmental mortgage pool certificates, as defined in 29 CFR 2510.3–101(i)(2); [5] and/or

(f) Fractional undivided interests in any of the obligations described in clauses (a)–(e) of this subsection B.(1).[6]

Notwithstanding the foregoing, residential and home equity loan receivables issued in Designated Transactions may be less than fully secured, provided that: (i) The rights and interests evidenced by the Securities issued in such Designated Transactions (as defined in section III.DD.) are not subordinated to the rights and interests evidenced by Securities of the same Issuer; (ii) such Securities acquired by the plan have received a rating from a Rating Agency at the time of such acquisition that is in one of the two highest generic rating categories; and (iii) any obligation included in the corpus or assets of the Issuer must be secured by collateral whose fair market value on the Closing Date of the Designated Transaction is at least equal to 80% of the sum of: (I) The outstanding principal balance due under the obligation which is held by the Issuer and (II) the outstanding principal balance(s) of any other obligation(s) of higher priority (whether or not held by the Issuer) which are secured by the same collateral.

(2) Property which had secured any of the obligations described in subsection III.B.(1);

(3)(a) Undistributed cash or temporary investments made therewith maturing no later than the next date on which distributions are made to securityholders; and/or

(b) Cash or investments made therewith which are credited to an account to provide payments to securityholders pursuant to any Eligible Swap Agreement meeting the conditions of subsection II.A.(9) or pursuant to any Eligible Yield Supplement Agreement; and/or

(c) Cash transferred to the Issuer on the Closing Date and permitted investments made therewith which:

(i) Are credited to a Pre-Funding Account established to purchase additional obligations with respect to which the conditions set forth in paragraphs (a)–(g) of subsection II.A.(7) are met; and/or

(ii) Are credited to a Capitalized Interest Account; and

(iii) Are held by the Issuer for a period ending no later than the first distribution date to securityholders occurring after the end of the Pre-Funding Period.

For purposes of this paragraph (c) of subsection III.B.(3), the term ''permitted investments'' means investments which: (i) Are either: (x) Direct obligations of, or obligations fully guaranteed as to timely payment of principal and interest by, the United States or any agency or instrumentality thereof, provided that such obligations are backed by the full faith and credit of the United States or (y) have been rated (or the Obligor has been rated) in one of the three highest generic rating categories by a Rating Agency; (ii) are described in the Pooling and Servicing Agreement; and (iii) are permitted by the Rating Agency.

(4) Rights of the Trustee under the Pooling and Servicing Agreement, and rights under any insurance policies, third-party guarantees, contracts of suretyship, Eligible Yield Supplement Agreements, Eligible Swap Agreements meeting the conditions of subsection II.A.(9) or other credit support arrangements with respect to any obligations described in subsection III.B.(1).

Notwithstanding the foregoing, the term ''Issuer'' does not include any investment pool unless: (i) The assets of the type described in paragraphs (a)–(f) of subsection III.B.(1) which are contained in the investment pool have been included in other investment pools, (ii) Securities evidencing interests in such other investment pools have been rated in one of the three (or in the case of Designated Transactions, four) highest generic rating categories by a Rating Agency for at least one year prior to the plan's acquisition of Securities pursuant to this Underwriter Exemption, and (iii) Securities evidencing interests in such other investment pools have been purchased by investors other than plans for at least one year prior to the plan's acquisition of Securities pursuant to this Underwriter Exemption.

C. ''Underwriter'' means:

(1) Merrill Lynch;

(2) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by or under common control with Merrill Lynch; or

(3) Any member of an underwriting syndicate or selling group of which a person described in subsections III.C.(1) or (2) is a manager or co-manager with respect to the Securities.

Effective January 1, 2009 through July 1, 2009, ''Underwriter'' means:

(1) Merrill Lynch or J.P. Morgan Securities Inc.;

(2) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by or under common control with such entities; or

(3) Any member of an underwriting syndicate or selling group of which such firm or person described in subsections III.C.(1) or (2) is a manager or co-manager with respect to the Securities.

D. ''Sponsor'' means:

(1) The entity that organizes an Issuer by depositing obligations therein in exchange for Securities; or

(2) Effective January 1, 2009 through July 1, 2009, for those transactions listed on the Securitization List at section III.KK., Merrill Lynch.

E. ''Master Servicer'' means the entity that is a party to the Pooling and Servicing Agreement relating to assets of the Issuer and is fully responsible for servicing, directly or through Subservicers, the assets of the Issuer.

F. ''Subservicer'' means an entity which, under the supervision of and on behalf of the Master Servicer, services loans contained in the Issuer, but is not a party to the Pooling and Servicing Agreement.

G. ''Servicer'' means any entity which services loans contained in the Issuer, including the Master Servicer and any Subservicer.

H. ''Trust'' means an Issuer which is a trust (including an owner trust, grantor trust or a REMIC or FASIT which is organized as a Trust).

I. ''Trustee'' means the Trustee of any Trust which issues Securities and also includes an Indenture Trustee.

[5] In ERISA Advisory Opinion 99–05A (Feb. 22, 1999), the Department expressed its view that mortgage pool certificates guaranteed and issued by the Federal Agricultural Mortgage Corporation (''Farmer Mac'') meet the definition of a guaranteed governmental mortgage pool certificate as defined in 29 CFR 2510.3–101(i)(2).

[6] It is the Department's view that the definition of Issuer contained in subsection III.B. includes a two-tier structure under which Securities issued by the first Issuer, which contains a pool of receivables described above, are transferred to a second Issuer which issues Securities that are sold to plans. However, the Department is of the further view that, since the Underwriter Exemption generally provides relief only for the direct or indirect acquisition or disposition of Securities that are not subordinated, no relief would be available if the Securities held by the second Issuer were subordinated to the rights and interests evidenced by other Securities issued by the first Issuer, unless such Securities were issued in a Designated Transaction.

''Indenture Trustee'' means the Trustee appointed under the indenture pursuant to which the subject Securities are issued, the rights of holders of the Securities are set forth and a security interest in the Trust assets in favor of the holders of the Securities is created. The Trustee or the Indenture Trustee is also a party to or beneficiary of all the documents and instruments transferred to the Issuer, and as such, has both the authority to, and the responsibility for, enforcing all the rights created thereby in favor of holders of the Securities, including those rights arising in the event of default by the Servicer.

J. ''Insurer'' means the insurer or guarantor of, or provider of other credit support for, an Issuer. Notwithstanding the foregoing, a person is not an insurer solely because it holds Securities representing an interest in an Issuer which are of a class subordinated to Securities representing an interest in the same Issuer.

K. ''Obligor'' means any person, other than the Insurer, that is obligated to make payments with respect to any obligation or receivable included in the Issuer. Where an Issuer contains Qualified Motor Vehicle Leases or Qualified Equipment Notes Secured by Leases, ''Obligor'' shall also include any owner of property subject to any lease included in the Issuer, or subject to any lease securing an obligation included in the Issuer.

L. ''Excluded Plan'' means any plan with respect to which any member of the Restricted Group is a ''plan sponsor'' within the meaning of section 3(16)(B) of the Act.

M. ''Restricted Group'' with respect to a class of Securities means:

(1) Each Underwriter;

(2) Each Insurer;

(3) The Sponsor;

(4) The Trustee;

(5) Each Servicer;

(6) Any Obligor with respect to obligations or receivables included in the Issuer constituting more than 5 percent of the aggregate unamortized principal balance of the assets in the Issuer, determined on the date of the initial issuance of Securities by the Issuer;

(7) Each counterparty in an Eligible Swap Agreement; or

(8) Any Affiliate of a person described in subsections III.M.(1)–(7).

N. ''Affiliate'' of another person includes:

(1) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such other person;

(2) Any officer, director, partner, employee, relative (as defined in section 3(15) of the Act), a brother, a sister, or a spouse of a brother or sister of such other person; and

(3) Any corporation or partnership of which such other person is an officer, director or partner.

O. ''Control'' means the power to exercise a controlling influence over the management or policies of a person other than an individual.

P. A person will be ''independent'' of another person only if:

(1) Such person is not an Affiliate of that other person; and

(2) The other person, or an Affiliate thereof, is not a fiduciary who has investment management authority or renders investment advice with respect to any assets of such person.

Q. ''Sale'' includes the entrance into a Forward Delivery Commitment, provided:

(1) The terms of the Forward Delivery Commitment (including any fee paid to the investing plan) are no less favorable to the plan than they would be in an arm's-length transaction with an unrelated party;

(2) The prospectus or private placement memorandum is provided to an investing plan prior to the time the plan enters into the Forward Delivery Commitment; and

(3) At the time of the delivery, all conditions of this Underwriter Exemption applicable to sales are met.

R. ''Forward Delivery Commitment'' means a contract for the purchase or sale of one or more Securities to be delivered at an agreed future settlement date. The term includes both mandatory contracts (which contemplate obligatory delivery and acceptance of the Securities) and optional contracts (which give one party the right but not the obligation to deliver Securities to, or demand delivery of Securities from, the other party).

S. ''Reasonable Compensation'' has the same meaning as that term is defined in 29 CFR 2550.408c–2.

T. ''Qualified Administrative Fee'' means a fee which meets the following criteria:

(1) The fee is triggered by an act or failure to act by the Obligor other than the normal timely payment of amounts owing in respect of the obligations;

(2) The Servicer may not charge the fee absent the act or failure to act referred to in subsection III.T.(1);

(3) The ability to charge the fee, the circumstances in which the fee may be charged, and an explanation of how the fee is calculated are set forth in the Pooling and Servicing Agreement; and

(4) The amount paid to investors in the Issuer will not be reduced by the amount of any such fee waived by the Servicer.

U. ''Qualified Equipment Note Secured By A Lease'' means an equipment note:

(1) Which is secured by equipment which is leased;

(2) Which is secured by the obligation of the lessee to pay rent under the equipment lease; and

(3) With respect to which the Issuer's security interest in the equipment is at least as protective of the rights of the Issuer as the Issuer would have if the equipment note were secured only by the equipment and not the lease.

V. ''Qualified Motor Vehicle Lease'' means a lease of a motor vehicle where:

(1) The Issuer owns or holds a security interest in the lease;

(2) The Issuer owns or holds a security interest in the leased motor vehicle; and

(3) The Issuer's security interest in the leased motor vehicle is at least as protective of the Issuer's rights as the Issuer would receive under a motor vehicle installment loan contract.

W. ''Pooling and Servicing Agreement'' means the agreement or agreements among a Sponsor, a Servicer and the Trustee establishing a Trust. ''Pooling and Servicing Agreement'' also includes the indenture entered into by the Issuer and the Indenture Trustee.

X. ''Rating Agency'' means Standard & Poor's Ratings Services, a division of The McGraw-Hill Companies, Inc.; Moody's Investors Service, Inc.; FitchRatings, Inc.; DBRS Limited, or DBRS, Inc.; or any successors thereto.

Y. ''Capitalized Interest Account'' means an Issuer account: (i) Which is established to compensate securityholders for shortfalls, if any, between investment earnings on the Pre-Funding Account and the interest rate payable under the Securities; and (ii) which meets the requirements of paragraph (c) of subsection III.B.(3).

Z. ''Closing Date'' means the date the Issuer is formed, the Securities are first issued and the Issuer's assets (other than those additional obligations which are to be funded from the Pre-Funding Account pursuant to subsection II.A.(7)) are transferred to the Issuer.

AA. ''Pre-Funding Account'' means an Issuer account: (i) Which is established to purchase additional obligations, which obligations meet the conditions set forth in paragraph (a)–(g) of subsection II.A.(7); and (ii) which meets the requirements of paragraph (c) of subsection III.B.(3).

BB. ''Pre-Funding Limit'' means a percentage or ratio of the amount allocated to the Pre-Funding Account, as compared to the total principal

amount of the Securities being offered, which is less than or equal to 25 percent.

CC. ''Pre-Funding Period'' means the period commencing on the Closing Date and ending no later than the earliest to occur of: (i) The date the amount on deposit in the Pre-Funding Account is less than the minimum dollar amount specified in the Pooling and Servicing Agreement; (ii) the date on which an event of default occurs under the Pooling and Servicing Agreement; or (iii) the date which is the later of three months or ninety days after the Closing Date.

DD. ''Designated Transaction'' means a securitization transaction in which the assets of the Issuer consist of secured consumer receivables, secured credit instruments or secured obligations that bear interest or are purchased at a discount and are: (i) Motor vehicle, home equity and/or manufactured housing consumer receivables; and/or (ii) motor vehicle credit instruments in transactions by or between business entities; and/or (iii) single-family residential, multi-family residential, home equity, manufactured housing and/or commercial mortgage obligations that are secured by single-family residential, multi-family residential, commercial real property or leasehold interests therein. For purposes of this section III.DD., the collateral securing motor vehicle consumer receivables or motor vehicle credit instruments may include motor vehicles and/or Qualified Motor Vehicle Leases.

EE. ''Ratings Dependent Swap'' means an interest rate swap, or (if purchased by or on behalf of the Issuer) an interest rate cap contract, that is part of the structure of a class of Securities where the rating assigned by the Rating Agency to any class of Securities held by any plan is dependent on the terms and conditions of the swap and the rating of the counterparty, and if such Security rating is not dependent on the existence of the swap and rating of the counterparty, such swap or cap shall be referred to as a ''Non-Ratings Dependent Swap''. With respect to a Non-Ratings Dependent Swap, each Rating Agency rating the Securities must confirm, as of the date of issuance of the Securities by the Issuer, that entering into an Eligible Swap with such counterparty will not affect the rating of the Securities.

FF. ''Eligible Swap'' means a Ratings Dependent or Non-Ratings Dependent Swap:

(1) Which is denominated in U.S. dollars;

(2) Pursuant to which the Issuer pays or receives, on or immediately prior to the respective payment or distribution date for the class of Securities to which the swap relates, a fixed rate of interest, or a floating rate of interest based on a publicly available index (*e.g.,* LIBOR or the U.S. Federal Reserve's Cost of Funds Index (COFI)), with the Issuer receiving such payments on at least a quarterly basis and obligated to make separate payments no more frequently than the counterparty, with all simultaneous payments being netted;

(3) Which has a notional amount that does not exceed either: (i) The principal balance of the class of Securities to which the swap relates, or (ii) the portion of the principal balance of such class represented solely by those types of corpus or assets of the Issuer referred to in subsections III.B.(1), (2) and (3);

(4) Which is not leveraged (i.e., payments are based on the applicable notional amount, the day count fractions, the fixed or floating rates designated in subsection III.FF.(2), and the difference between the products thereof, calculated on a one to one ratio and not on a multiplier of such difference);

(5) Which has a final termination date that is either the earlier of the date on which the Issuer terminates or the related class of securities is fully repaid; and

(6) Which does not incorporate any provision which could cause a unilateral alteration in any provision described in subsections III.FF.(1) through (4) without the consent of the Trustee.

GG. ''Eligible Swap Counterparty'' means a bank or other financial institution which has a rating, at the date of issuance of the Securities by the Issuer, which is in one of the three highest long-term credit rating categories, or one of the two highest short-term credit rating categories, utilized by at least one of the Rating Agencies rating the Securities; provided that, if a swap counterparty is relying on its short-term rating to establish eligibility under the Underwriter Exemption, such swap counterparty must either have a long-term rating in one of the three highest long-term rating categories or not have a long-term rating from the applicable Rating Agency, and provided further that if the class of Securities with which the swap is associated has a final maturity date of more than one year from the date of issuance of the Securities, and such swap is a Ratings Dependent Swap, the swap counterparty is required by the terms of the swap agreement to establish any collateralization or other arrangement satisfactory to the Rating Agencies in the event of a ratings downgrade of the swap counterparty.

HH. ''Qualified Plan Investor'' means a plan investor or group of plan investors on whose behalf the decision to purchase Securities is made by an appropriate independent fiduciary that is qualified to analyze and understand the terms and conditions of any swap transaction used by the Issuer and the effect such swap would have upon the credit ratings of the Securities. For purposes of the Underwriter Exemption, such a fiduciary is either:

(1) A ''qualified professional asset manager'' (QPAM),[7] as defined under Part V(a) of PTE 84–14, 49 FR 9494, 9506 (March 13, 1984), as amended by 70 FR 49305 (August 23, 2005);

(2) An ''in-house asset manager'' (INHAM),[8] as defined under Part IV(a) of PTE 96–23, 61 FR 15975, 15982 (April 10, 1996); or

(3) A plan fiduciary with total assets under management of at least $100 million at the time of the acquisition of such Securities.

II. ''Excess Spread'' means, as of any day funds are distributed from the Issuer, the amount by which the interest allocated to Securities exceeds the amount necessary to pay interest to securityholders, servicing fees and expenses.

JJ. ''Eligible Yield Supplement Agreement'' means any yield supplement agreement, similar yield maintenance arrangement or, if purchased by or on behalf of the Issuer, an interest rate cap contract to supplement the interest rates otherwise payable on obligations described in subsection III.B.(1). Such an agreement or arrangement may involve a notional principal contract provided that:

(1) It is denominated in U.S. dollars;

(2) The Issuer receives on, or immediately prior to the respective payment date for the Securities covered by such agreement or arrangement, a fixed rate of interest or a floating rate of interest based on a publicly available index (e.g., LIBOR or COFI), with the

[7] PTE 84–14 provides a class exemption for transactions between a party in interest with respect to an employee benefit plan and an investment fund (including either a single customer or pooled separate account) in which the plan has an interest, and which is managed by a QPAM, provided certain conditions are met. QPAMs (e.g., banks, insurance companies, registered investment advisers with total client assets under management in excess of $85 million) are considered to be experienced investment managers for plan investors that are aware of their fiduciary duties under ERISA.

[8] PTE 96–23 permits various transactions involving employee benefit plans whose assets are managed by an INHAM, an entity which is generally a subsidiary of an employer sponsoring the plan which is a registered investment adviser with management and control of total assets attributable to plans maintained by the employer and its affiliates which are in excess of $50 million.

Issuer receiving such payments on at least a quarterly basis;

(3) It is not ''leveraged'' as described in subsection III.FF.(4);

(4) It does not incorporate any provision which would cause a unilateral alteration in any provision described in subsections III.JJ.(1)–(3) without the consent of the Trustee;

(5) It is entered into by the Issuer with an Eligible Swap Counterparty; and

(6) It has a notional amount that does not exceed either: (i) The principal balance of the class of Securities to which such agreement or arrangement relates, or (ii) the portion of the principal balance of such class represented solely by those types of corpus or assets of the Issuer referred to in subsections III.B.(1), (2) and (3).

KK. Effective January 1, 2009 through July 1, 2009, ''Securitization List'' means:

Name	Issuance type	MLynch role
CMAC Series 1997 ML1	C	S, U
WFPD 1996 WFP–D	C	S, U
Merrill Lynch 2003–KEY 1	C	S, U
Merrill Lynch Series 1997–C1	C	S, U
Merrill Lynch Series 2004–KEY 2	C	S, U
Merrill Lynch Series 2006–C2	C	S, U
Mezz Cap 2004–C2	C	S, U
C–BASS 2007–CB4	R	S, U
First Franklin MLT 2006–FF18	R	S, U, MS
First Franklin MLT 2007–01	R	S, U, MS
First Franklin MLT 2007–02	R	U, MS
First Franklin MLT 2007–03	R	U, MS
First Franklin MLT 2007–4	R	S, U, MS
First Franklin MLT 2007–5	R	S, U, MS
First Franklin MLT 2007–A	R	S, U, MS
First Franklin MLT 2007–FF1	R	S, U, MS
First Franklin MLT 2007–FF2	R	S, U, MS
First Franklin MLT 2007–FFA	R	S, U, MS
First Franklin MLT 2007–FFC	R	S, U, MS
First Franklin MLT 2007–H1	R	S, U, MS
Merrill Lynch Series 2005–SL3	R	S, U, MS
Merrill Lynch Series 2006–AHL1	R	S, U, MS
Merrill Lynch Series 2006–AR1	R	S, U, MS
Merrill Lynch Series 2006–FF1	R	S, U, MS
Merrill Lynch Series 2006–FM1	R	S, U, MS
Merrill Lynch Series 2006–HE2	R	S, U, MS
Merrill Lynch Series 2006–HE3	R	S, U, MS
Merrill Lynch Series 2006–HE4	R	S, U, MS
Merrill Lynch Series 2006–HE6	R	S, U, MS
Merrill Lynch Series 2006–MLN1	R	S, U, MS
Merrill Lynch Series 2006–OPT1	R	S, U
Merrill Lynch Series 2006–RM1	R	S, U, MS
Merrill Lynch Series 2006–RM2	R	S, U, MS
Merrill Lynch Series 2006–RM3	R	S, U
Merrill Lynch Series 2006–RM4	R	S, U, MS
Merrill Lynch Series 2006–RM5	R	S, U, MS
Merrill Lynch Series 2006–SD1	R	S, U, MS
Merrill Lynch Series 2006–SL1	R	S, U, MS
Merrill Lynch Series 2006–WMC2	R	S, U, MS
Merrill Lynch Series 2007–HE1	R	S, U, MS
Merrill Lynch Series 2007–HE3	R	S, U, MS
Merrill Lynch Series 2007–SD1	R	S, U, MS
MLMI Trust 2002–AFC1	R	S, U
Ownit Mort Loan ABS 2006–3	R	S, U
Ownit Mort Loan ABS 2006–4	R	S, U
Ownit Mort Loan ABS 2006–5	R	S, U
Ownit Mort Loan ABS 2006–6	R	S, U
Ownit Mort Loan ABS 2006–7	R	S, U
JP Morgan Chase 2003–ML1 (U–JP Morgan Securities Inc.)	C	S

Legend:
C = Commercial mortgage-backed securitizations.
R = Residential mortgage-backed securitizations.
U = Underwriter.
S = Sponsor.
MS = Master Servicer.
MLynch = Merrill Lynch.

Effective Date: This amendment was effective January 1, 2009.

For a more complete statement of the facts and representations supporting the Department's decision to amend PTE 90–29 and PTE 2002–19, refer to the notice of proposed exemption that was published on May 6, 2009 in the **Federal Register** at 74 FR 21002.

FOR FURTHER INFORMATION CONTACT: Wendy M. McColough of the

Department, telephone (202) 693–8540 (This is not a toll-free number).

Individual Retirement Accounts (the IRAs) for Ralph Hartwell, Harold Latin, Kenlon Johnson, Carol Johnson, Shanon Taylor, Michael Ball, Dianne Barkas, Roy Barkas, Harry DeWall, Alice Pike, Steven Larsen, C. Timothy Hopkins, Wayne Meuleman, Robert L. Miller, and Richard T. Scott (Collectively, the Participants), Located in Idaho Falls, Idaho, and Elsewhere

[Prohibited Transaction Exemption 2009–17; Exemption Application Numbers D–11536 through D–11550]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1)(A),(D), and (E) of the Code, shall not apply to the cash sales (the Sales) of certain shares of closely held common stock (the Stock) of the Bank of Idaho Holding Company (the Company) by the IRAs [9] to the Participants, disqualified persons with respect to their respective IRAs, provided that the following conditions are satisfied:

(a) The Sale of the Stock by each IRA is a one-time transaction for cash;

(b) The terms and conditions of each Sale are at least as favorable to each IRA as those obtainable in an arm's length transaction with an unrelated party;

(c) Each IRA receives the fair market value of the Stock on the date of the Sale as determined by a qualified, independent appraiser; and

(d) Each IRA does not pay any commissions, costs, or other expenses in connection with each Sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the text of the Notice of Proposed Exemption published in the **Federal Register** on March 26, 2009 at 74 FR 13258.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Judge of the Department, telephone (202) 693–8339 (This is not a toll-free number).

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) This exemption is supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of this exemption is subject to the express condition that the material facts and representations contained in the application accurately describe all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 22nd day of June, 2009.

Ivan Strasfeld,

Director of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. E9–15158 Filed 6–25–09; 8:45 am]

BILLING CODE 4510–29–P

[9] Because each IRA has only one Participant, there is no jurisdiction under 29 CFR 2510.3–3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Application Nos. and Proposed Exemptions; D–11432, Iron Workers Local 17 Pension Fund (the Plan); D–11483 Urology Clinics of North Texas, P.A. 401(k) Profit Sharing Plan and Trust (The Plan); and L–11451, Ford Motor Corporation and Its Affiliates (collectively, Ford), et al.]

Notice of Proposed Exemptions

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Notice of Proposed Exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Employee Benefits Security Administration (EBSA), Office of Exemption Determinations, Room N–5700, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No. _____ stated in each Notice of Proposed Exemption. Interested persons are also invited to submit comments and/or hearing requests to EBSA via e-mail or FAX. Any such comments or requests should be sent either by e-mail to: ''*moffitt.betty@dol.gov*'', or by FAX to (202) 219–0204 by the end of the scheduled comment period. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of the Employee Benefits Security Administration, U.S. Department of Labor, Room N–1513, 200 Constitution Avenue, NW., Washington, DC 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990).

Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department. The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Iron Workers Local 17 Pension Fund (the Plan) Located in Cleveland, Ohio

[Application No. D–11432]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in 29 CFR part 2570 subpart B (55 FR 32836, 32847, August 10, 1990). If the proposed exemption is granted, the restrictions in sections 406(a)(1)(A), 406(a)(1)(D), and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1)(A) and 4975(c)(1)(D) through (E) of the Code, shall not apply to the sale of a leasehold interest, which includes an office building (the Building) and certain rights pursuant to a ground lease, held by the Plan, to the Bridge, Structural and Ornamental Iron Workers Local Union No. 17 (the Union), a party in interest with respect to the Plan, provided that the following conditions are satisfied:

(a) The terms and conditions of the sale are at least as favorable to the Plan as those that the Plan could obtain in an arm's length transaction with an unrelated party;

(b) The Plan receives the greater of $285,000 or the fair market value of the Building and lot on which the Building is located (the Lot), as of the date of the sale, as determined by a qualified, independent appraiser;

(c) The sale is a one-time transaction for cash;

(d) The Plan pays no commissions, costs, or other expenses in connection with the sale (other than fees associated with the retention of a qualified, independent appraiser and the retention of a qualified, independent fiduciary);

(e) The Board of Trustees retains a qualified, independent fiduciary, who will review and approve the methodology used by the qualified, independent appraiser, will ensure that such methodology is properly applied in determining the fair market value of the Building and Lot as of the date of the sale, and will determine whether it is prudent to go forward with the proposed transaction; and

(f) Prior to the publication of a final exemption, if granted, in the **Federal Register,** regarding the transaction that is the subject of this proposed exemption, the Union: Files Form 5330 (Return of Excise Taxes Related to Employee Benefit Plans) with the Internal Revenue Service and pays all applicable excise taxes that are due by reason of its prohibited past leasing to the Plan of the Lot on which the subject Building was constructed by the Plan; and Provides a copy of the cancelled check and other documentary evidence to the Department indicating that the taxes were correctly computed and paid.

Summary of Facts and Representations

1. The Plan is a multi-employer, defined benefit pension plan, created and maintained pursuant to collective bargaining agreements between the Union and the Construction Employers Association (CEA). The Plan is administered by a Board of Trustees (the Trustees), consisting of three trustees appointed by the Union and three, by the CEA. As of April 30, 2008, the Plan had approximately 2,180 participants and beneficiaries and total assets of approximately $115,313,797.

2. Among the assets of the Plan is its leasehold interest in a property located at 1564 East 23rd Street, Cleveland, Ohio. A one-story office building (the Building), measuring 4114 square feet, sits on a 51′ x 147′ lot belonging to the Union (the Lot) that is currently being leased to the Plan. The lease provides for an initial term of 99 years until 2084 and a rental rate of $200 per month. Under the lease terms, the Plan also has an option to terminate the lease at any time, to extend the term of the lease indefinitely at the same rental rate, or to purchase the Lot for $20,000. The Building is adjacent to, and shares a common wall with, the Union's building at 1544 East 23rd Street, Cleveland, Ohio. There is a parking lot consisting of eight parking spaces in front of the Building. The immediate neighborhood is a mixed-use commercial area.

The Building was constructed on the Lot by the Plan in 1986, pursuant to a feasibility study by Coopers & Lybrand commissioned by the Trustees; Coopers & Lybrand opined that it would be more cost-effective in the long run for the Plan to construct its own office space rather than to continue renting, as it had been doing. Subsequently, the Plan entered into a lease for the Lot with the Union, made retroactive to September 1985 but without the benefit of an administrative prohibited transaction exemption.[1]

The Plan uses the Building for administrative office space and also leases office space to its ''sister plans,'' the Iron Workers Local 17 Annuity Fund and the Iron Workers Local 17 Insurance Benefit Fund, pursuant to Prohibited Transaction Exemption (PTE) 76–1 and PTE 77–10.[2] According to the applicant, shared expenses are allocated on a pro rata basis, with the Plan consistently receiving an allocation of approximately 40% of shared expenses.

3. The Building and Lot were appraised by James P. Prosek, SRA, and Aaron Baaske, CRA, CREA, independent appraisers located in Amherst, Ohio. Mr. Prosek and Mr. Baaske are experienced real estate appraisers licensed in the state of Ohio and are members of recognized societies that award professional designations in their field. In their appraisal report, Mr. Prosek and Mr. Baaske utilized the Sales Comparison Approach and the Income Approach, with greater reliance on the former, to arrive at an estimated value of $285,000, as of November 14, 2008, for the fee simple interest of the Building and Lot (as a unified property). They then opined that the value of the Union's leased fee interest in the property, belonging to the Union as the lessor, is $20,000, or the amount specified in the Plan's option to purchase the Lot under the terms of the ground lease. To isolate the value of the Plan's leasehold interest in the property, they then subtracted $20,000 from the value of the fee simple interest

[1] The Department is not proposing any exemptive relief herein for these past prohibited transactions, whose background is described in greater detail in Facts and Representations #5, below.

[2] PTE 76–1 (41 FR 12740, March 26, 1976) is a class exemption that provides relief from sections 406(a) and 407(a) of the Act (and section 4975(c)(1)(A) through (D) of the Code), under certain conditions, for the leasing of office space by a multiple employer plan to a participating employee organization, participating employer, participating employer association, or another multiple employer plan, which is a party in interest or disqualified person with respect to the plan. PTE 77–10 (42 FR 33918, July 1, 1977) is a class exemption that provides relief from section 406(b)(2) of the Act, under certain conditions, for the leasing of office space by a multiple employer plan to a participating employee organization, participating employer (without regard to whether the office space constitutes ''qualifying employer real property''), participating employer association, or another multiple employer plan, which is a party in interest with respect to the plan or to which it is related by virtue of having common trustees. The Department expresses no opinion herein as to whether the Plan's leases to its ''sister plans'' satisfy the terms and conditions of PTEs 76–1 and 77–10.

($285,000), so that the value of the Plan's interest is $265,000, as of November 14, 2008. Although the Plan does not own the whole property but only the leasehold interest, the Union is willing to pay a purchase price encompassing the fair market value of both the Building and Lot as a unified property.

Mr. Prosek and Mr. Baaske also determined that no premium is due from the Union to the Plan, as a term of the proposed sale, for any assemblage value resulting from the adjacency of the Union's building to the Plan's Building. The appraisers state, ''A study of the influence of incremental size on office property values in this market does not reveal a premium being paid, on a price per square foot basis, for larger properties. In fact, some tendency toward diminishing return on size is evident * * *.'' The report continues, ''Further, the subject building was designed and built for a single user * * *. It was not designed to be incorporated with the neighboring building and combining the two might result in a larger building that offers less than optimum utility.'' The report concludes, ''[T]he highest and best use of the subject property is a continuation of its current use as an independent office facility.''

In regard to the fair market rental value of the Building, Mr. Prosek and Mr. Baaske state, ''The observed leasing activity produces a fairly tight range of contract and asking rents, generally from about $9.00 to $12.00 per square foot of building area * * *. These leases and offerings suggest rent, assuming the described market expense structure, near $10.50 per square foot per year as appropriate for the subject space.''

4. The Trustees have retained Ms. Nell Hennessy, President and Chief Executive Officer of Fiduciary Counselors Inc. (FCI) to act as an independent fiduciary on behalf of the Plan. Ms. Hennessy has headed FCI since its incorporation in 1999. From 1993 to 1998, she served as Deputy Executive Director and Chief Negotiator of the Pension Benefit Guaranty Corporation (PBGC), the federal agency that guarantees private defined benefit pensions. Prior to Ms. Hennessy's employment at the PBGC, Ms. Hennessy was a partner in the law firm of Willkie Farr & Gallagher, where she advised clients on a wide range of benefit, investment, and corporate governance issues. Ms. Hennessy will review and approve the methodology used by the appraisers to ensure that such methodology is properly applied in determining the fair market value of the Building and Lot, to be updated as of the date of the sale. She also will determine whether it is prudent to go forward with the proposed transaction.

5. At the Department's request, the applicant provided background on the Union's past and on-going lease of the Lot to the Plan. According to the applicant, the Cincinnati Regional Office opened an investigation of the Plan in 1985, which continued until 1989. The investigator advised the Union that, because the Plan did not have separate title to the Building, use of the Plan assets to construct the Building on Union land was a prohibited transaction.

Upon the advice of counsel, the Union, on July 10, 1987, entered into a lease of the Lot located at 1564 East 23rd Street to the Plan, with a retroactive effective date of September 1, 1985, pursuant to the terms described in Facts and Representations #2, above. The Trustees represent that they were advised by counsel, at that time, that the ground lease was covered by the statutory exemption contained in section 408(b)(2) of the Act.[3] The Trustees, however, were unable to locate and produce contemporaneous written documentation of the advice from an ERISA counsel regarding the applicability of section 408(b)(2) to the lease.[4] The applicant has agreed, as a condition of this proposed exemption, to file Form 5330 and pay all applicable excise taxes that are due by reason of its prohibited past leasing to the Plan of the Lot on which the subject Building was constructed.

6. The Trustees have determined that the proposed sale to the Union of the Plan's leasehold interest, which includes the Building, a right of first refusal to purchase the Lot, a purchase option for the Lot, and an option to renew for successive terms, is in the best interests of the Plan. According to the applicant, the Plan and its ''sister plans'' have reduced the size of their respective office staffs over the past few years and thus their need for office space. Although the Plan's leasehold interest represents less than three-tenths of one percent of the Plan's assets, the Trustees believe that it is in the best interests of the Plan to divest itself of this illiquid asset. Further, the Plan will eliminate the operating and maintenance expenses associated with the Building. It is represented that the Plan will realize savings by renting the smaller amount of office space it needs rather than continuing to occupy the Building, as explained below.

All three of the Iron Workers Local 17 plans will rent nearby office space from an unrelated party following the sale of the Plan's leasehold interest to the Union. The three plans will split the monthly rental cost of $1,125 per month. Based upon the Plan's current expense allocation of 40% of the overall cost, the Plan will pay rent of $450 per month, or $5,400 per year. The Plan's expense allocation in 2007 in connection with the Building that it currently occupies (for holding costs, such as the land lease, utilities, and taxes) was $10,383 per year, the amount not offset by rent payments from the Plan's sister plans. Thus, according to the Trustees, the move to different office space will yield annual savings to the Plan of $4,983, approximately 47%.

Although the Plan owns only the leasehold interest, the Union is willing to pay the greater of $285,000 or the fair market value for the fee simple interest of the Building and Lot as a unified property (as previously stated in Facts and Representations #3, above); the fair market value is to be updated as of the date of the sale by a qualified, independent appraiser. The Plan's cost of construction for the Building was initially quoted at $231,900, but, due to cost overruns, came to a total of $321,738.[5] Nevertheless, the Trustees represent that the Plan saved approximately $16,830 in rental costs from owning the Building, which also has generated rental income for the Plan. Although the minimum $285,000 sales price will not enable the Plan to recoup its construction and holding costs of $640,631, the Trustees state that the Plan has had use of the Building for the past 22 years and the imputed value of the rental income it did not have to pay is estimated to be $367,463.

7. The Trustees represent that the subject sale will be a one-time transaction for cash and that the Plan will incur no fees, commissions, or other expenses in connection with the sale (other than fees associated with the

[3] The Department's review of correspondence with the Cincinnati Regional Office revealed that the field office had advised their counsel that the ground lease was a prohibited transaction and that an administrative prohibited transaction exemption should be sought to cover it. The regulation at 29 CFR 2550.408b–2 clarifies that section 408(b)(2) provides relief for payments by a plan for leases of office space. It also limits the scope of the exemptive relief to section 406(a) so that relief from section 406(b), which prohibits, among other things, self-dealing by plan fiduciaries, is not provided.

[4] The request for retroactive prohibited transaction relief for the ground lease was withdrawn. The Department's standard for obtaining a retroactive prohibited transaction exemption is set forth in ERISA Technical Release 85–1.

[5] The Department expresses no opinion herein as to whether the cost overruns paid by the Plan violated any of the provisions of part 4 of Title I of the Act.

retention of a qualified, independent appraiser and the retention of a qualified, independent fiduciary). The Union is also bearing the costs of the exemption application and of notifying interested persons.

8. In summary, the applicant represents that the proposed transaction satisfies the statutory criteria for an exemption under section 408(a) of the Act for the following reasons: (a) The terms and conditions of the sale will be at least as favorable to the Plan as those that the Plan could obtain in an arm's length transaction with an unrelated party; (b) the Plan will receive the greater of $285,000 or the fair market value of the Building and Lot as of the date of the sale, as determined by a qualified, independent appraiser; (c) the sale will be a one-time transaction for cash; (d) the Plan will pay no commissions, costs, or other expenses in connection with the sale (other than fees associated with the retention of a qualified, independent appraiser and the retention of a qualified, independent fiduciary); and (e) the Trustees have retained a qualified, independent fiduciary, who will review and approve the methodology used by the qualified, independent appraiser, will ensure that such methodology is properly applied in determining the fair market value of the Building and Lot as of the date of the sale, and will determine whether it is prudent to go forward with the proposed transaction.

FOR FURTHER INFORMATION CONTACT: Ms. Karin Weng of the Department, telephone (202) 693–8557. (This is not a toll-free number).

Urology Clinics of North Texas, P.A. 401(k) Profit Sharing Plan and Trust (The Plan) Located in Dallas, TX

[Application No. D–11483]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, the restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, will not apply to the proposed sale (the Sale) of a 2.52 percent ownership interest comprising five (5.0) Class I Units (the Units) issued by the Center for Pediatric Surgery (CPS), an unrelated party, by the individually directed account in the Plan (the Account) of David Ewalt, M.D. (Dr. Ewalt), to Dr. Ewalt, a party in interest with respect to the Plan.

This proposed exemption is subject to the following conditions:

(a) The Sale is a one-time transaction for cash;

(b) the closing of the Sale (the Closing Date) occurs within 60 days of the Department's grant of the final exemption;

(c) the Units are sold to Dr. Ewalt at the greater of the fair market value of the Units as of the Closing Date, as determined by a qualified, independent appraiser or for $441,000 for the 2.52 percent interest of ownership of CPS;

(d) in addition to the sale price described above, the Account will have received $408,954.00 in consideration for the reduction of the Account's interest in CPS as a result of an investment by Cook Children's Health Care System (Cook) in CPS;

(e) the proceeds from the Sale are credited to the Account simultaneously with the transfer of the Units' title to Dr. Ewalt;

(f) neither the Plan nor the Account pay any fees, commissions, or other costs or expenses associated with the Sale; and

(g) the terms and conditions of the Sale remain at least as favorable to the Account as the terms and conditions obtainable under similar circumstances negotiated at arm's length with an unrelated party.

Summary of Facts and Representations

1. Urology Clinics of North Texas, P.A. (the Employer) has its principal office and place of business in Dallas, TX. The Employer has 27 physician partners including Dr. Ewalt.

2. The Plan is a defined contribution profit sharing plan and has 147 participants and beneficiaries. As of December 31, 2007, the Plan's assets were valued at $20,190,735.00. The Plan's trustees consist of four physicians. Dr. Ewalt is one of the trustees of the Plan and is also a member of the Plan's administrative committee. The value of the Account as of May 8, 2009 is $1,336,000.00.

3. In 2002, the Plan purchased 4.63 percent (4.63%) interest in CPS for the benefit of the Account from the Plano Pediatric Surgery Center (Plano Center). The Plano Center was the entity that originally established CPS and it is not affiliated in any way with the Employer, the Plan or Dr. Ewalt. The Account paid $43,500 for the 4.63% interest in CPS. The acquisition of the Units occurred at the time of the original capitalization of CPS.

4. CPS was formed in 2005 as an outpatient surgery facility in Plano, Texas. Construction on CPS' facility was completed in 2006. CPS currently performs cases in the following medical specialties: GI, Dermatology, Ophthalmology, Dental Surgery, Orthopedic Surgery, ENT, General Surgery, Plastic Surgery, and Urology.

5. Since 2006, the Units have generated Unrelated Business Taxable Income (UBTI) under Code section 511. It is represented that the Plan has paid income taxes equal to $74,789 in 2006 and $58,937.00 in 2007 resulting from the UBTI. It is estimated that for the 2008 tax year, the Plan will pay $59,000 in income tax based on the UBTI. It is represented that the Account has borne the entire tax burden on behalf of the Plan. Due to the burden on the Account for paying taxes generated by the UBTI, Dr. Ewalt determined that selling the Units was in the best interest of the Account. Following the Sale, the Account would no longer be subject to UBTI liability. Because CPS is a medical provider, only physicians or entities representing physicians could purchase the Units. Moreover, the general partner of CPS must also approve any sales of the Units to any outside physicians or entities that represent physicians. Accordingly, Dr. Ewalt proposes to purchase the Units from the Account.

6. The Employer hired Vincent Kickirillo (the Appraiser) of VMG Health, LLC, to appraise the value of the Units. He is a member of the Association for Investment Management and Research, the National Association of Certified Valuation Analysts and the Dallas Society of Financial Analysts. In addition, he holds a Chartered Financial Analyst designation. Neither the Appraiser nor VMG Health, LLC have any affiliation with the Employer and less than one percent of the income received by VMG Health, LLC is generated from services rendered to the Plan or any party in interest with respect to the Plan. The Appraiser applied a minority discount to the Units of 25 percent when compared to a controlling interest stake. The Appraiser valued each one percent interest of ownership of CPS at $175,000 as of January 9, 2008. Since the Units represent a 4.63% interest in CPS, the value of the Units as of January 9, 2008 was $810,250 ($175,000 x 4.63).

7. On August 1, 2008, Cook Children's Health Care System (Cook) completed a capital investment in CPS that resulted in Cook's ownership of 51 percent of the aggregate ownership interest CPS. Cook is not a party in interest to the Plan. The Cook investment did not represent an actual purchase from the Account of any

of the Units. Instead, the Cook investment represented an injection of capital into CPS which resulted in the issuance of additional ownership units to Cook and dilution of the then existing investors of CPS.

8. Prior to the investment by Cook, individual investors, including the Account, together held an 81 percent aggregate interest in CPS, while the remaining 19 percent interest was held by Nuettera Holdings, LLC, (Nuettera) the entity providing business management services to CPS. Following the investment by Cook, the individual investors' aggregate interest in CPS has been reduced to 44 percent and the interest held by Nuettera Holdings, LLC has been reduced to five percent.[6] Due to the Cook investment and the resulting dilution and reduction of the ownership of the individual investors, the Account's aggregate interest in CPS decreased from 4.63 percent to 2.52 percent. As consideration for this dilution of their ownership interest, the previous investors received a special cash distribution from CPS. The Account's share of this cash consideration was $408,954.00. This amount was deposited in the Account and invested in accordance with Dr. Ewalt's directions. On March 30, 2009, the Appraiser updated his appraisal concerning the value of a one percent ownership interest in CPS as a result of the Cook investment. The Appraiser determined that a one percent interest in CPS is valued at $175,000. Therefore, the current value of the Units which now represent a 2.52% interest in CPS is valued at $441,000 (2.52 x $175,000).

9. In summary, it is represented that the Sale satisfies the statutory criteria for an exemption under Section 408(a) of the Act for the following reasons: (a) The Sale to Dr. Ewalt is a one-time transaction for cash; (b) the Closing Date occurs within 60 days of grant of the final exemption; (c) the Units will be sold to Dr. Ewalt at the greater of the fair market value of the Units as of the Closing Date, as determined by a qualified, independent appraiser, or $441,000; (d) In addition to the sale price described above, the Account will have received $408,954.00 from Cook in consideration for the reduction of the Account's interest in CPS; (e) the Sale proceeds from the transaction are credited simultaneously to Dr. Ewalt's Account as the transfer of the Units' title to Dr. Ewalt; (f) the Account pays no fees, commissions or other costs and expenses associated with the Sale; (g) The terms and conditions of the Sale remain at least as favorable to the Account as the terms and conditions obtainable under similar circumstances negotiated at arm's length with an unrelated party.

Notice to Interested Parties: Notice of the proposed exemption shall be given to all interested persons in the manner agreed upon by the Employer and Department within 15 days of the date of publication of this notice of proposed exemption in the **Federal Register**. Comments and requests for a hearing are due forty-five (45) days after publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Anh-Viet Ly of the Department, telephone (202) 693–8648 (this is not a toll-free number).

Ford Motor Corporation and Its Affiliates (Collectively, Ford) Located in Detroit, MI

[Application No. L–11451]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990).

Section I. Covered Transactions

If the exemption is granted, the restrictions of sections 406(a)(1)(B), 406(a)(1)(D), 406(b)(1), and 406(b)(2) of the Act shall not apply, effective July 13, 2006, to: (1) Monthly cash advances to Ford by the Independent Health Care Trust for UAW Retirees of Ford Motor Company (the DC VEBA), as defined in section III(f), below, of this exemption, to reimburse Ford for the estimated mitigation of certain health care expenses (the Mitigation), as defined in section III(h), below, of this exemption, and during the period from July 14, 2006 through February 28, 2007, for the payment of dental expenses incurred by participants in the DC VEBA; and (2) an annual ''true-up'' of the Mitigation payments and dental expenses against the actual expenses incurred, with the result that: (a) if Ford has been underpaid by the DC VEBA, Ford receives the balance outstanding from the DC VEBA with interest, or (b) if the DC VEBA has overpaid Ford, Ford reimburses the DC VEBA for the amount overpaid, with interest.

Section II. Conditions

This proposed exemption is conditioned upon adherence to the material facts and representations described herein and upon satisfaction of the following conditions:

(a) A committee (the Committee), as defined in section III(d), below, of this exemption, acting as a fiduciary independent of Ford, has represented and will continue to represent the DC VEBA and its participants and beneficiaries for all purposes with respect to the Mitigation process under the settlement agreement (the DC VEBA Settlement Agreement or the Settlement Agreement), as defined in section III(g), below, of this exemption.

(b) The Committee for the DC VEBA has discharged and will continue to discharge its duties consistent with the terms of the DC VEBA and the Settlement Agreement.

(c) The Committee and actuaries retained by the Committee have reviewed and approved and will continue to review and approve the estimation process involved in the Mitigation, which results in the monthly Mitigation amount paid to Ford.

(d) Outside auditors retained by the Committee, along with an administrative company that is partly owned by the DC VEBA, have audited and will audit the calculation of the true-up to determine whether there are any differences between the estimated Mitigation and actual Mitigation amounts and have made and will make such information available to Ford.

(e) Ford has provided various reports and records to the Committee concerning dental care reimbursements for the period from July 14, 2006, through February 28, 2007, which were subject to review and audit by the Committee, and Ford has provided and will continue to provide various reports and records to the Committee concerning the Mitigation required under the Settlement Agreement which were and will continue to be subject to review and audit by the Committee.

(f) The terms of the covered transactions are no less favorable and will continue to be no less favorable to the DC VEBA than the terms negotiated at arm's length under similar circumstances between unrelated third parties.

(g) The interest rate applied to any true-up payments is a reasonable rate, as

[6] Nuetttera was engaged to provide management services for the surgery center. Nuettera held an ownership interest in CPS, but that interest was represented by units of a different class (Class II units) than those held by the physician practitioners who owned the remaining interests in CPS (Class I units). When Cook acquired its interest in CPS in 2008, it acquired both Class I and Class II units. The dilution of Nuettera's interest in CPS was proportionately greater than the dilution of the physicians' interests because Cook acquired seventy-five percent (75%) of the Class II units. In contrast, the aggregate ownership of the physicians was diluted by roughly fifty-four percent (54%) following the Cook investment. The reason the relative dilution of the two groups was different was a result of the fact that the two groups owned different classes of units.

set forth in the DC VEBA Settlement Agreement, and will continue to be a reasonable rate that runs from the beginning of the year being trued up and does not and will not present a windfall or detriment to either party.

(h) The DC VEBA has not incurred and will continue not to incur any fees, costs, or other charges (other than those described in the DC VEBA and the DC VEBA Settlement Agreement) as a result of the covered transactions described herein.

(i) Ford and the Committee have maintained and will continue to maintain for a period of six (6) years from the date of any of the covered transactions, any and all records necessary to enable the persons described in section II(j), below, of this exemption to determine whether conditions of this exemption have been and will continue to be met, except that (1) a prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of Ford or the Committee, the records are lost or destroyed prior to the end of the six-year period, and (2) no party in interest other than Ford or the Committee shall be subject to the civil penalty that may be assessed under section 502(i) of the Act if the records are not maintained, or are not available for examination as required by section II(j), below, of this exemption.

(j)(1) Except as provided in section II(j)(2), below, of this exemption and notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the Act, the records referred to in section II(i), above, of this exemption have been or will be unconditionally available at their customary location during normal business hours to:

(A) Any duly authorized employee or representative of the Department;

(B) The International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (the UAW) or any duly authorized representative of the UAW;

(C) Ford or any duly authorized representative of Ford; and

(D) Any participant or beneficiary of the DC VEBA, or any duly authorized representative of such participant or beneficiary.

(2) None of the persons described in section II(j)(1)(B) or (D), above, in this exemption is authorized to examine the trade secrets of Ford, or commercial or financial information that is privileged or confidential.

Section III. Definitions

For purposes of this proposed exemption, the term—

(a) ''Ford'' means Ford Motor Company and its affiliates.

(b) ''Affiliate'' means:

(1) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such other person;

(2) Any officer, director, or partner, employee or relative (as defined in section 3(15) of the Act) of such other person; or

(3) Any corporation, partnership or other entity of which such other person is an officer, director or partner. (For purposes of this definition, the term ''control'' means the power to exercise a controlling influence over the management or policies of a person other than an individual.)

(c) ''Class'' or ''Class Members'' mean all persons who, as of the ratification date (the Ratification Date), as defined in section I(a) of the Settlement Agreement, (*i.e.,* December 22, 2005) were: (1) Ford/UAW hourly employees who had retired from Ford with eligibility to participate in retirement in the Hospital-Surgical-Medical-Drug-Dental-Vision Program (the Original Plan), as in effect prior to the Ratification Date, or (2) the spouses, surviving spouses, and dependents of Ford/UAW hourly employees, who, as of the Ratification Date, were eligible for post-retirement or surviving spouse health care coverage under the Original Plan as a consequence of a Ford/UAW hourly employee's retirement from Ford or death prior to retirement. Active employees, as defined in section I(A) of the Settlement Agreement, are not members of the Class.

(d) ''Committee'' means the seven (7) individuals, consisting of two classes: (1) The UAW with three members, and (2) the public class with four members, who act as the named fiduciary and administrator of the DC VEBA.

(e) ''Court'' or ''Michigan District Court'' means the United States District Court for the Eastern District of Michigan.

(f) ''DC VEBA'' means the defined contribution—Voluntary Employees' Beneficiary Association trust established by Ford pursuant to the Settlement Agreement and the trust agreement (the Trust Agreement).

(g) ''DC VEBA Settlement Agreement'' or the ''Settlement Agreement'' means the agreement, dated February 13, 2006, which was entered into between Ford, the UAW, and class representatives, on behalf of a class of plaintiffs in a class action suit cited as *Int'l Union, UAW, et. al. v. Ford Motor Company* (Civil Case No. 05–74730 (E.D. Mich. July 13, 2006), *aff'd,* 497 F.3d 615 (6th Cir. 2007) (hereinafter referred to as the Hardwick I Case).

(h) ''Mitigation'' means the reduction of monthly contributions, deductibles, out-of-pocket maximums, co-insurance payments, or any other payment in accordance with section 14 of the Settlement Agreement to the extent payments from the DC VEBA are made, as directed by the Committee, to Ford and/or to providers, insurance carriers and other agreed-upon entities.

(i) ''OPEB'' means Other Post-Employment Benefits. The OPEB Valuation is an actuarially developed valuation of a company's post retirement benefit obligations, other than for pension and other retirement income plans. The OPEB Valuation is based on a set of uniform financial reporting standards promulgated by the Financial Accounting Standards Board and embodied in Financial Accounting Standard 106, as revised from time to time. The types of benefits addressed in an OPEB Valuation typically are retiree healthcare (medical, dental, vision, hearing) life insurance, tuition assistance, and legal services

(j) ''Shares'' or ''Stock'' refers to the common stock of Ford for which the par value is $.01.

(k) ''UAW'' means the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America or the United Auto Workers, if shortened.

(l) ''VEBA'' means a voluntary employees' beneficiary association.

(m) ''Defined Contribution Plan'' or ''the Defined Contribution Plan of the Independent Health Care Trust for UAW Retirees of Ford Motor Company'' means the defined contribution welfare benefit plan funded by the DC VEBA following the effective date (the Effective Date), as defined in section I(A) of the Settlement Agreement (*i.e.,* July 13, 2006), which will include the requirement to make contributions to the DC VEBA, as set forth in section 13 of the Settlement Agreement.

Effective Date: If granted, this proposed exemption will be effective as of July 13, 2006.

Summary of Facts and Representations

1. Ford is primarily engaged in automotive production and marketing operations. Ford designs, manufactures, and markets vehicles worldwide, with its largest operating presence in North America. As of December 31, 2005, Ford had approximately 131,000 active employees in the United States, of whom approximately 86,000 are represented by the UAW and other unions. Approximately 590,000 retirees and dependents in the U.S. receive

retiree health benefits from Ford, and of this total, as of January 1, 2006, approximately 170,000 are hourly retirees and spouses, surviving spouses, and eligible dependents.

Ford is a corporation organized under the laws of the State of Delaware and maintains its headquarters in Dearborn, Michigan. As of December 17, 2007, Ford had total assets of $279,264,000,000, as reported in the consolidated balance sheet in Ford's Form 10–k filed for the fiscal year ended December 31, 2007.

2. The DC VEBA Settlement Agreement, dated February 13, 2006, was entered into among Ford, the UAW, and class representatives, on behalf of plaintiffs (*i.e.,* the Class Members), in the Hardwick I Case. The Settlement Agreement was approved by the United States District Court for the Eastern District of Michigan in an order dated July 13, 2006, and was affirmed by the United States Court of Appeals for the 6th Circuit in 2007. The Hardwick I Case contested whether Ford had the right to unilaterally modify retiree welfare benefits for hourly retired Ford employees who had been represented by the UAW. The settlement of the Hardwick I Case provided Ford with the opportunity to address its retiree health care costs in an agreed-upon fashion without compromising the future rights of Ford, the UAW, and the hourly retired Ford employees.

3. Ford's spiraling retiree health care costs were at the heart of the Hardwick I Case. Ford and the UAW engaged in discussions regarding the impact of rising health care costs on Ford's financial condition. In conjunction therewith, Ford provided the UAW and the Class with extensive information as to its financial condition and its health care expenditures. Separate teams of investment bankers, actuaries, and legal experts reviewed Ford's information and provided an assessment to the UAW and to the Class as to the state of Ford's financial condition. Upon completion of such review, the UAW, the representatives of the Class, and counsel to the Class concluded that, without the Settlement Agreement, Ford's ability to provide retiree health care benefits to Class Members would be unlikely over the long term.

4. The Settlement Agreement modifies the health plan that Ford sponsors for its hourly retirees and their enrolled spouses and dependents. The modified plan imposes new cost sharing requirements with respect to retiree health benefits. Specifically, the Ford modified retiree health plan will require hourly retiree participants to make monthly contributions toward the cost of their retiree health coverage, and also imposes annual deductibles, out-of-pocket maximums, and certain co-insurance payments on participants and beneficiaries.

In order to soften the impact of these new cost sharing obligations, the Settlement Agreement created a new employee welfare benefit plan, as described in section 3(1) of the Act. The new welfare benefit plan is called the Defined Contribution Plan of the Independent Health Care Trust for UAW Retirees of Ford Motor Company (the Defined Contribution Plan). The purpose of the Defined Contribution Plan is to provide mitigation to the affected Ford retirees of the costs shifted to them and no longer to be paid by the Ford modified health plan.

5. The Defined Contribution Plan Mitigation benefits will be paid from a new voluntary employee beneficiary trust, the DC VEBA, controlled by a seven (7) member Committee which is independent of Ford. The DC VEBA qualifies as a ''voluntary employees' beneficiary association'' within the meaning of section 501(c)(9) of the Code. The DC VEBA was established on July 18, 2006, through a welfare benefit trust (the Trust), as described under section 419(A)(f)(5)(A) of the Code. The Trust was established by the Trust Agreement between State Street Bank and Trust (the Trustee) and Ford.

Under the terms of the Settlement Agreement, Ford is required to make certain contributions to the DC VEBA. In this regard, Ford is obligated to make a contribution in cash in the amount of $30 million as soon as practicable following the Effective Date (*i.e.,* July 13, 2006) of the Settlement Agreement. It is represented that on August 10, 2006, the initial cash contribution in the amount of $30 million was paid into the DC VEBA. Ford is obligated to make a second contribution in cash in the amount of $35 million on the third anniversary of the first contribution and to make a third contribution in cash in the amount of $43 million in 2011, on the anniversary of the first contribution. It is represented that Ford's obligation to make the second contribution and, if necessary, the third contribution, will be moved up to the extent necessary in order to enable the DC VEBA to continue paying mitigation at the initial mitigation level.

In addition, monthly cash contributions relating to certain wage increases and COLA amounts for active hourly employees will be diverted into the DC VEBA. Further, a series of contributions in cash (the Contribution Obligation) based on the increase in the notional value of 8,750,000 shares of common stock of Ford (the Notional Shares) will be made. Each of these cash contributions will be equal to the value of any appreciation in the share price of Ford common stock over a value based on a share price of $8.145. One third of the Notional Shares shall be taken into account on the Effective Date of the Settlement Agreement (*i.e.,* July 13, 2006); one third on the first anniversary of the Effective Date; and the final third on the second anniversary of the Effective Date. The right to such cash contributions is non-transferable, and the DC VEBA shall have no shareholder rights with respect to such cash contributions based on Notional Shares. It is represented that the calculation of such cash contribution will be based on the average price per share of Ford common stock for the five (5) consecutive trading days ending on the day preceding the applicable of the three (3) calculation dates. In the event of a special dividend issued by Ford prior to the third anniversary of the Effective Date, Ford will be obligated to make a contribution in cash equal to the per share dividend times the total number of Notional Shares minus the number of Notional Shares with respect to which Ford has already made a cash contribution based on such Notional Shares.

Under section 13.C of the Settlement Agreement, no contributions are payable by Ford to the DC VEBA, unless and until Ford has received either assurances that such contributions are covered by an exemption issued by the Department, or do not violate section 406 and 407 of the Act. In this regard, with respect to the value of the Notional Shares, as of the Effective Date of the Settlement Agreement (*i.e.,* July 13, 2006), Ford's common stock had not increased above the base value as set forth in section 13.C of the Settlement Agreement, and, as a result, no contribution was due to the DC VEBA with respect to that measurement date. As of the first anniversary of the Effective Date, (*i.e.,* July 13, 2007), Ford's common stock had increased over the base value; however, based on section 13.C of the Settlement Agreement, Ford declined to make a contribution at that time. In this regard, pursuant to section 13.C, Ford and the UAW have the option to agree upon a contribution to replace the Contribution Obligation, as set forth therein, if certain alternatives had not been satisfied by the first anniversary of the Effective Date of the Settlement Agreement. Because neither of the alternatives were satisfied by such date, Ford and the UAW agreed in the Memorandum of

Understanding on Post Retirement Medical Care, dated November 3, 2007, (the MOU) (as subsequently embodied in a settlement agreement, dated March 28, 2008, (the New Settlement Agreement), that Ford shall satisfy its Contribution Obligation, pursuant to section 13.C, by making an aggregate cash contribution of $33 million to the DC VEBA, within five (5) days of the ''Final Effective Date'' (as defined in the New Settlement Agreement) [7] in full satisfaction of Ford's obligations thereunder.

6. The Committee acts as the named fiduciary and administrator for the Defined Contribution Plan and is responsible for the administration, operation, management and interpretation of the Trust, as set forth in the Trust Agreement. In this regard, the Committee appoints (and may remove) the Trustee, the investment managers of the DC VEBA's assets, and other suitable professionals and agents to provide advice and services to the Committee or the Trust. The Committee's duties include directing the investment of the assets of the Trust, except and to the extent that the Committee has invested such authority in the Trustee or has appointed an investment manager. In addition the Trust may be amended in writing at any time and from time to time, in whole or in part, by the action of the Committee. It is represented that Ford has no right to amend the Trust at any time.

The Committee is comprised of seven individuals, consisting of two classes, the ''UAW class,'' and the ''public class.'' The UAW Class has three (3) members which are appointed by the UAW and serve at the discretion of the UAW. The members of the UAW class may be removed or replaced at any time by written notice by the President of the UAW to the members of the Committee.

The public class has four (4) members who serve terms of four (4) years, except that the initial members serve terms, as set forth in the Trust Agreement. In the event of a vacancy in the public class, whether by expiration of a term, resignation, removal, incapacity, death or otherwise, the public class will elect a new member of the public class by majority vote of the continuing public class members, excluding such member vacating his or her seat. A public class member can be removed by the affirmative vote of any five (5) other members of the Committee at any time.

One of the members of the public class serves as the Chair of the Committee. William E. Spriggs serves in the capacity as Chairman of the Committee. The Committee Chair serves for a term of two (2) years. Any successor Committee Chair will be elected by a majority vote of the Committee.

All of the members of the Committee are independent of Ford. The members of the Committee do not include any Ford representative, and Ford does not have any authority to select members of the Committee. No member of the Committee may be an affiliate of Ford, as the term, ''Affiliate,'' is defined in section III(b), above of this exemption, including a current or former officer, director or salaried employee of Ford. No member of the public class may be an active employee or retiree of the UAW, nor may any member of the public class have any financial or institutional relationship with Ford, with the Committee or any Committee member that the Committee, in its sole discretion determines to be material.

The Committee handles administrative tasks on behalf of the DC VEBA and the Defined Contribution Plan which is funded by the DC VEBA, as described in the Settlement Agreement, through Retiree Health Administration Company, LLC (RHAC). RHAC is a limited liability company set up to administer the Defined Contribution Plan on behalf of the Committee. RHAC is jointly owned by the UAW–GM VEBA and the DC VEBA. RHAC has joined and will continue to join with the Committee's outside auditors in auditing the calculation of the true-up in connection with the Defined Contribution Plan.

RHAC also administers the provision of dental coverage to eligible retirees by the DC VEBA. For the plan year beginning in July 2006 and for January and February of 2007, Ford provided dental coverage for UAW–Ford retirees and surviving spouses and their dependents, and the DC VEBA reimbursed Ford for the claims and premiums attributable to this group. From and after March 1, 2007, dental benefits are provided by the DC VEBA to eligible groups separate and apart from Ford, without Mitigation or reimbursement arrangement of any kind. The DC VEBA has contracted directly with carriers for dental services and has paid the applicable claims and premiums directly. Claims processing is contracted out to Blue Cross Blue Shield of Michigan. Maintaining eligibility records is contracted to Ford's National Employee Service Center which also provides a call center to respond to participant needs. RHAC pays the bills, negotiates and monitors outside vendor contracts, audits claims and eligibility, coordinates the activities of outside professionals, and provides for certain other needs of the Committee with respect to the provision of dental benefits.

The Committee has retained George Johnson & Company as its outside auditor responsible for the audit of the financial statements for the DC VEBA and the Defined Contribution Plan, including preparation of certain annual form filings. The Committee has also retained Plante & Morgan, L.L.P. (Plante) as its outside auditor responsible for assisting the staff of the Committee with the review of differences between estimated and actual Mitigation amounts. As such, Plante has audited the calculation of the true-up and has made and will continue to make, such information available to Ford.

The Committee has retained Milliman, Inc. (Milliman), as its actuary. The Committee and Milliman have reviewed and approved the estimation process which results in the monthly Mitigation amounts paid to Ford and will continue to do so.

7. As of December 31, 2006, the DC VEBA had cash of approximately $119 million. The DC VEBA uses its assets to mitigate the cost sharing requirements imposed on the retirees by the Settlement Agreement. Initial levels of Mitigation are set forth in the Settlement Agreement, and may be modified later by the Committee in accordance with the terms of the Settlement Agreement and the Trust Agreement.

8. The initial Mitigation levels provide for Mitigation of monthly retiree contributions down to $10 per individual and $21 per family (from $50 per individual, and $105 per family). Deductibles will be mitigated down to an annual maximum of $150 per individual (from $300 per individual) and $300 per family (from $600 per family). The out-of-pocket maximum will be mitigated so that it is capped for in-network benefits at $250 per individual per year (from $500 per individual) and $500 per family per year (from $1,000 per family), and capped for out-of-network benefits at $500 per individual (from $1,000 per individual) and $1,000 per family (from $2,000 per family). It is represented that the Mitigation provided by the Defined Contribution Plan through the DC VEBA provides a significant benefit to participants who would otherwise be

[7] It is represented that ''Final Effective Date'' means the later of the date on which the U.S. District Court enters the approval order or the date on which Ford has completed, on a basis reasonably satisfactory to Ford, its discussions with the staff of the SEC regarding certain accounting treatment with respect to the New VEBA and Ford's post-employment retiree health obligation for the covered group.

required to make these payments out of their own pockets.

In addition, dental benefits were provided from July 2006 through February 2007, pursuant to a reimbursement arrangement with Ford. Since March 1, 2007, however, the DC VEBA has been the sole source of dental benefits for eligible groups.

9. In order to reduce the administrative burden on the DC VEBA, and avoid having participants initially pay the costs and subsequently request reimbursement upon submission of documentation, the Settlement Agreement contemplates having Ford act as the conduit through which the DC VEBA will make Mitigation. Specifically, Ford will make certain payments that hourly retirees and their enrolled dependents would otherwise be required to make out of their own pockets. Ford will then accept Mitigation payments from the DC VEBA and apply such payments in accordance with the direction and instruction of the Committee for the benefit of the participants in the Defined Contribution Plan.

This reimbursement process anticipates monthly advance payments to Ford from the DC VEBA of the actuarially anticipated cost of the initial Mitigation amounts, with a true-up no later than December 23 of the following calendar year.

Specifically, the Mitigation process will work as follows: Annually, no later than May 1 of the preceding year, the Committee will inform Ford of the Mitigation levels for the following calendar year. Thereafter, no later than September 1 of the year preceding the forthcoming Mitigation year, Ford will provide the Committee with a preliminary estimate of the annual mitigation amount for the following calendar year. On December 1 of the preceding year, Ford will provide the Committee with the actuarially-determined, final estimated annual mitigation amount. Both the preliminary and final estimated mitigation amounts need to be agreed to by the Committee. Then, as of the beginning of the calendar year of Mitigation, the DC VEBA will pay to Ford on a monthly basis an amount equal to 1/12 of the final estimated annual mitigation amount.

No later than December 1 following the calendar year in which the monthly estimated mitigation payments have been made, Ford and the DC VEBA will engage in a true-up process. Ford will provide the Committee an actuarial report that determines the actual annual Mitigation amount and compares it to the estimated annual Mitigation payments that Ford received during the prior year. No later than December 23 of the year following the year being trued-up, a true-up payment either will be paid by the DC VEBA to Ford, or by Ford back to the DC VEBA. Interest for any late payments, or for any true-up payment (whether from Ford back to the DC VEBA or from the DC VEBA to Ford) will be paid at the interest rate [8] for Other Post-Employment Benefits (the OPEB), as defined in section III(i) of this exemption. In addition, Ford is required to provide detailed quarterly reports to the Committee detailing retiree health claims experience, and the Committee shall have the right to request a reasonable audit of Ford's books and records with respect to Mitigation payments made to Ford by the DC VEBA. The amount of any true-up payment will need to be approved by the Committee. If there is a dispute as to the true-up report or the amount of the true-up payment, undisputed amounts will be paid and the parties will enter into an arbitration dispute process, as set forth in the Settlement Agreement, which involves independent decision-makers who will resolve any true-up dispute.

10. It is represented that the DC VEBA has made estimated Mitigation payments for health care to Ford for every month beginning with August 2006 and continuing to the present. The DC VEBA has separately reimbursed Ford for dental claims and premiums that Ford paid on behalf of the participants in the DC VEBA for the period from July 14, 2006, through February 28, 2007. As stated previously in this proposed exemption, beginning March 1, 2007, the DC VEBA has contracted directly for dental services for its participants. It is represented that the amount of the dental reimbursement payments for 2006 and 2007 do not include the monthly administrative fee paid to Ford for maintaining eligibility records and providing a call center to respond to participant needs.[9] For the period July 2006, through December 2006, the DC VEBA made total Mitigation reimbursement payments to Ford for health care and dental benefits of approximately $30,755,460 and $16,141,185, respectively. For the period January 2007, through December 2007, the DC VEBA made total Mitigation reimbursement payments to Ford for health care and dental benefits of approximately $83,900,004 and $14,891,491, respectively. For the period January 2008, through March 2008, the DC VEBA made total Mitigation reimbursement payments to Ford solely for health care benefits of approximately $22,375,000. For the period April 2008, through April 2009, the DC VEBA made total Mitigation reimbursement payments to Ford solely for health care benefits of approximately $30,873,428.

On February 7, 2008, Ford paid to the DC VEBA a 2006 true-up payment in the amount of $866,387. In addition, Ford paid to the DC VEBA interest in the amount of $74,929.91 in two (2) payments dated February 7, 2008, and April 17, 2008, of approximately $72,777 and $2,153, respectively. The total true-up payment for the year 2006, including interest, was $941,316.91. The total true-up payment for the year 2007, including interest of $46,368, was $492,305. The true-up amount for 2008 will not be determined until the fall of 2009.

11. Ford requests a retroactive administrative exemption from the Department with respect to the following transactions: (a) monthly cash advances to Ford by the DC VEBA to reimburse Ford for the estimated Mitigation of certain health care expenses and for the payment of certain dental expenses incurred by participants in the DC VEBA; and (b) an annual true-up of such Mitigation payments and such dental expenses. Further, in this regard, if Ford is underpaid by the DC VEBA, it would receive the balance outstanding from the DC VEBA, with interest. Conversely, if the DC VEBA overpaid Ford, Ford would reimburse the DC VEBA for the amount overpaid, with interest. Accordingly, Ford requests retroactive

[8] The OPEB interest rate, as defined in section 13(D) of the Settlement Agreement, is the discount rate used by Ford's health care actuaries in accordance with the Financial Accounting Standard 106 (FAS 106) actuarial valuation for the applicable period. Ford has also represented that the OPEB interest rate is the discount rate that a company uses to value ''Other Post-Retirement Employee Benefits'' for FAS 106 accounting reporting. The discount rate is based on market yields, as of a plan's annual measurement date, on high quality fixed income securities of duration similar to the benefit obligation. For purposes of Ford's retiree health obligation, its OPEB interest rate is developed each year in consultation with its outside accountants. Ford used an OPEB interest rate of 5.75% in 2005, of 5.75% in 2004, and of 6.25% in 2003 relating to retiree health.

[9] Ford relies on the relief provided by the statutory exemption, pursuant to section 408(b)(2) of the Act, in connection with Ford's providing the DC VEBA with monthly administrative services, maintaining eligibility records, and providing a call center to respond to participant needs. The Department, herein, is offering no view, as to whether the provision of such services rendered by Ford to the DC VEBA is covered by the statutory exemption provided in section 408(b)(2) of the Act and the Department's regulations, thereunder, pursuant to 29 CFR 2550.408(b)-2. Further the Department is not providing, herein, any relief with respect to the provision of such services to the DC VEBA by Ford.

relief from sections 406(a)(1)(B), and 406(a)(1)(D), respectively, because these transactions could be deemed to constitute the lending of money or extension of credit between the DC VEBA and Ford, a party in interest, or could be viewed as the use by or for the benefit of a party in interest of plan assets.

With respect to violations of section 406(b) of the Act, in the opinion of Ford, the involvement in such transactions by the Committee, a fiduciary of the Defined Contribution Plan and the DC VEBA that is independent of Ford, eliminates any issues under section 406(b) of the Act. However, to eliminate any uncertainty respecting the issue, Ford seeks retroactive relief under section 406(b)(1) and (b)(2) of the Act. If granted, the exemption would be effective as of July 13, 2006.

As discussed in paragraph 5, above of the Summary of Facts and Representations of this proposed exemption, the Settlement Agreement grants to the DC VEBA a right to receive, and obligates Ford to make contributions that are based on the increase in the notional value of 8,750,000 shares of Ford common stock. Such contributions will be non-transferable cash contributions determined on each of (i) the Effective Date of the Settlement Agreement (*i.e.,* July 13, 2006), (ii) the first anniversary of the Effective Date, and (iii) the second anniversary of the Effective Date. The Department is not providing exemptive relief herein with respect to the Contribution Obligation because, in the view of the Department, the Contribution Obligation is merely a contractual provision evidenced in the DC VEBA Settlement Agreement which is designed to determine the amount of additional cash contributions that must be made to the DC VEBA.[10]

12. It is represented that the Mitigation payments significantly benefit the interests of Ford hourly retirees and their covered dependents. Having the Mitigation paid directly from the DC VEBA would otherwise involve significant delays and out of pocket expenditures by plan participants.

13. Without an administrative exemption, Ford states that the DC VEBA would be required to establish a costly administrative scheme to reimburse participants in the DC VEBA. In this regard, Ford retirees' would be charged the full costs of the monthly contributions, co-pays, and deductibles. These retirees would then have to apply for reimbursement payments, via a claim form, from the DC VEBA or its retained third party administrator. This alternative would have the dual effect of significantly delaying payments to the retirees and placing large and expensive administrative burdens on the DC VEBA, and hardship on the retirees themselves.

14. It is represented that the proposed exemption is administratively feasible with terms clearly established in the Settlement Agreement and the Trust document. Further, implementation of the covered transactions provides the resolution to the Hardwick I Case, enabling Ford to fund the DC VEBA and provide Mitigation amounts to the retirees.

15. The proposed exemption contains sufficient safeguards in that Ford and the UAW negotiated at arm's length over the terms of the covered transaction and such terms were memorialized in a court-approved Settlement Agreement involving both the UAW and Class Counsel. In addition, the UAW, which represents the interests of the Ford hourly retirees and their dependents, fully supports the requested exemption. Further the terms of the Settlement Agreement, including the Mitigation payment process and the DC VEBA contribution rules, were subject to a fairness hearing and a judicial determination that it is fair and reasonable to Ford hourly retirees.

It is represented that the calculation of the Mitigation payments is subject to the strict scrutiny of actuaries retained by the DC VEBA and requires the ultimate approval of the Committee. The process by which the Mitigation payments are established ensures that the monthly Mitigation payments will reflect an actuarially sound estimate of the projected mitigation costs.

The Committee, acting as independent fiduciary of the Defined Contribution Plan and the DC VEBA, ensures that the cash contributions based on the value of Notional Shares are correctly calculated and timely contributed to the DC VEBA.

Finally, the interest rate used to calculate the true-up payments is a reasonable rate, as set forth in the DC VEBA Settlement Agreement and does not present a windfall or detriment to either Ford or the DC VEBA.

16. Ford and the Committee will each maintain records of covered transactions for a period of six (6) years. The Committee maintains records of payments made or received by the DC VEBA, quarterly reports, and dental claims records, but no other health benefit claims records. Ford has provided the reports required under the Settlement Agreement with respect to the estimated Mitigation and the true-up. Ford will continue to provide all reports and records concerning the Mitigation required under the Settlement Agreement, and such reports have been and will continue to be subject to review and audit by the Committee, as provided in the Settlement Agreement.

17. It is represented that ultimately, the DC VEBA will be terminated and its assets transferred to a new VEBA (the New VEBA). However, several steps will occur before this happens. These steps were first described in the MOU, dated November 3, 2007, and agreed to by Ford and the UAW. The terms of the MOU were subsequently embodied in the New Settlement Agreement between Ford and the UAW, and the Class representatives, on behalf of the applicable class in: (a) The class action of *Int'l Union, UAW, et. al.* v. *Ford Motor Company,* Civil Action No. 07–14845 (E.D. Mich. filed Nov. 9, 2007) and/or (b) the class action of the Hardwick I Case. The New Settlement Agreement resolves and settles any and all claims for Ford contributions to the DC VEBA, and provides for the termination of the DC VEBA and the transfer of all assets and liabilities of the DC VEBA to the New VEBA. In the event of an inconsistency between the New Settlement Agreement and any prior agreements or documents, including the MOU, the New Settlement Agreement will control.

In the negotiations leading to the MOU and the New Settlement Agreement, Ford advised the UAW of its intent to terminate the Hardwick I Case Settlement Agreement in accordance with its terms in 2011 and exercise its right to terminate and/or modify retiree health coverage for all UAW retirees and their dependents, and the UAW reasserted its position that post-retirement medical coverage for current UAW retirees is vested and unalterable.

The New Settlement Agreement provides that as of the day following the ''Implementation Date'' (as defined in the New Settlement Agreement), the ''New Plan'' (as defined in the New Settlement Agreement) and the New VEBA shall be the employee welfare benefit plan and trust that are exclusively responsible for all retiree medical benefits for which Ford, the Ford Retiree Health Plan (as defined in the New Settlement Agreement), and any other Ford entity or benefit plan

[10] The Department further believes that the Contribution Obligation is not an ''employer security: Within the meaning of section 407(d)(1) of the Act. Since it appears that the Contribution Obligation does not result in the acquisition or holding by the DC VEBA of an ''employer security,'' the Department has not proposed separate exemptive relief herein with respect to such obligation.

formerly would have been responsible with regard to the class and covered group.

With regard to the DC VEBA, section 12.C of the New Settlement Agreement states that the ''Approval Order'' (as defined in the New Settlement Agreement) shall direct the Committee and the Trustee of the DC VEBA to transfer all assets and liabilities of the DC VEBA to the New VEBA and terminate the DC VEBA within fifteen (15) days after the Implementation Date. This transfer of assets and liabilities shall include, but not be limited to, the transfer of all rights and obligations granted to or imposed on the DC VEBA under section 14.C of the Settlement Agreement. Further, Ford agrees that, on the day following the Implementation Date, the New VEBA shall be substituted for the DC VEBA for such purposes. The Approval Order shall further provide that the DC VEBA shall be terminated after this payment is made.

In addition, the New Settlement Agreement makes certain provisions with respect to the wage and COLA deferrals and other contributions payable to the DC VEBA, and further provides that Ford shall satisfy the Contribution Obligation, set forth in section 13.C of the Settlement Agreement by making an aggregate cash contribution of $33 million to the DC VEBA within five (5) days of the Final Effective Date in full satisfaction of its obligations thereunder.

18. In summary, Ford represents that the transactions have satisfied and will continue to satisfy the statutory criteria for an exemption under section 408(a) of the Act because:

(a) The Committee, acting as a fiduciary independent of Ford, has represented and will continue to represent the DC VEBA and its participants and beneficiaries for all purposes with respect to the Mitigation process under the Settlement Agreement.

(b) The Committee for the DC VEBA has discharged and will continue to discharge its duties consistent with the terms of the Settlement Agreement.

(c) The Committee and actuaries retained by the Committee have reviewed and approved and will continue to review and approve the estimation process involved in the Mitigation, which results in the monthly Mitigation amount paid to Ford.

(d) Outside auditors retained by the Committee, along with an administrative company that is partly owned by the DC VEBA, have audited and will audit the calculation of the true-up to determine whether there are any differences between the estimated Mitigation and actual Mitigation amounts and have made and will make such information available to Ford.

(e) Ford has provided various report and records to the Committee concerning dental care reimbursements for the period from July 14, 2006 through February 28, 2007, which were subject to review and audit by the Committee, and Ford has provided and will continue to provide various reports and records to the Committee concerning the Mitigation required under the Settlement Agreement which were and will continue to be subject to review and audit by the Committee.

(f) The terms of the covered transactions are no less favorable and will continue to be no less favorable to the DC VEBA than the terms negotiated at arm's length under similar circumstances between unrelated third parties.

(g) The interest rate applied to any true-up payments is a reasonable rate, as set forth in the DC VEBA Settlement Agreement, and will continue to be a reasonable rate that runs from the beginning of the year being trued up and does not and will not present a windfall or detriment to either party.

(h) The DC VEBA has not incurred and will continue not to incur any fees, costs or other charges (other than those described in the DC VEBA and the DC VEBA Settlement Agreement) as a result of the covered transactions described herein.

(i) Ford and the Committee have maintained and will continue to maintain for a period of six (6) years from the date of any of the covered transactions, any and all records necessary to determine whether conditions of this exemption have been and will continue to be met.

Notice to Interested Persons

Ford will provide notice of the proposed exemption to: (1) The UAW; and (2) persons who on or after December 22, 2005, and prior to the date of the filing of the application for exemption (*i.e.,* November 27, 2007) were: (a) Ford/UAW hourly employees who had retired from Ford with eligibility to participate during retirement in the Ford health plan, or (b) spouses or surviving spouses of Ford/UAW hourly employees, who on or after December 22, 2005, were eligible for post-retirement or surviving spouse health care coverage from Ford (collectively, Interested Persons) within twenty (20) calendar days of the publication of the notice of proposed exemption in the **Federal Register**. Such notice will be provided to Interested Persons by first-class mail, at the last known mailing address of such Interested Persons and will include a photocopy of the notice of proposed exemption as published in the **Federal Register** as well as a supplemental statement, as required pursuant to 29 CFR 2570.43(b)(2). The supplemental statement will inform interested persons of their right to comment on and/or to request a hearing. Comments and requests for a hearing with respect to the proposed exemption are due within fifty (50) calendar days of the publication of this pendency notice in the **Federal Register**. If you decide to submit written comments to the Department, your comments should be limited to the transactions described in this proposed exemption. However, if you have concerns about your retiree health benefits or any other administrative issues relating to your benefits, you should contact NESC, by phone at 1–800–248–4444, by mail P.O. Box 6214, Dearborn, MI 48121, or by e-mail at *nesc@ford.com.*

FOR FURTHER INFORMATION CONTACT: Angelena C. Le Blanc of the Department, at e-mail address *ford@dol.gov,* or at telephone number 202–693–8547 (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 22nd day of June, 2009.

Ivan Strasfeld,

Director of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. E9–15159 Filed 6–25–09; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,922]

Seton Identification Products, Inc., Branford, CT; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 15, 2009 in response to a petition filed on behalf of workers at Seton Identification Products, Inc., Branford, Connecticut. The workers are engaged in activities related to the production of signs, tags and labels.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 26th day of May 2009.

Richard Church

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–15221 Filed 6–26–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,921]

Newport Corporation, Irvine, CA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 15, 2009 in response to a worker petition filed by the State Workforce Office on behalf of workers at Newport Corporation, Irvine, California.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 27th day of May 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–15220 Filed 6–26–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,920]

Toyal America, Inc., Lockport, IL; Notice of Termination of Investigation

In accordance with Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 15, 2009 in response to a petition filed by a company official on behalf of workers of Toyal America, Inc., Lockport, Illinois.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 18th day of May 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–15219 Filed 6–26–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,913]

Performance Powder Coatings LLC, Kokomo, IN; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 12, 2009 in response to a worker petition filed by a company official on behalf of workers at Performance Powder Coatings, LLC, Kokomo, Indiana.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 22nd day of May 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–15218 Filed 6–26–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,912]

L and L Products, Romeo, MI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 12, 2009 in response to a petition filed on behalf of workers of L and L Products, Romeo, Michigan.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 15th day of May 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–15217 Filed 6–26–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,908]

DJ Fashions, LLC, New York, NY; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 11, 2009 in response to a petition filed by a company official on behalf of the workers at DJ Fashions, LLC, New York, New York.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 19th day of May 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–15216 Filed 6–26–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,906]

Arrow Electronics, Inc., Melville, NY; Notice of Termination of Investigation

In accordance with Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 8, 2009 in response to a worker petition filed on behalf of workers of Arrow Electronics, Inc., Melville, New York.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 26th day of May 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–15214 Filed 6–26–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,903]

Mountain Skylines, Inc, Leavenworth, WA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 8, 2009 in response to a worker petition filed on behalf of workers of Mountain Skylines, Inc, Leavenworth, Washington.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 19th day of May 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–15213 Filed 6–26–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,901]

VWR International, LLC, West Chester, PA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 7, 2009 in response to a petition filed by a state workforce official on behalf of workers of VWR International, LLC, West Chester, Pennsylvania.

The petitioner has requested that the petition be withdrawn. Therefore, the investigation under this petition has been terminated.

Signed at Washington, DC, this 18th day of May, 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–15212 Filed 6–26–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Application Number D–11552]

Withdrawal of the Notice of Proposed Exemption Involving Barclays Bank PLC and Barclays Capital Inc. (Applicants) Located, Respectively, in London, England and New York, NY

In the March 26, 2009 issue of the **Federal Register**, at 74 FR 13250, the Department of Labor (the Department) published a notice of proposed exemption from the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974, as amended and from certain taxes imposed by the Internal Revenue Code of 1986. The notice of proposed exemption, if granted, would have replaced and modified exemptive relief, previously provided pursuant to Prohibited Transaction Exemption 96–62, for the Applicants' securitization activities, which generally permits employee benefit plans to purchase, hold, sell or exchange certain securities representing interests in asset-backed or mortgage-backed investment pools.

By e-mail dated June 1, 2009, the Applicants requested that the application for exemption be withdrawn.

Accordingly, the notice of proposed exemption is hereby withdrawn.

Signed at Washington, DC, this 22nd day of June, 2009.

Ivan L. Strasfeld,

Director, Office of Exemption Determinations, Employee Benefits Security Administration.

[FR Doc. E9–15156 Filed 6–25–09; 8:45 am]

BILLING CODE 4510–29–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Information Security Oversight Office

National Industrial Security Program Policy Advisory Committee (NISPPAC); Notice of Meeting

In accordance with the Federal Advisory Committee Act (5 U.S.C. app 2) and implementing regulation 41 CFR 101–6, announcement is made for the following committee meeting:

Name of Committee: National Industrial Security Program Policy Advisory Committee (NISPPAC).

Dates: July 22, 2009.

Time of Meeting: 10 a.m.–12 p.m.

Place of Meeting: National Archives and Records Administration, 700 Pennsylvania Avenue, NW., Archivist's Reception Room, Room 105, Washington, DC 20408.

Purpose: To discuss National Industrial Security Program policy matters.

This meeting will be open to the public. However, due to space limitations and access procedures, the name and telephone number of individuals planning to attend must be submitted to the Information Security Oversight Office (ISOO) no later than Wednesday, July 15, 2009. ISOO will provide additional instructions for gaining access to the location of the meeting.

For Further Information Contact: David O. Best, Senior Program Analyst, Information Security Oversight Office, National Archives Building, 700 Pennsylvania Avenue, NW., Washington, DC 20408, telephone number (202) 357–5123, or at *david.best@nara.gov.* Contact ISOO at *ISOO@nara.gov* and the NISPPAC at *NISPPAC@nara.gov.*

Dated: June 23, 2009.

Mary Ann Hadyka,

Committee Management Officer.

[FR Doc. E9–15179 Filed 6–25–09; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB Review; Comment Request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and

clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. This is the second notice for public comment; the first was published in the **Federal Register** at 74 FR 10783, and no comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission may be found at: *http://www.reginfo.gov/public/do/PRAMain.* Comments regarding (a) 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; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; or (d) ways to 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 should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725 17th Street, NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send e-mail to *chines@nsf.gov.* Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703–292–7556.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton at (703) 292–7556 or send e-mail to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

SUPPLEMENTARY INFORMATION:

Title of Collection: ''Biological Sciences Proposal Classification Form''.

OMB Approval Number: 3145–0203.

Type of Request: Intent to seek approval to renew an information collection for three years.

Proposed Project: Five organizational units within the Directorate of Biological Sciences of the National Science Foundation will use the Biological Sciences Proposal Classification Form. They are the Division of Biological Infrastructure (DBI), the Division of Environmental Biology (DEB), the Division of Molecular and Cellular Biosciences (MCB), the Division of Integrative Organismal Systems (IOS) and Emerging Frontiers (EF). All scientists submitting proposals to these units will be asked to complete an electronic version of the Proposal Classification Form. The form consists of brief questions about the substance of the research and the investigator's previous federal support. Each division will have a slightly different version of the form. In this way, submitters will only confront response choices that are relevant to their discipline.

Use of the Information: The information gathered with the Biological Sciences Proposal Classification Form serves two main purposes. The first is facilitation of the proposal review process. Since peer review is a key component of NSF's grant-making process, it is imperative that proposals are reviewed by scientists with appropriate expertise. The information collected with the Proposal Classification Form helps ensure that the proposals are evaluated by specialists who are well versed in appropriate subject matter. This helps maintain a fair and equitable review process.

The second use of the information is program evaluation. The Directorate is committed to investing in a range of substantive areas. With data from this collection, the Directorate can calculate submission rates and funding rates in specific areas of research. Similarly, the information can be used to identify emerging areas of research, evaluate changing infrastructure needs in the research community, and track the amount of international research. As the National Science Foundation is committed to funding cutting-edge science, these factors all have implications for program management.

The Directorate of Biological Sciences has a continuing commitment to monitor its information collection in order to preserve its applicability and necessity. Through periodic updates and revisions, the Directorate ensures that only useful, non-redundant information is collected. These efforts will reduce excessive reporting burdens.

Burden on the Public: The Directorate estimates that an average of five minutes is expended for each proposal submitted. An estimated 6,800 responses are expected during the course of one year for a total of 570 public burden hours annually.

Expected Respondents: Individuals.

Estimated Number of Responses: 6,800.

Estimated Number of Respondents: 6,800.

Estimated Total Annual Burden on Respondents: 570 hours.

Frequency of Responses: On occasion.

Dated: June 23, 2009.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. E9–15222 Filed 6–26–09; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 63–001–HLW;ASLBP No. 09–892–HLW–CAB04]

Establishment of Atomic Safety and Licensing Board; Department of Energy

Pursuant to delegation by the Commission dated December 29, 1972 (37 FR 28,710), and the Commission's regulations, *see* 10 CFR 2.300 *et seq.,* 2.1000 *et seq.,* notice is hereby given that an Atomic Safety and Licensing Board (Board) is being established in the following case to preside over matters concerning discovery, Licensing Support Network compliance, new or amended contentions, grouping or consolidation of contentions, scheduling, case management matters relating to any of the foregoing, and all other matters the Chief Administrative Judge may assign: U.S Department of Energy, High Level Waste Repository, Construction Authorization Application.

The Board, which shall also be referred to as a Construction Authorization Board 04 (CAB 04) is comprised of the following administrative judges:

Thomas S. Moore, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Paul S. Ryerson, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Richard E. Wardwell, Atomic Safety and Licensing Board Panel, U.S. Nuclear

Regulatory Commission, Washington, DC 20555–0001.

Until further order, all pleadings, correspondence, documents, and other materials shall be filed in accordance with the NRC E–Filing rule, which the NRC promulgated in August 2007 (72 FR 49,139).

Issued at Rockville, Maryland, this 19th day of June 2009.

E. Roy Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. E9–15119 Filed 6–25–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Meetings; Sunshine Act

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATE: Week of June 29, 2009.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

ADDITIONAL ITEMS TO BE CONSIDERED:

Week of June 29, 2009

Tuesday, June 30, 2009

1:05 p.m.

Discussion/Possible Vote on Final Rule—Update to Waste Confidence Decision (Public Meeting) (Tentative). (*Contact:* Rochelle Bavol, 301–415–1651.)

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415–1292. Contact person for more information: Rochelle Bavol, (301) 415–1651.

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/about-nrc/policy-making/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify the NRC's Disability Program Coordinator, Rohn Brown, at 301–492–2279, TDD: 301–415–2100, or by e-mail at *rohn.brown@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

This notice is distributed electronically to subscribers. If you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an e-mail to *darlene.wright@nrc.gov.*

Dated: June 23, 2009.

Rochelle C. Bavol,

Office of the Secretary.

[FR Doc. E9–15281 Filed 6–24–09; 4:15 pm]

BILLING CODE 7590–01–P

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Amended Columbia River Basin Fish and Wildlife Program

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power and Conservation Council, Council), an interstate compact agency organized under the authority of the Pacific Northwest Electric Power Planning and Conservation Act of 1980, 16 U.S.C. 839 *et seq.* (Northwest Power Act).

ACTION: Notice of final action adopting the amended *Columbia River Basin Fish and Wildlife Program.*

SUMMARY: Pursuant to section 4(h) of the Northwest Power Act, the Council has amended its *Columbia River Basin Fish and Wildlife Program* (program). The final amended program may be found on the Council's Web site at *http://www.nwcouncil.org/fw/program.* Background: Pursuant to section 4(h) of the Northwest Power Act, in November 2007 the Northwest Power and Conservation Council requested in writing that State and Federal fish and wildlife agencies, Indian tribes, and others submit recommendations for amendments to the Council's *Columbia River Basin Fish and Wildlife Program.* The Council received over 3000 pages of recommendations and supporting information from 65 entities. The Council then received extensive written public comment on the program amendment recommendations. In September 2008, after reviewing the recommendations, the supporting information, and the comments received on the recommendations, the Council released for public review a draft revised Fish and Wildlife Program. The Council received over 1000 pages of substantial written comments on the draft amendments. All of these documents may be found on the Council's Web site at *http://www.nwcouncil.org/fw/program/2008amend.* The Council also took oral testimony at a dozen public hearings around the region. Transcripts of these hearings are in the administrative record along with the written comments. As specified in section 4(h)(5), the Council also held a number of consultations on the recommendations and draft amendments with representatives of State and Federal fish and wildlife agencies, Indian tribes, Federal hydrosystem agencies, and customers of the Bonneville Power Administration. Notes from these consultations are also in the administrative record.

Following this public review process required by the Northwest Power Act, and after deliberations in public over the course of several Council meetings, the Council adopted the final revised program in February 2009 at a Council meeting in Portland, Oregon. The Council based its decisions on the recommendations, supporting documents, and the views and information obtained through public comment and participation and consultation with the agencies, tribes, and customers. The Council's *Columbia River Basin Fish and Wildlife Program* continues to include detailed plans for nearly 60 subbasins and mainstem reaches of the Columbia River Basin. The subbasin plans themselves were not revised in this process. In the final step of this program amendment process, at its June 2009 meeting in Whitefish, Montana, the Council adopted written findings explaining its disposition of the program amendment recommendations, as required by section 4(h)(7) of the Northwest Power Act, along with responses to comments received on the program amendment recommendations and on the draft amended program. The findings and responses have been made part of the program as Appendix F. All of the elements of the Council's Fish and Wildlife Program may be found on the Council's Web site at *http://www.nwcouncil.org/fw/program.*

FOR FURTHER INFORMATION CONTACT: Please visit the Council's Web site at *http://www.nwcouncil.org* or contact the Council at (503) 222–5161 or toll free (800) 452–5161.

Stephen L. Crow,

Executive Director.

[FR Doc. E9–15090 Filed 6–25–09; 8:45 am]

BILLING CODE P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2009–26 and CP2009–36; Order No. 228]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently filed Postal Service request to add Direct Entry Parcels (DEP) Contracts, International Return Service, and Harmonization Service to the Competitive Product List. The Postal Service has also filed a related contract. This notice addresses procedural steps associated with these filings.

DATES: Comments are due June 29, 2009.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.*

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

SUPPLEMENTARY INFORMATION:

I. Introduction

On June 11, 2009, the Postal Service filed a formal request pursuant to 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.* to add Direct Entry Parcels (DEP) Contracts, International Return Service, and Harmonization Service to the Competitive Product List.[1] The Postal Service indicates that Governors' Decision No. 09–7, filed June 10, 2009, establishes prices and classifications not of general applicability for the three products.[2] The Request has been assigned Docket No. MC2009–26.

The Postal Service contemporaneously filed a DEP contract related to the new products pursuant to 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. Request at 1. The contract has been assigned Docket No. CP2009–36.

Request. The Request incorporates (1) A statement of supporting justification as required by 39 CFR 3020.32; (2) Governors' Decision No. 09–7 authorizing the new products, which include certification of the vote, requested changes to the Mail Classification Schedule (MCS) product list, and certification of the pricing formulas for compliance with 39 U.S.C. 3633(a); (3) price formulas and related information for DEP contracts, International Return Service and Harmonization Service Offered with Customized Agreements; and (4) Certification of Compliance with 39 U.S.C. 3633(a) for contract prices and ancillary services.[3] Substantively, the Request seeks to add the Direct Entry Parcels Contracts, International Return Service, and Harmonization Service to the Competitive Product List. *Id.* at 1.

In the statement of supporting justification, Frank Cebello, Global Business Management, asserts that the service to be provided under the contract will cover its attributable costs, make a positive contribution to institutional costs, and increase contribution toward the requisite 5.5 percent of the Postal Service's total institutional costs. *Id.,* Attachment 1. Thus, Mr. Cebello contends there will be no issue of subsidization of competitive products by market dominant products as a result of this contract. *Id.*

Related contract. A redacted version of the instant contract is included with the Request. The Postal Service represents that the contract is consistent with 39 U.S.C. 3633(a), 39 CFR 3015.5 and 39 CFR 3015.7. *See id.,* Attachment 2. The DEP contract includes International Return Service and Harmonization Service as optional features which reflect the proposed MCS language in Attachments A–2 and A–3 of the Governors' Decision, respectively.[4] DEP contracts provide for mail acceptance within the United States, transportation to a receiving country of parcels bearing the appropriate foreign indicia, transportation to customs within the receiving country, and customs clearance and prepayment of customs duties and taxes to the receiving country. The Postal Service explains that International Return Service provides for the return of refused or undeliverable items. It states that Harmonization Service offers review of outbound items by a licensed customs broker and the broker's assignment of Harmonized Tariff Schedule codes to facilitate assessment of customs duties. Request at 2–3. The Postal Service notes that the latter two services will only be available through customized agreements, in particular through DEP contracts similar to the instant contract.

The contract becomes effective within 30 days after the Postal Service notifies the customer that it has received all required reviews and the Commission has provided all necessary regulatory approvals. The term of the agreement is one year from the effective date.

The Postal Service filed much of the supporting materials, including Governors' Decision 09–7, and financial information, including analysis of the instant contract in redacted versions and under seal. In its Request, the Postal Service maintains that the contracts and related financial information, including the customers' names and the accompanying analyses that provide prices, terms, conditions, and financial projections, should remain under seal. *Id.* at 3–4.

The Postal Service requests that the Commission approve this DEP contract, as well as any subsequent functionally equivalent DEP contracts, as one product on the Competitive Product List. *Id.* at 1–2. The Request advances reasons why the DEP contracts as described in the proposed MCS language are in conformity with the requirements of 39 U.S.C. 3642 as competitive products. Among other things, the Postal Service asserts the DEP contracts are intended for merchandise exempt from the Private Express Statutes; that that Postal Accountability and Enhancement Act

[1] Request of the United States Postal Service to Add Direct Entry Parcels Contracts, International Return Service, and Harmonization Service to the Competitive Products List, and Notice of Filing (Under Seal) of Contract and Enabling Governors' Decision, June 11, 2009 (Request).

[2] Governors' Decision No. 09–10, filed June 10, 2009, establishes prices and classifications not of general applicability for Direct Entry Parcels Contracts, International Return Service and Harmonization Service Offered with Customized Agreements.

[3] Attachment 1 to the Request consists of the Statement of Supporting Justification. Attachment 2 is the Decision of the Governors of the United States Postal Service on the Establishment of Prices and Classifications for Direct Entry Parcels Contracts, International Return Service Offered with Customized Agreements and Harmonization Service Offered with Customized Agreements (Governors' Decision No. 09–7). The Governors' Decision includes Attachment A–1, requested changes in the MCS product list; Attachment A–2, a Description of International Service Offered with Customized Agreements; Attachment A–3, Description of Harmonization Service Offered with Customized Agreements; Attachment B–1 Formulas for Prices Under Applicable Direct Entry Parcels Contracts; Attachment B–2, Formulas for Prices Under International Return Service Offered with Customized Agreements; Attachment B–3, Formulas for Prices Under Harmonization Service Offered with Customized Agreements; Attachment C–1, Analysis of the Formulas for Prices Under Direct Entry Parcels Contracts; Attachment C–2, Formulas for Prices Under International Return Service Offered with Customized Agreements; Attachment C–3, Formulas for Prices Under Harmonization Service Offered with Customized Agreements; and Attachment D, Certification as to the Formulas for Prices Offered Under Applicable Direct Entry Parcels Contracts, International Return Service Offered with Customized Agreements, and Harmonization Service Offered with Customized Agreements.

[4] The Postal Service states that the Governors' Decision establishes prices and classifications for Direct Entry Parcels Contracts. In addition, the Governors' Decision also establishes prices and classifications for both Harmonization Service and International Return Service which serve as ancillary services for the parcel service offered for DEP contracts. The Postal Service intends the complement of services offered for DEP to include Harmonization Service and International Return Service.

classifies bulk international mail as competitive; and that classifying the DEP contracts as competitive is consistent with Commission precedent. It contends that even though the senders of DEP items may mail individual pieces, the contract customer has committed to compensate the Postal Service for a bulk volume of DEP items. The Postal Service also notes that Direct Entry Parcels, Harmonization, and International Return Services are contractual services not available to individual retail customers. *Id.* at 4–5.

II. Notice of Filings

The Commission establishes Docket Nos. MC2009–26 and CP2009–36 for consideration of the Request to add Direct Entry Parcels Contracts, International Return Service, and Harmonization Service to the Competitive Product List, and the related DEP Contract, respectively. In keeping with practice, these dockets are addressed on a consolidated basis for purposes of this order; however, future filings should be made in the specific docket in which issues being addressed pertain.

Interested persons may submit comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR 3020 subpart B. Comments are due no later than June 29, 2009. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Emmett Rand Costich to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is Ordered:

1. The Commission establishes Docket Nos. MC2009–26 and CP2009–36 for consideration of the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Emmett Rand Costich is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

3. Comments by interested persons in these proceedings are due no later than June 29, 2009.

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

By the Commission.

Steven W. Williams,

Secretary.

[FR Doc. E9–15135 Filed 6–25–09; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2009–39; Order No. 224]

Priority Mail Contract

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service request to add an additional Priority Mail contract to the Competitive Product List. This notice addresses procedural steps associated with this filing.

DATES: Postal Service responses are due June 23, 2009. Comments are due June 26, 2009.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.*

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

SUPPLEMENTARY INFORMATION:

I. Background

On June 15, 2009, the Postal Service filed a notice, pursuant to 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5, announcing that it has entered into an additional contract (Priority Mail Contract 13), which it contends fits within the previously proposed Priority Mail Contract Group product.[1] In support, the Postal Service filed the proposed contract and referenced Governors' Decision 09–6 filed in Docket No. MC2009–25. *Id.* at 1.

The Notice states that the ''contract differs from the contract filed as Priority Mail Contract 6 only in regards to negotiated prices.'' *Id.* at 2. In addition, it states that the contract is scheduled to become effective the day that the Commission issues all necessary regulatory approval. *Id.* at 1.

The instant contract. The Postal Service filed the instant contract pursuant to 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. It submitted the contract and supporting material under seal, and attached a redacted copy of the contract and certified statement required by 39 CFR 3015.5(c)(2) to the Notice. *Id.,* Attachments A and B respectively.

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 under seal. *Id.* at 2.

[1] Notice of Establishment of Rates and Class Not of General Applicability (Priority Mail Contract 13), June 15, 2009 (Notice).

II. Notice of Filing

The Commission establishes Docket No. CP2009–39 for consideration of the matters related to the contract identified in the Postal Service's Notice.

The Notice does not expressly use the term functionally equivalent to describe proposed Priority Mail Contract 13. Instead, it appears to implicitly make that claim by distinguishing the instant contract from Priority Mail Contract 6, filed in Docket No. CP2009–30 as part of the proposed Priority Mail Contract Group. *Id.* at 2. As the Postal Service recognizes, the scope of the Priority Mail Contract Group product is currently pending before the Commission. To that end, it acknowledges that the Commission's decision in Docket No. MC2009–25 may have an impact on the sufficiency of the Postal Service's filings in this case. *Id.* at 1, n.1. Depending on the outcome of Docket No. MC2009–25, the Postal Service may need to file additional support as required in 39 CFR 3020 subpart B. Such filings, if any, shall be due within 3 days of the Commission's order in Docket No. MC2009–25 addressing the scope of the proposed Priority Mail Contract Group product.

Interested persons may submit comments on whether the instant contract is consistent with the policies of 39 U.S.C. 3632, 3633, or 3642 and 39 CFR part 3015 and 39 CFR 3020, subpart B, and whether it should be classified within the Priority Mail Contract Group or as a separate product. Comments in this case are due no later than June 26, 2009.

The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Paul L. Harrington to serve as Public Representative in this docket.

III. Supplemental Information

Pursuant to 39 CFR 3015.6, the Commission requests the Postal Service to provide the following supplemental information by June 23, 2009:

1. Please provide a timeframe of when NSA partner volumes and cubic feet measurements were collected for each contract.

2. Please provide a unit of analysis for volumes in each contract, *e.g.,* whole numbers, thousands, etc.

IV. Ordering Paragraphs

It is Ordered:

1. The Commission establishes Docket No. CP2009–39 for consideration of the issues raised in this docket.

2. As discussed in this order, the Postal Service shall file supplemental

information, if necessary, within three days of the Commission's order in Docket No. MC2009–25 addressing the scope of the proposed Priority Mail Contract Group product.

3. Comments by interested persons in these proceedings are due no later than June 26, 2009.

4. The Postal Service is to provide the information requested in section III of this order no later than June 23, 2009.

5. Pursuant to 39 U.S.C. 505, Paul L. Harrington is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

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

By the Commission.

Steven W. Williams,

Secretary.

[FR Doc. E9–14925 Filed 6–25–09; 8:45 am]

BILLING CODE 7710–FW–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new and/or currently approved information collection.

DATES: Submit comments on or before August 25, 2009.

ADDRESSES: Send all comments regarding whether these information collections are necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Andrew McConnell, Chief, Office of Financial Assistance, Small Business Administration, 409 3rd Street, SW., 8th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Andrew McConnell, Chief, 504 Program Branch, Office of Financial Assistance 202–205–7238 *andrew.mcconnell@sba.gov,* Curtis B. Rich, Management Analyst, 202–205–7030 *curtis.rich@sba.gov*.

SUPPLEMENTARY INFORMATION: This form is used by SBA to determine whether loan applicant meets SBA's credit and regulatory criteria. Respondents are small business concerns and Development Companies which are certified by SBA to package 504 loans.

Title: ''U.S. Small Business Administration Application for Section 504 Loan.''

Description of Respondents: 504 Participants.

Form Number: 1244.

Annual Responses: 9,100.

Annual Burden: 21,210.

SUPPLEMENTARY INFORMATION: The PCLP forms collect loan information to assist the agency in carrying out its lender, portfolio and program oversight responsibilities.

Title: ''PCLP Quarterly Loan Loss Reserve Report and PCLP Guarantee Requests.''

Description of Respondents: PCLP Lenders.

Form Numbers: 2233, 2234 Parts A, B, C.

Annual Responses: 1,700.

Annual Burden: 1,612.

SUPPLEMENTARY INFORMATION: This form is executed by the borrower certified development company and the loan servicing agent. The agreement is primary used to certify use of loan proceeds, appoint a servicing agent and acknowledge the imposition of various fees.

Title: ''Servicing Agent Agreement.''

Description of Respondents: Certified Development Companies and SBA Borrowers.

Form Number: 1506.

Annual Responses: 8,403.

Annual Burden: 8,403.

FOR FURTHER INFORMATION CONTACT: Gail Hepler, Chief, 7(A) Loan Policy, Office of Financial Assistance 202–205–7530 *gail.hepler@sba.gov,* Curtis B. Rich, Management Analyst, 202–205–7030 *curtis.rich@sba.gov*.

SUPPLEMENTARY INFORMATION: The information collected through these forms from small business loan application as well as participating lenders will be used to determine eligibility for an America's Recovery Capitol (ARC) loan.

Title: ''America's Recovery Capitol (ARC) Loan Program''

Description of Respondents: Participants eligible for the ARC loan program.

Form Numbers: 2315, 2316 Part A, B, C.

Annual Responses: 12,000.

Annual Burden: 7,070.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. E9–15180 Filed 6–25–09; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before July 27, 2009. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: *Agency Clearance Officer,* Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and *OMB Reviewer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Small Business Customer Feedback.

SBA Form Number: N/A.

Frequency: On occasion.

Description of Respondents: Small business owners.

Responses: 8,400.

Annual Burden: 1,310.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. E9–15181 Filed 6–25–09; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11789 and #11790]

Alabama Disaster #AL–00023

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major

disaster for the State of Alabama (FEMA–1842–DR), dated 06/19/2009.

Incident: Severe Storms, Tornadoes, Flooding, and Straight-line Winds.

Incident Period: 05/06/2009 through 05/08/2009.

DATES: *Effective Date:* 06/19/2009.

Physical Loan Application Deadline Date: 08/18/2009.

Economic Injury (EIDL) Loan Application Deadline Date: 03/19/2010.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 06/19/2009, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Autauga, Elmore, Montgomery.

Contiguous Counties (Economic Injury Loans Only):

Alabama: Bullock, Chilton, Coosa, Crenshaw, Dallas, Lowndes, Macon, Pike, Tallapoosa.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	4.875
Homeowners Without Credit Available Elsewhere	2.437
Businesses With Credit Available Elsewhere	6.000
Other (Including Non-Profit Organizations) With Credit Available Elsewhere	4.500
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 11789B and for economic injury is 117900.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. E9–15105 Filed 6–25–09; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11781 and #11782]

Oklahoma Disaster #OK–00031

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Oklahoma (FEMA–1846–DR), dated 06/19/2009.

Incident: Wildfires.

Incident Period: 04/09/2009 through 04/12/2009.

DATES: *Effective Date:* 06/19/2009.

Physical Loan Application Deadline Date: 08/18/2009.

Economic Injury (EIDL) Loan Application Deadline Date: 03/17/2010.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 06/19/2009, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Carter, Cleveland, Grady, Lincoln, Mcclain, Murray, Oklahoma, Payne, Stephens.

Contiguous Counties (Economic Injury Loans Only):

Oklahoma; Caddo, Canadian, Comanche, Cotton, Creek, Garvin, Jefferson, Johnston, Kingfisher, Logan, Love, Marshall, Noble, Okfuskee, Pawnee, Pontotoc, Pottawatomie.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	4.375
Homeowners Without Credit Available Elsewhere	2.187
Businesses With Credit Available Elsewhere	6.000
Other (Including Non-Profit Organizations) With Credit Available Elsewhere	4.500
Businesses And Non-Profit Organizations Without Credit Available Elsewhere	4.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 117815 and for economic injury is 117820.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. E9–15104 Filed 6–25–09; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11785 and #11786]

South Dakota Disaster #SD–00023

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of South Dakota (FEMA–1844–DR), dated 06/16/2009.

Incident: Severe Storms and Flooding.

Incident Period: 03/11/2009 and continuing.

DATES: *Effective Date:* 06/16/2009.

Physical Loan Application Deadline Date: 08/17/2009.

Economic Injury (EIDL) Loan Application Deadline Date: 03/16/2010.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 06/16/2009, Private Non-Profit

organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Brown, Butte, Campbell, Corson, Day, Dewey, Edmunds, Harding, Marshall, McPherson, Perkins, Roberts, Spink, Ziebach, and portions of the Cheyenne River Reservation, and Standing Rock Reservation that lie within the designated counties.

The Interest Rates are:

	Percent
Other (Including Non-Profit Organizations) With Credit Available Elsewhere	4.500
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 11785B and for economic injury is 11786B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. E9–15102 Filed 6–25–09; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11787 and #11788]

Arkansas Disaster #AR–00032

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of ARKANSAS (FEMA–1845–DR), dated 06/16/2009.

Incident: Severe Storms, Tornadoes, and Flooding.

Incident Period: 04/27/2009 and continuing.

DATES: *Effective Date:* 06/16/2009.

Physical Loan Application Deadline Date: 08/17/2009.

Economic Injury (EIDL) Loan Application Deadline Date: 03/16/2010.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 06/16/2009, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Arkansas, Bradley, Calhoun, Chicot, Clark, Cleveland, Conway, Dallas, Drew, Fulton, Grant, Greene, Hempstead, Hot Spring, Howard, Jackson, Jefferson, Lafayette, Lee, Lincoln, Little River, Marion, Miller, Monroe, Nevada, Ouachita, Perry, Phillips, Pike, Poinsett, Polk, Prairie, Saint Francis, Saline, Searcy, Stone, Union.

The Interest Rates are:

	Percent
Other (Including Non-Profit Organizations) With Credit Available Elsewhere	4.500
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 11787B and for economic injury is 11788B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. E9–15101 Filed 6–25–09; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11783 and #11784]

Missouri Disaster #MO–00037

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Missouri (FEMA–1847–DR), dated 06/19/2009.

Incident: Severe Storms, Tornadoes, and Flooding.

Incident Period: 05/08/2009 through 05/16/2009.

DATES: *Effective Date:* 06/19/2009.

Physical Loan Application Deadline Date: 08/18/2009.

Economic Injury (EIDL) Loan Application Deadline Date: 03/17/2010.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 06/19/2009, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Adair, Barry, Barton, Bollinger, Cape Girardeau, Christian, Dade, Dallas, Dent, Douglas, Greene, Howell, Iron, Jasper, Jefferson, Laclede, Lawrence, Madison, Newton, Ozark, Polk, Reynolds, Ripley, Saint Francois, Shannon, Texas, Washington, Webster.

Contiguous Counties (Economic Injury Loans Only):

Missouri: Butler, Camden, Carter, Cedar, Crawford, Franklin, Hickory, Knox, Linn, Macon, Mcdonald, Oregon, Perry, Phelps, Pulaski, Putnam, Saint Clair, Saint Louis, Sainte Genevieve, Schuyler, Scotland, Scott, Stoddard, Stone, Sullivan, Taney, Vernon, Wayne, Wright.

Arkansas: Baxter, Benton, Carroll, Clay, Fulton, Marion, Randolph.

Illinois: Alexander, Monroe, Union.

Kansas: Cherokee, Crawford.

Oklahoma: Ottawa.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	4.875
Homeowners Without Credit Available Elsewhere	2.437
Businesses With Credit Available Elsewhere	6.000
Other (Including Non-Profit Organizations) With Credit Available Elsewhere	4.500
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000.

The number assigned to this disaster for physical damage is 11783B and for economic injury is 117840.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. E9–15100 Filed 6–25–09; 8:45 am]

BILLING CODE 8025–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold an Open Meeting on Wednesday, July 1, 2009 at 10 a.m., in the Auditorium, Room L–002.

The subject matter of the Open Meeting will be:

Item 1: The Commission will consider whether to propose amendments to the proxy rules under the Securities Exchange Act of 1934 to set forth requirements for U.S. registrants that have received financial assistance under the Troubled Asset Relief Program and that are required, pursuant to Section 111(e) of the Emergency Economic Stabilization Act of 2008, to include an advisory shareholder vote on executive compensation.

Item 2: The Commission will consider whether to approve the proposed rule change, as modified by Amendment No. 4, filed by the New York Stock Exchange, Inc. to amend NYSE Rule 452 and corresponding Listed Company Manual Section 402.08 to eliminate broker discretionary voting for the election of directors, except for companies registered under the Investment Company Act of 1940, and to codify two previously published interpretations that do not permit broker discretionary voting for material amendments to investment advisory contracts with an investment company.

Item 3: The Commission will consider whether to propose amendments to rules under the Securities Act of 1933, the Securities Exchange Act of 1934 and the Investment Company Act of 1940 to enhance the disclosures that registrants are required to make about compensation and other corporate governance matters, and to clarify certain of the rules governing proxy solicitations.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: the Office of the Secretary at (202) 551–5400.

Dated: June 24, 2009.

Elizabeth M. Murphy,

Secretary.

[FR Doc. E9–15252 Filed 6–24–09; 11:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

In the Matter of Paivis Corp., Peabodys Coffee, Inc., Penge Corp., Petrol Industries, Inc. (n/k/a Caddo International, Inc.), Phantom Entertainment, Inc., Phoenix Medical Technology, Inc., Phoenix Metals USA II, Inc. (a/k/a TM Media Group, Inc.), Phymed, Inc., Pico Products, Inc., and Piemonte Foods, Inc.; File No. 500–1; Order of Suspension of Trading

June 24, 2009.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Paivis Corp. because it has not filed any periodic reports since the period ended June 30, 2007.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Peabodys Coffee, Inc. because it has not filed any periodic reports since the period ended December 31, 2004.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Penge Corp. because it has not filed any periodic reports since the period ended March 31, 2007.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Petrol Industries, Inc. (n/k/a Caddo International, Inc.) because it has not filed any periodic reports since the period ended September 30, 2005.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Phantom Entertainment, Inc. because it has not filed any periodic reports since the period ended March 31, 2007.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Phoenix Medical Technology, Inc. because it has not filed any periodic reports since the period ended July 2, 2000.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Phoenix Metals USA II, Inc. (a/k/a TM Media Group, Inc.) because it has not filed any periodic reports since the period ended December 31, 2001.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Phymed, Inc. because it has not filed any periodic reports since the period ended December 31, 1999.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Pico Products, Inc. because it has not filed any periodic reports since the period ended April 30, 1999.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Piemonte Foods, Inc. because it has not filed any periodic reports since the period ended February 27, 1999.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on June 24, 2009, through 11:59 p.m. EDT on July 8, 2009.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E9–15253 Filed 6–24–09; 11:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60147; File No. SR–ISE–2009–35]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing of Proposed Rule Change Relating to Qualified Contingent Cross Orders

June 19, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

notice is hereby given that, on June 15, 2009, the International Securities Exchange, LLC (''Exchange'' or the ''ISE'') filed with the Securities and Exchange Commission (the ''SEC'' or 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 is proposing a Qualified Contingent Cross Order. This rule would be effective contemporaneously with the effectiveness of the rules implementing the Order Protection and Locked/Crossed Market Plan (''Plan'').[3] The text of the proposed rule change is available on the Exchange's Internet Web site at *http://www.ise.com*, at the Exchange and at 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 these statements may be examined at the places specified in Item IV below. The self regulatory organization 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to provide for Qualified Contingent Cross Orders. The Exchange is proposing such an order type in conjunction with the Linkage Rules. Those rules, together with the underlying Plan, are based on Regulation NMS under the Securities Exchange Act of 1934, as amended (''Act''), and the rules implementing that regulation. Among other things, the Plan requires that its parties ''establish, maintain and enforce written policies and procedures * * * that are reasonably designed to prevent Trade-Throughs * * *.''[4] A Trade-Through is a transaction in an options series at a price that is inferior to the best price available in the market.[5] Among other things, the Linkage Rules contain provisions designed to prevent Trade-Throughs.[6]

The Plan will replace the Plan for the Purpose of Creating and Operating an Intermarket Option Linkage (''Old Plan''), and the Linkage Rules will replace the ISE's current rules implementing the Old Plan. The Old Plan and the ISE's current rules provide a limited Trade-Through exemption for ''Block Trades,'' defined to be trades of 500 or more contracts with a premium value of at least $150,000.[7] However, as with Regulation NMS, the Plan does not provide a Block Trade exemption. The Exchange believes that the loss of the Block Trade exemption will adversely affect the ability of its members to effect large trades that are tied to stock.[8] Thus, the Exchange is proposing the Qualified Contingent Trade Order as a limited substitute for the Block Trade exemption, to be implemented contemporaneously with the Linkage Rules.

While Regulation NMS does not provide a Block Trade exemption from Trade-Through liability, the Commission, by order, has provided Trade-Through relief for ''Qualified Contingent Trades'' (''QCTs'').[9] The QCT Release provides an exemption from Trade-Through liability in the equity market for multi-component, fully-hedged trades where one order is contingent on the execution of one or more additional orders. Building on this concept, we propose that when an ISE member effects a QCT trade in a Regulation NMS Stock that the member be permitted to cross the options leg of the trade on the ISE immediately upon entry if the order is for at least 500 contracts, is part of a QCT, and is executed at a price at least equal to the national best bid or offer (''NBBO'').

We propose to define a QCT trade substantively identical to the Commission's definition in the QCT release. Thus, the trade would have to meet the following conditions:

- At least one component must be an NMS Stock;
- All the components must be effected with a product price contingency that either has been agreed to by all the respective counterparties or arranged for by a broker-dealer as principal or agent;
- The execution of one component must be contingent upon the execution of all other components at or near the same time;
- The specific relationship between the component orders (*e.g.,* the spread between the prices of the component orders) must be determined by the time the contingent order is placed;
- The component orders must bear a derivative relationship to one another, represent different classes of shares of the same issuer, or involve the securities of participants in mergers or with intentions to merge that have been announced or cancelled; and
- The transaction must be fully hedged (without regard to any prior existing position) as a result of other components of the contingent trade.[10]

ISE will adopt policies and procedures to ensure that members use the Qualified Contingent Cross Order properly. First, we will require members to properly mark all Qualified Contingent Cross Orders as such. In addition, we will institute surveillance procedures to identify that the member executed the stock leg of the transaction at or near the same time as the options leg.

We believe that the Qualified Contingent Cross Order is necessary to facilitate the execution of large stock/options combination orders. Broker-dealers can execute these orders in various ways, such as on the ISE's complex order book.[11] However, broker-dealers often seek the flexibility to execute the various legs of such orders in different markets, and may seek to execute the options leg alone on the ISE. Under the Plan, and without a Block Trade exemption, it will be extremely difficult for ISE members to effect the execution of the options leg on the ISE.

[3] *See* Filing No. SR–ISE–2009–27 (''Linkage Rules'').

[4] Section 5(a) of the Plan.

[5] Section 2(21) of the Plan.

[6] Proposed Rule 1901.

[7] Old Plan Sections 2(3) and 8(c)(i)(C); ISE Rule 1902(d)(2).

[8] Both the Old Plan and the Plan have a Trade-Through exemption for ''Complex Trades,'' including options trades tied to stock. *See* Old Plan section 7(c)(iii)(G), and Plan section 5(b)(viii). However, and while not free from doubt, the common application of that exemption has been to apply it only to trades announced to exchange members as a single trade at a net price. As so interpreted, that exemption would cover only trades executed in the ISE's ''Complex Order Mechanism.'' *See* ISE Rule 722.

[9] Release No. 34–57620 (April 4, 2008) (the ''QCT Release''). That release superseded a release initially granting the Qualified Contingent Trade exemption, Release No. 34–54389 (August 31, 2006).

[10] Consistent with the QCT Release we would require that the member demonstrate that the transaction is fully hedged using reasonable risk-valuation methodologies. *See* the QCT Release at note 9.

[11] *See* ISE Rule 722, Supplementary Material .01 and .02.

The Contingent Trade Order will address those concerns by permitting the member to provide its customer a net price for the entire trade, and then allowing the member to execute the options leg of the trade on the ISE at a price at least equal to the NBBO while using the CQT [sic] exemption to effect the trade in the equities leg at a price necessary to achieve the net price. While there is no exposure for price improvement for the options leg of a stock-option order with our proposed Qualified Contingent Cross Order, that order must be executed at the NBBO or better, [sic]. Moreover, since the price of a stock-options order is a net price derived from the price of the options leg and the price of the stock leg, we believe it is reasonable for any potential improvement of the net price to originate from the execution of the stock leg. On balance, we believe that providing members with the certainty that they can execute the options legs of these large complex orders for their customers, coupled with the flexibility members have with respect to the price at which the equity legs are executed, will provide customers with the flexibility needed to achieve their investment objectives.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest. In particular, the proposal will facilitate the ability of ISE members to execute large options orders that are tied to stock in an efficient manner, while also protecting the national market system against trade-throughs.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not 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

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

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–ISE–2009–35 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–ISE–2009–35. 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 the filing will also be available for inspection and copying at the principal office of the self-regulatory organization. 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–ISE–2009–35 and should be submitted on or before July 17, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–15025 Filed 6–25–09; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60151; File No. SR–NYSEAmex–2009–29]

Self-Regulatory Organizations; NYSE Amex LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Include Floor Broker Agency Interest Containing Pegging and/or Discretionary Instructions, Eligible for Execution in the Closing Transaction, in the NYSE Amex Order Imbalance Information Datafeed Disseminated Prior to the Closing Transaction

June 19, 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 June 12, 2009, NYSE Amex LLC (''NYSE Amex'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II 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 include Floor Broker agency interest containing pegging and/or discretionary

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

instructions, eligible for execution in the closing transaction, in the NYSE Amex Order Imbalance Information datafeed disseminated prior to the closing transaction. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.nyse.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, 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

NYSE Amex LLC (''NYSE Amex'' or ''the Exchange''), formerly the American Stock Exchange LLC, proposes to include Floor Broker agency interest files (''e-Quotes'') containing pegging and/or discretionary instructions (''d-Quotes'') (collectively ''Floor broker agency interest''), eligible for execution in the closing transaction, in the NYSE Amex Order Imbalance Information datafeed disseminated prior to the closing transaction.

The Exchange notes that parallel changes are proposed to be made to the rules of the New York Stock Exchange LLC (''NYSE'').[4]

Background of NYSE Amex Order Imbalance Information

Currently, NYSE Amex Equities Rule 123C allows Exchange systems to make available a datafeed of real-time order imbalances that accumulate prior to the closing transactions on the Exchange.[5] The datafeed contains aggregate information about orders that are potentially subject to execution at the market's closing price and represent issues that are likely to be of particular trading interest at the close. Recipients of the NYSE Amex Order Imbalance Information datafeed currently receive this datafeed free of charge.[6]

The NYSE Amex Order Imbalance Information datafeed disseminated prior to the closing transaction (''NYSE Amex Closing Order Imbalance Information'') includes all market-on-close orders and limit-on-close orders eligible to participate in the closing transaction. DMM interest and Crowd interest are excluded.

Prior to the closing transaction, NYSE Amex Closing Order Imbalance Information is disseminated every fifteen seconds between 3:40 p.m. and 3:50 p.m. and every five seconds between 3:50 p.m. and 4 p.m. On any day that the scheduled close of trading on the Exchange is earlier than 4 p.m. EST, the dissemination of the NYSE Amex Closing Order Imbalance will commence 20 minutes before the scheduled closing time. NYSE Amex Closing Order imbalance information will be disseminated every 15 seconds for approximately 10 minutes. Thereafter, the order imbalance information will be disseminated every five seconds until the scheduled closing time.

d-Quotes and Pegging Instructions

Pursuant to NYSE Amex Equities Rule 70, Floor brokers are permitted to represent orders electronically through the use of e-Quotes. A d-Quote, as provided by NYSE Amex Equities Rule 70, Supplementary Material .25, permits the Floor broker to include discretionary instructions as to size and/or price on an e-Quote. D-Quote discretionary instructions specify the price at which the d-Quote may trade and the number of shares to be executed based on the application of the discretionary instructions. The Floor broker must also specify the price at which the d-Quote is to be quoted.

Pegging is a distinct instruction that may be used in conjunction with an e-Quote and/or a d-Quote pursuant NYSE Amex Equities Rule 70, Supplementary Material .26. Pegging instructions allow the Floor broker to maintain his/her interest in the Exchange Best Bid or Offer (''BBO'') if the quote moves from the orders initial quote price. Pegged interest moves with the Exchange BBO within the designated range. Any discretionary instructions associated with that interest will continue to be applied as long as it is within the Floor broker's designated price range. Buy side e-Quotes will peg to the best bid and sell side e-Quotes will peg to the best offer.

Proposal To Include Floor Broker Agency Interest in the Closing NYSE Amex Order Imbalance Information Datafeed

Through this filing, the Exchange proposes to enhance the information included in the NYSE Amex Closing Order Imbalance Information datafeed. Specifically, the Exchange proposes to also include, at no additional charge, Floor broker agency interest, eligible for execution in the closing transaction, in the NYSE Amex Closing Order Imbalance Information datafeed. Accordingly, the Exchange believes that the inclusion of this information in the NYSE Amex Closing Order Imbalance Information datafeed will provide increased transparency regarding the anticipated closing transaction.

The NYSE Amex Closing Order Imbalance Information will include d-Quote interest using the maximum discretionary price that could be available on the close and pegging e-Quotes at their ceiling[7] or floor[8] price. Beginning at 3:55 p.m., Exchange systems will use the maximum discretionary or maximum pegged price (ceiling or floor) associated with the Floor broker agency interest to determine its inclusion in the NYSE Amex Closing Order Imbalance Information datafeed.

The Exchange anticipates that the inclusion of Floor broker agency interest, eligible for execution in the closing transaction, in the NYSE Amex Closing Order Imbalance Information datafeed will provide its customers with the requested transparency and allow sufficient time for contra-side interest to develop, thereby decreasing volatility and ultimately contributing to the maintenance of a fair and orderly market.

[4] *See* SR–NYSE–2009–49.

[5] *See* Securities Exchange Act Release No.59743 (April 9, 2009), 74 FR 17699 (April 16, 2009) (SR–NYSEAmex–2009–11) (making available the NYSE Amex Order Imbalance Information Datafeed as a separate, stand-alone Market Data product); *See also* Securities Exchange Act Release No. 59816 (April 23, 2009), 74 FR 19614 (April 29, 2009) (SR–NYSEAmex-2009–13) (modifying the reference price at which the Exchange reports the Order Imbalance Information and clarifying what information is included and excluded from the Order Imbalance Information Reports). Pursuant to NYSE Amex Equities Rule 15, similar information is disseminated prior to the opening transaction via this product.

[6] The Exchange has filed with the Commission a proposed rule change seeking to charge a $500 monthly fee to recipients of the NYSE Amex Order Imbalance Information datafeed. *See* SR–NYSEAmex–2009–26 (filed June 6, 2009). The Exchange does not seek to modify the proposed fee in any way through this filing.

[7] Pursuant to Supplementary Material .26 (ix)(B) of NYSE Amex Equities Rule 70, the ''ceiling price'' is the highest price to which a buy-side e-Quote or d-Quote may peg.

[8] Pursuant to Supplementary Material .26(ix)(C) of NYSE Amex Equities Rule 70, the ''floor price'' is the lowest price to which a sell-side e-Quote or d-Quote may peg.

Currently, systemic modifications are required to implement the inclusion of d-Quotes and all other pegging e-Quotes eligible to participate in the closing transaction in all the securities traded on the Exchange. There are approximately 15 securities on the Exchange that will receive the modified Order Imbalance Information datafeed on the implementation date of June 22, 2009. The Exchange will implement the modifications progressively across the Floor on a stock by stock basis. During the implementation process, the Exchange will identify on its Web site all the securities operating on modified systems and receiving the Order Imbalance Information datafeed containing d-quotes and all other pegging e-quotes eligible to participate in the closing transaction. The Exchange anticipates the completion of these modifications on or about July 31, 2009.

2. Statutory Basis

The basis under the Securities Exchange Act of 1934 (the ''Act'') for this proposed rule change is the requirement under Section 6(b)(5)[9] that an Exchange have rules that are designed to promote just and equitable principles of trade, 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 instant proposal is in keeping with these principles in that it seeks to provide greater transparency to Exchange market participants, affording them additional information which further promotes just and equitable principles of trade. The Exchange submits that the proposal to include Floor broker agency interest in the NYSE Amex Order Imbalance Information datafeed furthers the protection of investors and the public interest by providing investors with a more accurate depiction of the market interest prior to the closing transaction thereby allowing them to make better informed trading decisions.

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.

[9] 15 U.S.C. 78f(b)(5).

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

Because the foregoing 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) by its terms, does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6) thereunder.[11]

The Exchange has requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing in order to assist investors in making better informed trading decisions by providing a more accurate depiction of the available market interest prior to the closing transaction. Moreover, a grant of immediate effectiveness will ensure that the Exchange can provide this increased transparency afforded by the additional information for the June 26, 2009 rebalance of the Russell Index which has historically been characterized by increased trading volatility associated with the closing transaction. The Exchange believes that the provision of more accurate information prior to the closing transactions will serve to mitigate volatility, assisting in the maintenance of a fair and orderly market and ultimately protecting investors and the public interest. The Commission believes such waiver is consistent with the protection of investors and the public interest.[12] Accordingly, the Commission designates the proposed rule change operative upon filing with the Commission.

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 furtherance of the purposes of the Act.

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the self-regulatory organization to submit to 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.

[12] For purposes only of waiving the 30-day operative delay of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–NYSEAmex–2009–29 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–NYSEAmex–2009–29. 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–NYSEAmex–2009–29 and should be submitted on or before July 17, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–15154 Filed 6–25–09; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60153; File No. SR–NYSE–2009–49]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Include Floor Broker Agency Interest Containing Pegging and/or Discretionary Instructions, Eligible for Execution in the Closing Transaction, in the NYSE Order Imbalance Information Datafeed Disseminated Prior to the Closing Transaction

June 19, 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 June 18, 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 and II 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 include Floor Broker agency interest containing pegging and/or discretionary instructions, eligible for execution in the closing transaction, in the NYSE Order Imbalance Information datafeed disseminated prior to the closing transaction. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.nyse.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, 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') proposes to include Floor Broker agency interest files (''e-Quotes'') containing pegging and/or discretionary instructions (''d-Quotes'') (collectively ''Floor broker agency interest''), eligible for execution in the closing transaction, in the NYSE Order Imbalance Information datafeed disseminated prior to the closing transaction.

The Exchange notes that parallel changes are proposed to be made to the rules of NYSE Amex LLC (formerly the American Stock Exchange).[4]

Background of NYSE Amex Order Imbalance Information

Currently, NYSE Rule 123C allows Exchange systems to make available a datafeed of real-time order imbalances that accumulate prior to the closing transactions on the Exchange.[5] The datafeed contains aggregate information about orders that are potentially subject to execution at the market's closing price and represent issues that are likely to be of particular trading interest at the close. Recipients of the NYSE Order Imbalance Information datafeed currently pay a $500 monthly fee for access to this datafeed.

The NYSE Order Imbalance Information datafeed disseminated prior to the closing transaction (''NYSE Closing Order Imbalance Information'') includes all market-on-close orders and limit-on-close orders eligible to participate in the closing transaction. DMM interest and Crowd interest are excluded.

Prior to the closing transaction, NYSE Closing Order Imbalance Information is disseminated every fifteen seconds between 3:40 p.m. and 3:50 p.m. and every five seconds between 3:50 p.m. and 4 p.m. On any day that the scheduled close of trading on the Exchange is earlier than 4 p.m. EST, the dissemination of the NYSE Closing Order Imbalance will commence 20 minutes before the scheduled closing time. NYSE Closing Order imbalance information will be disseminated every 15 seconds for approximately 10 minutes. Thereafter, the order imbalance information will be disseminated every five seconds until the scheduled closing time.

d-Quotes and Pegging Instructions

Pursuant to NYSE Rule 70, Floor brokers are permitted to represent orders electronically through the use of e-Quotes. A d-Quote, as provided by NYSE Rule 70, Supplementary Material .25, permits the Floor broker to include discretionary instructions as to size and/or price on an e-Quote. D–Quote discretionary instructions specify the price at which the d-Quote may trade and the number of shares to be executed based on the application of the discretionary instructions. The Floor broker must also specify the price at which the d-Quote is to be quoted.

Pegging is a distinct instruction that may be used in conjunction with an e-Quote and/or a d-Quote pursuant NYSE Rule 70, Supplementary Material .26. Pegging instructions allow the Floor broker to maintain his/her interest in the Exchange Best Bid or Offer (''BBO'') if the quote moves from the orders' initial quote price. Pegged interest moves with the Exchange BBO within the designated range. Any discretionary instructions associated with that interest will continue to be applied as long as it is within the Floor broker's designated price range. Buy-side e-Quotes will peg to the best bid and sell side e-Quotes will peg to the best offer.

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* SR–NYSEAmex–2009–29.

[5] *See* Securities Exchange Act Release No. 57861 (May 23, 2008), 73 FR 31905 (June 4, 2008) (SR–NYSE–2008–42) (enhancing NYSE OpenBook Product offerings with the introduction of the Order Imbalance Information datafeed); *See* also Securities Exchange Act Release No. 59202 (January 6, 2009), 74 FR 1744 (January 13, 2009) (SR–NYSE–2008–132) (introducing the NYSE Order Imbalance Information Fee); *See* also Securities Exchange Act Release No. 59815 (April 23, 2009), 74 FR 19609 (April 29, 2009) (SR–NYSE–2009–41) (modifying the reference price at which the Exchange reports the Order Imbalance Information and clarifying what information is included in and excluded from the Order Imbalance Information Reports). Pursuant to NYSE Rule 15, similar information is disseminated prior to the opening transaction via this product.

Proposal to Include Floor Broker Agency Interest in the Closing NYSE Amex Order Imbalance Information Datafeed

Through this filing, the Exchange proposes to enhance the information included in the NYSE Closing Order Imbalance Information datafeed. Specifically, the Exchange proposes to also include, at no additional charge, Floor broker agency interest, eligible for execution in the closing transaction, in the NYSE Closing Order Imbalance Information datafeed. The Exchange currently also provides displayable aggregated d-Quote and pegging e-Quote interest in its NYSE OpenBook® and NYSE Trades® market data products. The Exchange now seeks to add additional transparency to the NYSE Order Imbalance Information datafeed. Accordingly, the Exchange believes that the inclusion of this information in the NYSE Closing Order Imbalance Information datafeed will provide increased transparency regarding the anticipated closing transaction.

The NYSE Closing Order Imbalance Information will include d-Quote interest using the maximum discretionary price that could be available on the close and pegging e-Quotes at their ceiling[6] or floor[7] price. Beginning at 3:55 p.m., Exchange systems will use the maximum discretionary or maximum pegged price (ceiling or floor) associated with the Floor broker agency interest to determine its inclusion in the NYSE Closing Order Imbalance Information datafeed.

The Exchange anticipates that the inclusion of Floor broker agency interest, eligible for execution in the closing transaction, in the NYSE Closing Order Imbalance Information datafeed will provide its customers with the requested transparency and allow sufficient time for contra-side interest to develop, thereby decreasing volatility and ultimately contributing to the maintenance of a fair and orderly market.

Currently, systemic modifications are required to implement the inclusion of d-Quotes and all other pegging e-Quotes eligible to participate in the closing transaction in all the securities traded on the Exchange. There are approximately 10 securities on the Exchange that will not receive the modified Order Imbalance Information datafeed on the implementation date of June 22, 2009. During the implementation process, the Exchange will identify on its Web site all the securities operating on modified systems and receiving the Order Imbalance Information datafeed containing d-quotes and all other pegging e-quotes eligible to participate in the closing transaction. The Exchange anticipates the completion of these modifications on or about July 31, 2009.

2. Statutory Basis

The basis under the Securities Exchange Act of 1934 (the ''Act'') for this proposed rule change is the requirement under Section 6(b)(5)[8] that an Exchange have rules that are designed to promote just and equitable principles of trade, 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 instant proposal is in keeping with these principles in that it seeks to provide greater transparency to Exchange market participants, affording them additional information which further promotes just and equitable principles of trade. The Exchange submits that the proposal to include Floor broker agency interest in the NYSE Order Imbalance Information datafeed furthers the protection of investors and the public interest by providing investors with a more accurate depiction of the market interest prior to the closing transaction, thereby allowing them to make better informed trading decisions.

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

Because the foregoing 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) by its terms, does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6) thereunder.[10]

The Exchange has requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing in order to assist investors in making better informed trading decisions by providing a more accurate depiction of the available market interest prior to the closing transaction. Moreover, a grant of immediate effectiveness will ensure that the Exchange can provide this increased transparency afforded by the additional information for the June 26, 2009 rebalance of the Russell Index which has historically been characterized by increased trading volatility associated with the closing transaction. The Exchange believes that the provision of more accurate information prior to the closing transactions will serve to mitigate volatility, assisting in the maintenance of a fair and orderly market and ultimately protecting investors and the public interest. The Commission believes such waiver is consistent with the protection of investors and the public interest.[11] Accordingly, the Commission designates the proposed rule change operative upon filing with the Commission.

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 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,

[6] Pursuant to Supplementary Material .26 (ix)(B) of NYSE Rule 70, the ''ceiling price'' is the highest price to which a buy-side e-Quote or d-Quote may peg.

[7] Pursuant to Supplementary Material .26(ix)(C) of NYSE Rule 70, the ''floor price'' is the lowest price to which a sell-side e-Quote or d-Quote may peg.

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the self-regulatory organization to submit to 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.

[11] For purposes only of waiving the 30-day operative delay of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–2009–49 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–2009–49. 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–NYSE–2009–49 and should be submitted on or before July 17, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–15155 Filed 6–25–09; 8:45 am]

BILLING CODE 8010–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60150; File No. SR–Phlx–2009–35]

Self-Regulatory Organizations; NASDAQ OMX PHLX, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Clarify the Definition of ''Narrow-Based Index''

June 19, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4[2] thereunder, notice is hereby given that on June 16, 2009, NASDAQ OMX PHLX, Inc. (''Phlx'' or ''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. Phlx has designated the proposed rule change as constituting a non-controversial rule change 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

The Exchange proposes to file a proposed rule change to add a commentary to Rule 1000A(b)(12) to clarify that this rule, which defines the term ''narrow-based index'' to mean ''to be representative of a particular industry or a group of related industries'' to also accommodate an index the constituents of which are all headquartered within a single country to be listed as a narrow-based index pursuant to Exchange rules.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/NASDAQOMXPHLX/Filings/,* at the principal office of the Exchange, and at 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 Exchange 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. The Exchange 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

Phlx is filing the proposed rule change to add a commentary to clarify that Phlx Rule 1000A(b)(12), which defines the term ''narrow-based index'' (or ''industry index'') to mean ''to be representative of a particular industry or a group of related industries'' to also accommodate an index the constituents of which are all headquartered within a single country to be listed as a narrow-based index pursuant to Exchange rules. This would enable options based on an index, including companies all headquartered within a single country, to be rightfully considered as a generic narrow-based index for purposes of listing on the Exchange and trading.

The listing and trading of index options on the Exchange is generally conditioned on the ability to meet the rule requirements for narrow-based and broad based indexes.[4] More particularly regarding narrow-based indexes, Phlx Rule 1009A(b) states that the Exchange may trade options on an underlying index pursuant to Rule 19b–4(e) of the Act[5] where all of the noted conditions noted are satisfied.[6] Indeed, the Exchange has, and continues to, list and trade options on narrow-based indexes based on industries or a group of related industries that are located within various countries. These options are

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] Broad-based indexes (or market indexes), which are not at issue in this filing, are defined in Phlx Rule 1000A(b)(11).

[5] The Chicago Board Options Exchange and International Securities Exchange have the same ability pursuant to their own rules.

[6] These include the index is capitalization-weighted, price-weighted, modified capitalization-weighted or equal dollar-weighted, and consists of ten or more component securities; each component security has a market capitalization of at least $75 million, except that for each of the lowest weighted component securities in the index that in the aggregate account for no more than 10% of the weight of the index; the market capitalization is at least $50 million; and trading volume of each component security has been at least one million shares for each of the last six months, except that for each of the lowest weighted component securities in the index that in the aggregate account for no more than 10% of the weight of the index, trading volume has been at least 500,000 shares for each of the last six months. *See* Phlx Rule 1009A(b)(1)–(12) for all of the conditions.

traded pursuant to the Exchange's index option trading rules.[7]

With the Exchange's interpretation of Phlx Rule 1000A(b)(12) as discussed herein, the Exchange intends to list and trade options, pursuant to Phlx Rule 1009A(b), on an index(es) that includes industries all headquartered within a single country. The Exchange represents that, in all other material aspects, these options will meet the requirements for generic listing and trading pursuant to Rule 1009A(b). The proposed rule change simply seeks to clarify that the generic listing and trading standards would cover an index that otherwise qualifies as a ''narrow-based index,'' with the exception that the constituents of the index are all headquartered within a single country.

For example, the proposed rule change would allow the Exchange to list and trade options on the NASDAQ China Index (the ''Index'') pursuant to generic listing standards. Options on the Index would not otherwise qualify for listing on the Exchange because the Index does not currently fit within the definition of a narrow-based index under Phlx Rule 1000A(b)(12). In all other respects the Index meets the applicable generic listing standards under Rule 1009A(b). The Exchange intends to list and trade options on the Index pursuant to Rule 1009A(b) almost immediately upon operation of the changes in the proposed commentary to Phlx Rule 1000A(b)(12).

Moreover, like the presently traded narrow-based index options, these narrow-based options will be traded pursuant to the Exchange's trading rules.[8] The Exchange represents that its existing surveillance procedures applicable to trading in options will be adequate to properly monitor the trading in options on these narrow-based indexes.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[9] in general, and furthers the objectives of Section 6(b)(5) of the Act[10] in particular, in that it is designed to promote just and equitable principles of trade, 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, by clarifying the term ''narrow-based index'' also accommodates an index the constituents of which are all headquartered within a single country.

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 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 either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[11] and Rule 19b–4(f)(6) thereunder.[12]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[13] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)[14] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requests that its proposal become operative immediately so that Phlx may list and trade options on the NASDAQ China Index immediately pursuant to its generic listing standards for narrow-based indexes. The Commission believes that waiving the 30-day operative delay to make the product available without delay is consistent with the protection of investors and the public interest. Therefore, the Commission designates the proposal operative upon filing.[15]

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 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–Phlx–2009–35 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–Phlx–2009–35. 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

[7] *See* Phlx Rules 1000A *et seq.* (index options trading rules). *See also* Phlx Rules 1000 *et seq.* (general options trading rules).

[8] *Id.* The trading rules include, among other things, position limits, exercise limits, and terms of options contracts (Phlx Rules 1001A, 1002A, and 1101A, respectively). *See also* Securities and Exchange Release No. 42132 (November 12, 1999), 64 FR 63837 (November 22, 1999) (SR–Phlx–98–99) (order approving narrow-based options position limit increase to 18,000, 24,000, and 31,500 contracts).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) 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. Phlx has satisfied this requirement.

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6).

[15] 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. *See* 15 U.S.C. 78c(f).

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 publicly available. All submissions should refer to File Number SR–Phlx–2009–35 and should be submitted on or before July 17, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–15153 Filed 6–25–09; 8:45 am]

BILLING CODE 8010–01–P

DEPARTMENT OF STATE

[Public Notice 6683]

60-Day Notice of Proposed Information Collection: DS–2029, Application for Consular Report of Birth Abroad of a Citizen of the United States of America, OMB Control No. 1405–0011

ACTION: Notice of request for public comments.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* Application for Consular Report of Birth Abroad of a Citizen of the United States of America.
- *OMB Control Number:* 1405–0011
- *Type of Request:* Revision
- *Originating Office:* Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS)
- *Form Number:* DS–2029
- *Respondents:* Parents or legal guardians of United States citizen children born overseas.
- *Estimated Number of Respondents:* 64,374
- *Estimated Number of Responses:* 64,374
- *Average Hours per Response:* 20 minutes
- *Total Estimated Burden:* 21,458 hours
- *Frequency:* On Occasion
- *Obligation to Respond:* Voluntary

DATES: The Department will accept comments from the public up to 60 days from August 25, 2009.

[16] 17 CFR 200.30–3(a)(12).

ADDRESSES: You may submit comments by any of the following methods:

- *E-mail: ASKPRI@state.gov.*
- *Mail (paper, disk, or CD–ROM submissions):* U.S. Department of State, CA/OCS/PRI, SA–29, 4th Floor, Washington, DC 20520
- *Fax:* 202–736–9111
- *Hand Delivery or Courier:* U.S. Department of State, CA/OCS/PRI, 2100 Pennsylvania Avenue, 4th Floor, Washington, DC 20037.

You must include the DS form number (if applicable), information collection title, and OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed information collection and supporting documents, to Derek A. Rivers, Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS/PRI), U.S. Department of State, SA–29, 4th Floor, Washington, DC 20520, who may be reached on (202) 736–9082 or *ASKPRI@state.gov.*

SUPPLEMENTARY INFORMATION: We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper performance of our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of technology.

Abstract of Proposed Collection

The DS–2029, Application for Consular Report of Birth Abroad of a Citizen of the United States of America, is used by citizens of the United States to report the birth of a child while overseas. The information collected on this form will be used to certify the acquisition of U.S. citizenship at birth of a person born abroad and can be used by that child throughout life.

Methodology

The DS–2029 is available to download from the Internet. An application for a Consular Report of Birth is normally made in the consular district in which the birth occurred. The parent respondents will complete the form and present it to a United States Consulate or Embassy, who will examine the documentation and enter the information provided into the Department of State American Citizen Services (ACS) electronic database.

Dated: May 29, 2009.

Mary Ellen Hickey,

Managing Director, Bureau of Consular Affairs, Department of State.

[FR Doc. E9–15168 Filed 6–25–09; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 6682]

Notice of Public Meeting on FY 2010 Refugee Admissions Program

There will be a meeting on the President's FY 2010 Refugee Admissions Program on Thursday, July 9, 2009 from 3 p.m. to 5 p.m. The meeting will be held at the Refugee Processing Center, 1401 Wilson Boulevard, Suite 700, Arlington, Virginia. The meeting's purpose is to hear the views of attendees on the appropriate size and scope of the FY 2010 Refugee Admissions Program.

Seating is limited. Persons wishing to attend this meeting must notify the Bureau of Population, Refugees, and Migration at telephone (202) 663–1006 by 5 p.m. on Friday, June 26, 2009, to reserve a seat. Persons wishing to present comments should submit them by 5 on Thursday, July 2, 2009. All written comments should either be e-mailed to *spruellda@state.gov* or faxed to (202) 663–1364.

If you have questions about the public meeting, please contact Delicia Spruell, PRM/Admissions Program Officer at (202) 663–1006. Information about the Refugee Admissions Program may be found at *http://www.state.gov/g/prm/.*

Dated: June 18, 2009.

Samuel M. Witten,

Acting Assistant Secretary, Bureau of Population, Refugees and Migration, Department of State.

[FR Doc. E9–15171 Filed 6–25–09; 8:45 am]

BILLING CODE 4710–33–P

DEPARTMENT OF STATE

[Public Notice 6637]

U.S. Department of State Advisory Committee on Private International Law: Study Group on the Hague Convention on Choice of Court Agreements

A Study Group on the 2005 Hague Convention on Choice of Court Agreements is being established under the Department of State Advisory

Committee on Private International Law to consider issues relating to domestic implementation of the Convention. This is not a meeting of the full Advisory Committee.

The United States signed the Convention on January 19, 2009. The State Department is considering submission of the Convention to the Senate for its advice and consent to ratification. It is expected that the Convention will be accompanied by federal implementing legislation. The Study Group will be invited to comment on the content of such legislation, on the question of whether federal implementing legislation might be supplemented by a uniform state law, and on the question of what declarations the United States might make in its instrument of ratification.

Time and Place: The public meeting of the Study Group will take place in Room 240, South Building, 2430 E St., NW., Washington, DC on July 27, 2009. Visitors should appear at the gate at the southwest corner of 23rd and C Streets by 8:45 a.m. EDT. The meeting will begin at 9 a.m. and is scheduled to last until 5 p.m., with a lunch break from noon–2 p.m. If you are unable to attend the public meeting and would like to participate from a remote location, teleconferencing will be available.

Public Participation: Advisory Committee Study Group meetings are open to the public. Persons wishing to attend must, before July 20, contact Trisha Smeltzer at *smeltzertk@state.gov* or 202–776–8423 and provide their name, date of birth, and social security number for pre-clearance purposes, as well as e-mail address and affiliation. Please contact Ms. Smeltzer for additional meeting information, including teleconferencing dial-in details. Persons who cannot attend or participate by telephone but who wish to comment on the topics referred to above may do so by e-mail to Ms. Smeltzer.

Dated: June 9, 2009.

Keith Loken,

Assistant Legal Adviser, Office of Private International Law, Office of the Legal Adviser, Department of State.

[FR Doc. E9–15167 Filed 6–25–09; 8:45 am]

BILLING CODE 4710–08–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Effective Date

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of effective date for goods of Canada for certain modifications of the NAFTA Rules of Origin.

SUMMARY: In Proclamation 8323 of November 25, 2008, the President modified the rules of origin for certain goods of Canada under the North American Free Trade Agreement (NAFTA) incorporated in the Harmonized Tariff Schedule of the United States (the ''HTS''). The proclamation stated that the modifications would be effective on the date that the United States Trade Representative (USTR) announced in the **Federal Register** and are effective with respect to goods of Canada that are entered, or withdrawn from warehouse for consumption, on or after the date indicated in the notice. The purpose of this notice is to announce that the effective date for the modifications is July 1, 2009. The changes were printed in the **Federal Register** of November 28, 2008, Volume 73, Number 230, page 72,682.

FOR FURTHER INFORMATION CONTACT: For further information, please contact Caroyl Miller, Deputy Textile Negotiator, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508, fax number (202) 395–5639.

SUPPLEMENTARY INFORMATION: Presidential Proclamation 6641 of December 15, 1993, implemented the NAFTA with respect to the United States and, pursuant to the North American Free Trade Agreement Implementation Act (Pub.L. 103–182) (the ''NAFTA Implementation Act''), incorporated in the HTS the tariff modifications and rules of origin necessary or appropriate to carry out the NAFTA. Section 202 of the NAFTA Implementation Act (19 U.S.C. 3332) provides rules for determining whether goods imported into the United States originate in the territory of a NAFTA country and thus are eligible for the tariff and other treatment contemplated under the NAFTA. Section 202(q) of the NAFTA Implementation Act (19 U.S.C. 3332(q)) authorizes the President to proclaim, as a part of the HTS, the rules of origin set out in the NAFTA and to proclaim modifications to such previously proclaimed rules of origin, subject to the consultation and layover requirements of section 103(a) of the NAFTA Implementation Act (19 U.S.C. 3313(a)).

The President determined that the modifications to the HTS contained in Proclamation 8323 pursuant to sections 201 and 202 of the NAFTA Implementation Act were appropriate and proclaimed such changes with respect to goods of Canada and modified general note 12 to the HTS. The proclamation further provides that the effective date of the modifications shall be on the date that the USTR announces in a notice published in the **Federal Register.** The modifications are effective with respect to goods of Canada entered or withdrawn from warehouse for consumption on the date indicated in this notice.

On May 27, 2008, the government of Canada notified the U.S. government that it had obtained the necessary authorization to implement the rule of origin changes with respect to goods of the United States. Subsequently, officials of the government of Canada and the Government of the United States agreed to implement these changes with respect to each other's eligible goods, effective July 1, 2009.

Ronald Kirk,

United States Trade Representative.

[FR Doc. E9–15046 Filed 6–25–09; 8:45 am]

BILLING CODE 3190–W9–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending June 6, 2009

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (*See* 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: DOT–OST–2004–17315.

Date Filed: June 1, 2009.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: June 22, 2009.

Description: Application of Cargojet Airways, Ltd. (''Cargojet'') requesting the Department amend and renew its exemption authority, and issue it a foreign air carrier permit, authorizing it to engage in: (1) Foreign scheduled and charter air transportation of persons,

property and mail from points behind Canada, via Canada and intermediate points, to a point or points in the United States and beyond; (2) foreign scheduled and charter air transportation of property and mail between any point or points in the United States and any other point or points; and (3) other charter operations. Cargojet also requests a statement of authorization to conduct intermodal cargo service between any U.S. point and any other U.S. point.

Barbara J. Hairston,

Supervisory Dockets Officer, Docket Operations, Alternate Federal Register Liaison.

[FR Doc. E9–15108 Filed 6–25–09; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA 2009–0001–N–14]

Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking re-approval of the following information collection activities that were previously approved by OMB under Emergency Clearance Procedures. Before submitting these information collection requirements for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Comments must be received no later than August 25, 2009.

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to either: Ms. Wynne Davis, Office of Railroad Development, RDV–3, Federal Railroad Administration, 1200 New Jersey Ave., SE., Mail Stop 17, Washington, DC 20590, or Ms. Nakia Jackson, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave., SE., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, ''Comments on OMB control number 2130–0580.'' Alternatively, comments may be transmitted via facsimile to (202) 493–6330 or (202) 493–6497, or via e-mail to Ms. Davis at *wynne.davis@dot.gov,* or to Ms. Jackson at *nakia.jackson@dot.gov.* Please refer to the assigned OMB control number and the title of the information collection in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Ms. Wynne Davis, Office of Railroad Development, RDV–3, Federal Railroad Administration, 1200 New Jersey Ave., SE., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493–6441) or Ms. Nakia Jackson, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave., SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6073). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR Part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval of such activities by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses). *See* 44 U.S.C. 3506(c)(2)(A)(I)–(iv); 5 CFR 1320.8(d)(1)(I)–(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a ''user friendly'' format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

Below is a brief summary of the information collection activities that FRA will submit for renewed clearance by OMB as required under the PRA:

Title: Notice of Funding Availability and Solicitation of Applications for Grants under the Railroad Rehabilitation and Repair Grant Program.

OMB Control Number: 2130–0580.

Abstract: On September 30, 2008, President Bush signed Public Law 110–329, The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009. As part of this Act, Congress provided $20 million in disaster relief funds to FRA to award to States in one or more grants for eligible projects related to repair and rehabilitation of Class II and Class III railroad infrastructure damaged by hurricanes, floods, and other natural disasters in counties for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster relief and Emergency Assistance Act of 1974. These funds are available for rehabilitation and repairs of railroad right-of-way, bridges, signals, and other infrastructure which are part of the general railroad system of transportation and primarily used by railroads to move freight traffic. The Secretary may retain up to one-half of one (1) percent of these funds for the oversight of the design and implementation of projects funded by grants under this Program. Funds provided under this grant program may constitute no more than 80 percent of the total cost of a selected project, with the remaining cost funded from other sources. The funding provided under these grants will be made available to grantees on a reimbursement basis. FRA anticipates awarding grants to multiple eligible participants. FRA may choose to award a grant or grants within the available funds in any amount. Funding made available through grants provided under this program, together with funding from other sources that is committed by a grantee as part of a grant agreement, must be sufficient to complete the funded project and achieve the anticipated rehabilitation and repairs to Class II and Class IIII railroads. New applications will be accepted after publication of a future

Federal Register Notice that will be published sometime this fall.

Form Number(s): SF–424.

Other Instruments: Information Published with the Notice of Funds Availability (NOFA) to be published in **Federal Register** in Fall of 2009.

Affected Public: 50 States/Local governments.

Respondent Universe: 32 States/Local governments.

Frequency of Submission: On occasion.

REPORTING BURDEN

Grant program	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
— Application Process	32 States/Local govt	10 grant applications	315 hours	3,150
—Meeting requests with FRA Associate Administrator.	32 States/Local govt	2 requests/letters	30 minutes	1
—Face to Face Meetings with Associate Admin	32 States/Local govt	2 project meetings	2 hours	4
—Revisions to Grant Applications	32 States/Local govt	2 grant revisions	40 hours	80
—Environmental Assessments	32 States/Local govt	10 environmental documents.	80 hours	800
—Close-Out Procedures	32 States/Local govt	10 sets of Close-out documents.	4 hours	40
—Project Reports	32 States/Local govt	10 reports	80 hours	800

Total Responses: 46.

Estimated Total Annual Burden: 4,875 hours.

Status: Regular Review.

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC on June 22, 2009.

Kimberly Orben,

Director, Office of Financial Management, Federal Railroad Administration.

[FR Doc. E9–15027 Filed 6–25–09; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2009–0001–N–15]

Notice and Request for Comments

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice and Request for Comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICRs describe the nature of the information collections and their expected burdens. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collections of information was published on April 16, 2009 (74 FR 17762).

DATES: Comments must be submitted on or before July 27, 2009.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave., SE., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493–6292), or Ms. Nakia Jackson, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave., SE., Mail Stop 35, Washington, DC 20590 (*telephone:* (202) 493–6073). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, Section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR Part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On April 16, 2009, FRA published a 60-day notice in the **Federal Register** soliciting comment on ICRs that the agency was seeking OMB approval. 74 FR 17762. FRA received no comments after issuing this 60-day notice. Accordingly, DOT announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30 day notice is published. 44 U.S.C. 3507 (b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30 day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summaries below describe the nature of the information collection requirements (ICRs) and the expected burden. The current requirements are being submitted for renewed clearance by OMB as required by the PRA.

Title: Grade Crossing Signal System Safety.

OMB Control Number: 2130–0534.

Type of Request: Extension of a currently approved collection.

Affected Public: Railroads.

Abstract: FRA believes that highway-rail grade crossing (grade crossing) accidents resulting from warning system failures can be reduced. Motorists lose faith in warning systems that constantly warn of an oncoming train when none is present. Therefore, the fail-safe feature of a warning system loses its effectiveness if the system is not repaired within a reasonable period of time. A greater risk of an accident is present when a warning system fails to activate as a train approaches a grade crossing. FRA's regulations require railroads to take specific responses in the event of an activation failure. FRA uses the information to develop better

solutions to the problems of grade crossing device malfunctions. With this information, FRA is able to correlate accident data and equipment malfunctions with the types of circuits and age of equipment. FRA can then identify the causes of grade crossing system failures and investigate them to determine whether periodic maintenance, inspection, and testing standards are effective. FRA also uses the information collected to alert railroad employees and appropriate highway traffic authorities of warning system malfunctions so that they can take the necessary measures to protect motorists and railroad workers at the grade crossing until repairs have been made.

Form Number(s): FRA F 6180.83.

Annual Estimated Burden: 8,152 hours.

Title: Bridge Worker Safety Rules.

OMB Control Number: 2130–0535.

Type of Request: Extension of a currently approved collection.

Affected Public: Railroads.

Abstract: Section 20139 of Title 49 of the United States Code required FRA to issue rules, regulations, orders, and standards for the safety of maintenance-of-way employees on railroad bridges, including for ''bridge safety equipment'' such as nets, walkways, handrails, and safety lines, and requirements for the use of vessels when work is performed on bridges located over bodies of water. FRA has added 49 CFR Part 214 to establish minimum workplace safety standards for railroad employees as they apply to railroad bridges. Specifically, section 214.15(c) establishes standards and practices for safety net systems. Safety nets and net installations are to be drop-tested at the job site after initial installation and before being used as a fall-protection system; after major repairs; and at six-month intervals if left at one site. If a drop-test is not feasible and is not performed, then a written certification must be made by the railroad or railroad contractor, or a designated certified person, that the net does comply with the safety standards of this section. FRA and State inspectors use the information to enforce Federal regulations. The information that is maintained at the job site promotes safe bridge worker practices.

Form Number(s): N/A.

Annual Estimated Burden: 1 hour.

Title: Railroad Police Officers.

OMB Control Number: 2130–0537.

Type of Request: Extension of a currently approved collection.

Affected Public: Railroads.

Abstract: Under 49 CFR Part 207, railroads are required to notify states of all designated police officers who are discharging their duties outside of their respective jurisdictions. This requirement is necessary to verify proper police authority.

Form Number(s): N/A.

Annual Estimated Burden: 181 hours.

Addressee: Send comments regarding these information collections to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, NW., Washington, DC, 20503, *Attention:* FRA Desk Officer. Alternatively, comments may be sent via e-mail to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, at the following address: *oira_submissions@omb.eop.gov.*

Comments are invited on the following: Whether the proposed collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collections; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collections of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC on June 22, 2009.

Kimberly Orben,

Director, Office of Financial Management, Federal Railroad Administration.

[FR Doc. E9–15028 Filed 6–25–09; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Informational Filing

For informational purposes only, the Federal Railroad Administration (FRA) is providing notice that it has received an informational filing from BNSF Railway Company (BNSF) to conduct testing of Configuration VI of BNSF's Electronic Train Management System (ETMS) submitted pursuant to Title 49 Code of Federal Regulations (CFR) 236.913. The informational filing is described below, including the submitting party and the requisite docket number where the informational filing and any related information may be found. The document is available for public inspection; however, FRA is not accepting public comment on the document.

BNSF Railway Company (Docket Number FRA–2006–23687)

BNSF has submitted an informational filing to FRA to begin operational testing of ETMS Version VI on BNSF's Scenic Subdivision. This testing will allow BNSF to obtain the necessary assessments required to amend BNSF's currently approved Product Safety Plan (PSP) for ETMS Version I for a future submittal to the FRA. In addition, this testing will allow BNSF to substantiate the ETMS technology in tunnel operations on freight territories. The informational filing has been placed under Docket Number FRA–2006–23687 and is available for public inspection.

Interested parties are invited to review the informational filing and associated documents at the DOT Docket Management facility during regular business hours (9 a.m.—5 p.m.) at 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590. All documents in the public docket are also available for inspection and copying on the Internet at *http://www.regulations.gov.*

Anyone is able to search the electronic form of any written communications received into any of our dockets by name of the individual submitting the document (or signing the document, 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 (Volume 65, Number 70; Pages 19477–78).

Issued in Washington, DC on June 22, 2009.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E9–15124 Filed 6–25–09; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Airport Property at Pocahontas Municipal Airport, Pocahontas, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release airport property.

SUMMARY: The FAA proposes to rule and invites public comment on the release of

land at Pocahontas Municipal Airport under the provisions of Title 49, U.S.C. 47153(c).

DATES: Comments must be received on or before July 27, 2009.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Mr. Edward N. Agnew, Manager, Federal Aviation Administration, Southwest Region, Airports Division, Arkansas/Oklahoma Airports Development Office, ASW–630, 2601 Meacham Boulevard, Fort Worth, Texas 76137.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to The Honorable Gary Crocker, Mayor of Pocahontas, at the following address: City of Pocahontas, 410 North Marr, Pocahontas, AR 72455.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Burns, Federal Aviation Administration, Airports Development Office, ASW–630, 2601 Meacham Boulevard, Fort Worth, Texas 76137.

The request to release property may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release property at the Pocahontas Municipal Airport.

On June 18, 2009, the FAA determined that the request to release property at Pocahontas Municipal Airport submitted by the City of Pocahontas met the procedural requirements of the Federal Aviation Regulations, Part 155. The FAA may approve the request, in whole or in part, no later than July 30, 2009.

The following is a brief overview of the request:

The City of Pocahontas requests the release of 5.1 acres of airport property. The release of property will allow Pinnacle Frames, a local manufacturing facility, to improve its existing facilities which are on lands previously released by the Federal Aviation Administration. The release will also allow the airport to receive, in exchange for the 5.1-acres tract, a cash payment in the amount of $25,000.00, which the City will use for a 2010 capital improvement project to construct 1-hangars at Pocahontas Municipal Airport.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Pocahontas Municipal Airport.

Issued in Fort Worth, Texas on June 19, 2009.

Lacey D. Spriggs,

Acting Manager, Airports Division.

[FR Doc. E9–15130 Filed 6–25–09; 8:45 am]

BILLING CODE M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. 2009–0057, Notice No. 1]

Interim Statement of Agency Policy and Interpretation on the Hours of Service Laws as Amended; Proposed Interpretation; Request for Public Comment

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Interim statement of agency policy and interpretation; request for public comment.

SUMMARY: In this document FRA informs the public at large of the agency's interim position on certain interpretive questions arising out of the complex and important amendments enacted in 2008 to the Federal railroad safety laws that govern such matters as how long an employee in a certain category may remain on duty and how long the employee must be given off duty before the employee may go on duty again. In addition, FRA proposes an interpretation of one very significant provision of those amended laws that differs from FRA's existing interpretation of the laws before the 2008 amendments. Finally, FRA requests public comment on both the interim interpretations and the proposed interpretation.

DATES: This document is effective on July 16, 2009. Comments on the interim interpretations are due by July 27, 2009. Comments on the proposed interpretation are due by October 26, 2009. Late-filed comments will be considered to the extent practicable.

ADDRESSES: You may submit comments on the interim interpretations set forth in this document or the proposed interpretation set forth in this document, identified by the docket number FRA–2009–0057, by any of the following methods:

- *Web Site:* The Federal eRulemaking Portal, *http://www.regulations.gov.* Follow the Web site's online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 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.

Instructions: All submissions must include the agency name and docket number for this interim statement of agency policy and interpretation and the proposed interpretation. Note that all petitions received will be posted without change to *http://www.regulations.gov* including any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted petitions, comments, or materials.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or to 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.

FOR FURTHER INFORMATION CONTACT: Daniel Norris, Operating Practices Specialist, Operating Practices Division, Office of Safety Assurance and Compliance, FRA, 1200 New Jersey Avenue, SE., RRS–11, Mail Stop 25, Washington, DC 20590 (telephone 202–493–6242); or Colleen A. Brennan, Trial Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue, SE., RCC–12, Mail Stop 10, Washington, DC 20590 (telephone 202–493–6028 or 202–493–6052).

SUPPLEMENTARY INFORMATION:

Table of Contents for Supplementary Information

I. Background
II. Changes in the Old Hours of Service Laws Made by Section 108 of the RSIA of 2008
  A. Extending Hours of Service Protections to Employees of Contractors and Subcontractors to Railroads Who Perform Certain Signal-Related Functions
  B. Changing Hours of Service Requirements Related to Train Employees
  C. Changing Hours of Service Requirements Related to Signal Employees
III. Proposed Change in Interpretation of Prohibition Against a Train or Signal Employee Being on Duty Without Having Had a Minimum Number of Hours Off Duty During the Prior 24 Hours; Proposed Interpretation of That Prohibition in Context of New Prohibition Against Communication With Train and Signal Employees; and Request for Comments

A. Questions Presented and Short Answers
1. Must the Full 10–Hour Period of Uninterrupted Rest Fall Wholly Within the 24-Hour Period During Which Covered Service May Be Performed?
2. Is the 10-Hour Period of Undisturbed Rest for Train Employees and Signal Employees Required To Be Provided Immediately after the Employee Goes Off Duty—Meaning That if the Off-Duty Period Continues beyond 10 Hours, the Railroad May Communicate with the Employee after the First 10 Hours Off Duty?
B. The Old 8-Hour Rest Requirement and the Treatment of Calls To Report for Duty
1. The Old Statutory Language Establishing the 8-Hour Rest Requirement
2. FRA's Existing, Previously Published Interpretation of the 8-Hour Requirement
3. Discussion of FRA's Current Interpretation of the 8-Hour Rest Provision and Calls To Report to Duty
C. The New 10-Hour Rest Provision and the Prohibition on Communication During That Rest
1. Overview
2. The Statutory Language of the New 10-Hour Rest Provision
3. Discussion of Proposed Interpretation of New 10-Hour Rest Provision
IV. FRA's Interim Policies and Interpretations of the Hours of Service Laws as Amended by the RSIA of 2008
A. Other Questions Related to the Prohibition on Communication With Train Employees and Signal Employees
1. Does the Prohibition on Communication With Train Employees and Signal Employees Apply to Every Statutory Off-Duty Period No Matter How Long the Employee Worked?
2. Is the Additional Rest for a Train Employee When On-Duty Time Plus Limbo Time Exceeds 12 Hours Mandatory, or May the Employee Decline It?
3. If an Employee is Called to Report for Duty, but Then Receives a Call Canceling the Call to Report Before He or She Leaves the Place of Rest, is a New Period of 10 Uninterrupted Hours Off Duty Required?
4. What if the Call Is Cancelled Just One Minute Before Report-for-Duty Time?
5. What if the Employee Was Told Before Going Off Duty To Report at the End of Required Rest (Either 10 Hours or 48 or 72 Hours after Working 6 or 7 Days), and Is Released From That Call Prior to the Report-for-Duty Time?
6. Are Text Messages or E-Mail Permitted During the Rest Period?
7. May the Railroad Return an Employee's Call During the Rest Period Without Violating the Prohibition on Communication?
8. May the Railroad Call To Alert an Employee to a Delay (Set Back) or Displacement?
9. If the Railroad Violates the Requirement of Undisturbed Rest, Is the Undisturbed Rest Period Restarted From the Beginning?
10. Should any Violation of Undisturbed Rest Be Documented by an Electronic Record?
11. Is the Additional Rest Required When On-Duty Time Plus Limbo Time Exceeds 12 Hours (During Which Communication With an Employee Is Prohibited) To Be Measured Only in Whole Hours, So That the Additional Rest Requirement Is Not a Factor Until the Total Reaches 13 Hours?
B. Questions Related to the Requirements Applicable To Train Employees for 48 or 72 Hours Off at the Home Terminal
1. Is a ''Day'' a Calendar Day or a 24-Hour Period for the Purposes of This Provision?
2. If an Employee Is Called for Duty but Does Not Work, Has the Employee Initiated an On-Duty Period? Is There a Call and Release? What if the Employee Has Reported?
3. Does Deadheading From a Duty Assignment to the Home Terminal for Final Release on the 6th Or 7th Day Count as a Day that Triggers the 48-Hour or 72-Hour Rest Period Requirement?
4. Does Attendance at a Mandatory Rules Class or Other Mandatory Activity That is Not Covered Service but is Non-Covered Service, Count as Initiating an On-Duty Period on a Day?
5. If an Employee Is Marked Up on an Extra Board for 6 Days but Only Works 2 Days Out of the 6, Is the 48-Hour Rest Requirement Triggered?
6. If an Employee Initiates an On-Duty Period on 6 Consecutive Days, Ending at an Away-from-Home Terminal and Then Has 28 Hours Off at an Away-From-Home Terminal, May the Employee Work Back to the Home Terminal? The Statute Says That After Initiating an On-Duty Period On 6 Consecutive Days the Employee May Work Back to the Home Terminal on the 7th Day and Then Must Get 72 Hours Off, but What if the Employee Had a Day Off at the Away-from-Home Terminal after the 6th Day?
7. May an Employee Who Works 6 Consecutive Days Vacation Relief at a ''Temporary Home Terminal'' Work Back to the Regular Home Terminal on the 7th Day?
8. Employees Are Not Allowed To Perform ''Any Service for Any Railroad Carrier'' During these Required 48-Hour or 72-Hour Rest Periods. This Language Is Not Applied to Rest Periods elsewhere in the Statute. Does this Mean That if an Employee Is Employed by More than One Railroad, then Employing Railroad A Must Aggregate the Time the Employee Spends Working for Any Other Railroad With the Time the Employee Works for Railroad A?
C. Questions Related to the 276-Hour Monthly Maximum for Train Employees of Time on Duty, Waiting for or Being in Transportation to Final Release, and in Other Mandatory Service for the Carrier
1. If an Employee Reaches or Exceeds 276 Hours for the Calendar Month During a Trip that Ends at the Employee's Away-from-Home Terminal, May the Railroad Deadhead the Employee Home During That Month?
2. How Will FRA Apply the 276-Hour Cap to Employees Who Only Occasionally Perform Covered Service as a Train Employee, but Whose Hours, When Combined With Their Regular Shifts in Non-Covered Service, Would Exceed 276 Hours?
3. Does the 276-Hour Count Reset at Midnight on the First Day of a New Month?
4. May an Employee Accept a Call To Report for Duty When He or She Knows There Are Not Enough Hours Remaining in the Employee's 276-Hour Monthly Limitation to Complete the Assignment or the Duty Tour, and It Is Not the Last Day of the Month, So the Entire Duty Tour Will Be Counted Toward the Total for the Current Month?
5. What Activities Constitute ''Other Mandatory Service for the Carrier,'' Which Counts Towards the 276-Hour Monthly Limitation?
6. Does Time Spent Documenting Transfer of Hazardous Materials (Transportation Security Administration Requirement) Count against the 276-Hour Monthly Maximum?
D. Other Interpretive Questions Related to Section 108 of the RSIA of 2008
1. Do the 40-Hour and 30-Hour Monthly Maximum Limitations on Time Awaiting and in Deadhead Transportation to Final Release Only Apply to Time Awaiting and in Deadhead Transportation After 12 Consecutive Hours on Duty?
2. Did the RSIA of 2008 Affect Whether a Railroad May Obtain a Waiver of the Provisions of the New Hours of Service Laws?

I. Background

On October 16, 2008, the Rail Safety Improvement Act of 2008 (RSIA of 2008) was enacted. *See* Public Law 110–432, Div. A, 122 Stat. 4848. Section 108, Hours-of- service reform, of the RSIA of 2008 made important changes to 49 U.S.C. ch. 211, Hours of service, as amended through October 15, 2008 (the old hours of service laws). *See* 122 Stat. 4860–4866. Some of these changes became effective immediately on the date of enactment, and others became effective nine months later, on July 16, 2009. In particular, under section 108(g) of the RSIA of 2008, subsections (d), (e), (f), and (g) of the section became effective on the date of enactment of the RSIA of 2008, and subsections (a), (b), and (c) of the section become effective nine months later, on July 16, 2009. Because of the significance of the amendments to the old hours of service laws made by section 108 of the RSIA of 2008, FRA is publishing this interim statement of agency policy and interpretation to address questions of statutory interpretation that have arisen since their enactment.

Currently, FRA is not addressing the amendments to the old hours of service laws made by section 420 of the RSIA

of 2008, which changed 49 U.S.C. 21106, Limitations on employee sleeping quarters, effective October 16, 2008. Nor is FRA presently revising either appendix A of 49 CFR part 228, which contains FRA's previously published interpretations of the old hours of service laws, known until the 1994 recodification as the Hours of Service Act (*see* Pub. L. 103–272), nor FRA's previously published interpretations concerning the limitations on hours of service of individuals engaged in installing, repairing or maintaining signal systems, an interim statement of agency policy and interpretation at 42 FR 4464 (Jan. 25, 1977). FRA is also not interpreting its recently issued regulations revising its hours of service recordkeeping requirements, published in the **Federal Register** on May 27, 2009 (74 FR 25330).

FRA seeks comment on this interim statement and the proposed interpretation and has sought informal input on many of the interpretive issues addressed in this document through the agency's Railroad Safety Advisory Committee (RSAC). On May 27, 2009, FRA published a regulation, mandated by section 108(f) of the RSIA of 2008, revising the hours of service recordkeeping requirements to support compliance with the hours of service laws as amended by the RSIA of 2008 (the new hours of service laws); to authorize electronic recordkeeping, and reporting of excess service, consistent with appropriate considerations for user interface; and to require training of affected employees and supervisors, including training of employees in the entry of hours of service data. 74 FR 25330, 25345 (May 27, 2009). FRA utilized the RSAC and an RSAC working group (Working Group) in the development of this regulation, and while the task of the Working Group was officially limited to developing the regulatory text related to hours of service recordkeeping, FRA sought the input of the members of the Working Group on the interpretive issues it was considering. FRA also shared with the Working Group its preliminary thoughts on some of the interpretive questions, and FRA's interpretations have been made in consideration of the feedback from the Working Group.

It is FRA's intention that the interpretations provided in this interim statement of agency policy and interpretation will go into effect on July 16, 2009, the effective date of some of the most important substantive changes to the old hours of service laws resulting from the RSIA of 2008. FRA will consider comments received in response to these interim interpretations of the new hours of service laws, and may modify these interpretations based on comments or if experience with the new statutory requirements indicates that a change in interpretation is needed.

However, FRA is specifically seeking comment with regard to one issue to be discussed in this document related to the limitation on hours of both train employees and signal employees, specifically, the beginning of the 24-hour period in which the maximum allowed time on duty and minimum required time off duty are calculated. As will be explained below, FRA proposes to interpret the 24-hour period within which an employee must have had the minimum statutory off-duty period as lying within the 24-hour period during which not more than 12 hours of covered and commingled service may accrue. FRA believes that this new approach, which may be described as ''continuous lookback,'' conforms to the plain meaning of the law, which by its terms prohibits an employee from going or remaining on duty unless the employee has received 10 hours of rest in the prior 24 hours. This would be a significant change from FRA's previously published interpretation. While FRA believes its proposed interpretation is consistent with the statutory language, it is seeking comment as to the effect that this proposed change of interpretation would have on the industry, and, if adopted by FRA, this change in interpretation would not go into effect until FRA has had the opportunity to consider any comments received.

II. Changes in the Old Hours of Service Laws Made by Section 108 of the RSIA of 2008

A. Extending Hours of Service Protections to Employees of Contractors and Subcontractors to Railroads Who Perform Certain Signal-Related Functions

Effective July 16, 2009, section 108(a) of the RSIA of 2008 (Section 108(a)) amends the definition of ''signal employee'', to eliminate the words ''employed by a railroad carrier''. To be codified at 49 U.S.C. 21101(4). With this amendment, employees of contractors or subcontractors to a railroad who are engaged in installing, repairing, or maintaining signal systems (the functions within the definition of signal employee in the old hours of service laws) will be covered by the new hours of service laws, because a signal employee under the new hours of service laws is no longer by definition only a railroad employee.

It should be noted that an employee of a contractor or subcontractor to a railroad who is ''engaged in or connected with the movement of a train'' was considered a ''train employee'' under the old hours of service laws and continues to be considered a train employee under the new hours of service laws. 49 U.S.C. 21101(5). Likewise, an employee of a contractor or subcontractor to a railroad who ''by the use of an electrical or mechanical device dispatches, reports, transmits, receives, or delivers orders related to or affecting train movements'' was considered a ''dispatching service employee'' under the old hours of service laws and continues to be considered a ''dispatching service employee'' under the new hours of service laws. 49 U.S.C. 21101(2).

B. Changing Hours of Service Requirements Related to Train Employees

Section 108(b) of the RSIA of 2008 (Section 108(b)) amends the old hours of service requirements for train employees in many ways, all of which amendments are effective July 16, 2009, except with respect to train employees providing commuter or intercity passenger rail service, whom section 108(d) of the RSIA of 2008 makes subject initially to the old hours of service laws and then to regulations if issued timely and, if not, to the new hours of service laws. To be codified at 49 U.S.C. 21103 and 21102, respectively. (*See* further discussion of the exception in this II.B, below.) Section 108(b) limits train employees to 276 hours of time on-duty, awaiting or in deadhead transportation from a duty assignment to the place of final release, or in any other mandatory service for the carrier per calendar month. To be codified at 49 U.S.C. 21103(a)(1). The provision retains the existing maximum of 12 consecutive hours on duty, but increases the minimum off-duty period to 10 hours consecutive hours during the prior 24-hour period. To be codified at 49 U.S.C. 21103(a)(2), (3).

Section 108(b) also requires that after an employee initiates an on-duty period each day for six consecutive days, the employee must receive at least 48 consecutive hours off duty at the employee's home terminal, during which the employee is unavailable for any service for any railroad; except that if the sixth on-duty period ends at a location other than the home terminal, the employee may initiate an on-duty period for a seventh consecutive day, but must then receive at least 72 consecutive hours off duty at the employee's home terminal, during

which time the employee is unavailable for any service for any railroad. To be codified at 49 U.S.C. 21103(a)(4).

Section 108(b) further provides that employees may also initiate an on-duty period for a seventh consecutive day and receive 72 consecutive hours off duty if such schedules are provided for in existing collective bargaining agreements for a period of 18 months, or after 18 months by collective bargaining agreements entered into during that period, or a pilot program that is either authorized by collective bargaining agreement, or related to work rest cycles under section 21108 of the new hours of service laws. To be codified at 49 U.S.C. 21103(a)(4).

Section 108(b) also provides that the Secretary may waive the requirements of 48 and 72 consecutive hours off duty if the procedures of 49 U.S.C. 20103 are followed, if a collective bargaining agreement provides a different arrangement that the Secretary determines is in the public interest and consistent with safety. *Id.*

Section 108(b) also significantly changes the old hours of service requirements for train employees by establishing for the first time a limitation on the amount of time an employee may spend awaiting and in deadhead transportation. To be codified at 49 U.S.C. 21103(c)(1). In particular, a railroad may not require or allow an employee to exceed 40 hours per month awaiting or in deadhead transportation from duty that is neither time on duty nor time off duty from the July 16, 2009 effective date of the provision through October 15, 2009,[1] with that number decreasing to 30 hours per employee per month beginning October 16, 2009, except in certain situations. These monthly limits do not apply if the train carrying the employee is directly delayed by casualty, accident, act of God, derailment, major equipment failure that keeps the train from moving forward, or other delay from unforeseeable cause. To be codified at 49 U.S.C. 21103(c)(2). Railroads are required to report to the Secretary all instances in which these limitations are exceeded. To be codified at 49 U.S.C. 21103(c)(3). In addition, the railroad is required to provide the train employee with additional time off duty equal to the amount that combined on-duty time and time awaiting or in transportation to final release exceeds 12 hours. To be codified at 49 U.S.C. 21103(c)(4).

[1] The language of Section 108(b) must be read in conjunction with the language of Section 108(g), which provides that Section 108(b) becomes effective on July 16, 2009.

Finally, Section 108(b) restricts communication with train employees except in case of emergency during the minimum off-duty period, statutory periods of interim release, and periods of additional rest required equal to the amount that combined on-duty time and time awaiting or in transportation to final release exceeds 12 hours. To be codified at 49 U.S.C. 21103(e). However, the Secretary may waive this provision for train employees of commuter or intercity passenger railroads if the Secretary determines that a waiver would not reduce safety and is necessary to efficiency and on time performance. *Id.*

However, as was alluded to earlier, section 108(d) of the RSIA of 2008 (Section 108(d)), which became effective on October 16, 2008, provides that the requirements described above for train employees will not go into effect on July 16, 2009, for train employees of commuter and intercity passenger railroads. 49 U.S.C. 21102(c). Section 108(d) provides the Secretary with the authority to issue hours of service rules and orders applicable to these train employees, which may be different than the statute applied to other train employees. 49 U.S.C. 21109(b). Section 108(d) further provides that these train employees who provide commuter or intercity passenger rail service will continue to be governed by the old hours of service laws (as they existed immediately prior to the enactment of the RSIA of 2008) until the effective date of regulations promulgated by the Secretary. 49 U.S.C. 21102(c). However, if no new regulations have been promulgated before October 16, 2011, the provisions of Section 108(b) would be extended to these employees at that time. *Id.*

C. Changing Hours of Service Requirements Related to Signal Employees

Section 108(c) of the RSIA of 2008 (Section 108(c)) amends the hours of service requirements for signal employees in a number of ways, effective July 16, 2009. To be codified at 49 U.S.C. 21104. As was noted above, by amending the definition of ''signal employee,'' Section 108(a) extends the reach of the substantive requirements of Section 108(c) to a contractor or subcontractor to a railroad carrier and its officers and agents. To be codified at 49 U.S.C. 21101(4). In addition, as Section 108(b) does for train employees, Section 108(c) retains for signal employees the existing maximum of 12 consecutive hours on duty, but increases the minimum off-duty period to 10 hours consecutive hours during the prior 24-hour period. To be codified at 49 U.S.C. 21104(a)(1), (2). Further, Section 108(c) deletes the prohibition in the old hours of service laws at 49 U.S.C. 21104(a)(2)(C) against requiring or allowing a signal employee to remain or go on duty ''after that employee has been on duty a total of 12 hours during a 24-hour period, or after the end of that 24-hour period, whichever occurs first, until that employee has had at least 8 consecutive hours off duty.''

Section 108(c) also eliminates language in the old hours of service laws stating that last hour of signal employee's return from final trouble call is time off duty, and defines ''emergency situations'' in which the new hours of service laws permits signal employees to work additional hours not to include routine repairs, maintenance, or inspection. To be codified at 49 U.S.C. 21104(b), (c).

Section 108(c) also contains language virtually identical to that in Section 108(b) for train employees, prohibiting railroad communication with signal employees during off-duty periods except for in an emergency situation. To be codified at 49 U.S.C. 21104(d).

Finally, Section 108(c) provides that the hours of service, duty hours, and rest periods of signal employees are governed exclusively by the new hours of service laws, and that signal employees operating motor vehicles are not subject to other hours of service, duty hours, or rest period rules besides FRA's. To be codified at 49 U.S.C. 21104(e).

The requirements of the old hours of service laws for dispatching service employees (49 U.S.C. 21105) were not modified by the RSIA of 2008.

III. Proposed Change in Interpretation of Prohibition Against a Train or Signal Employee Being on Duty Without Having Had a Minimum Number of Hours Off Duty During the Prior 24 Hours; Proposed Interpretation of That Prohibition in Context of New Prohibition Against Communication With Train and Signal Employees; and Request for Comments

A. Questions Presented and Short Answers

1. Must the Full 10-Hour Period of Uninterrupted Rest Fall Wholly Within the 24-Hour Period During Which Covered Service May Be Performed?

Short Answer: No, if FRA applies to the new 10-hour statutory provision the agency's longstanding interpretation of the old 8-hour statutory provision, the 10-hour uninterrupted rest period would not diminish the 24-hour period

during which covered service may be performed.

Yes, if FRA adopts its proposed interpretation of the new 10-hour statutory provision, which would require that the full 10-hour undisturbed off-duty period occupy 10 hours of the 24-hour period during which covered service may be performed.

2. Is the 10-Hour Period of Undisturbed Rest for Train Employees and Signal Employees Required To Be Provided Immediately After the Employee Goes Off Duty—Meaning That if the Off-Duty Period Continues Beyond 10 Hours, the Railroad May Communicate With the Employee After the First 10 Hours Off Duty?

Short Answer: Yes, if FRA applies to the new 10-hour statutory provision the agency's longstanding interpretation of the old 8-hour statutory provision, then the 10-hour period of undisturbed rest may be given immediately after the employee goes off duty, and the railroad may communicate with the employee after the first 10 hours off duty.

Not necessarily, if FRA adopts its proposed interpretation of the 10-hour statutory provision, because for the railroad to maximize the work window during which a train or signal employee may be on duty to a 14-hour period, the railroad must give notice of the employee's next reporting time before the employee begins the 10-hour rest period.

B. The Old 8-Hour Rest Requirement and the Treatment of Calls To Report for Duty

1. The Old Statutory Language Establishing the 8-Hour Rest Requirement

Section 21103(a)(1) of title 49, U.S.C., in effect through July 15, 2009, reads as follows: ''Except as provided in subsection (c) of this section [pertaining to emergencies], a railroad carrier and its officers and agents may not require or allow a train employee to remain or go on duty * * * unless that employee has had at least 8 consecutive hours off duty during the prior 24 hours.''

Section 21104(a)(2)(A) of title 49, U.S.C., in effect through July 15, 2009, provides the identical requirement for signal employees.[2]

[2] In addition, section 21104(a)(2)(C) of title 49, U.S.C., provides that a railroad carrier, its officers and agents may not require or allow a signal employee to remain or go on duty ''after that employee has been on duty a total of 12 hours during a 24-hour period, or after the end of that 24-hour period, whichever occurs first, until that employee has had at least 8 consecutive hours off duty.''

2. FRA's Existing, Previously Published Interpretation of the 8-Hour Requirement

The existing interpretation of the equivalent provision for train employees in the Hours of Service Act [3] reads as follows:

Limitations on Hours. The Act establishes two limitations on hours of service. First, no employee engaged in train or engine service may be required or permitted to work in excess of twelve consecutive hours. After working a full twelve consecutive hours, an employee must be given at least ten consecutive hours off duty before being permitted to return to work.

Second, no employee engaged in train or engine service may be required or permitted to continue on duty or go on duty unless he has had at least eight consecutive hours off duty within the preceding twenty-four hours. This latter limitation, when read in conjunction with the requirements with respect to computation of duty time (discussed below) results in several conclusions:

(1) When an employee's work tour is broken or interrupted by a valid period of interim release (4 hours or more at a designated terminal), he may return to duty for the balance of the total 12-hour work tour during a 24-hour period.

(2) After completing the 12 hours of broken duty, or at the end of the 24-hour period, whichever occurs first, the employee may not be required or permitted to continue on duty or to go on duty until he has had at least 8 consecutive hours off duty.

(3) The 24-hour period referred to in paragraphs 1 and 2 above shall begin upon the commencement of a work tour by the employee immediately after his having received a statutory off-duty period of 8 or 10 hours as appropriate.

[Emphasis supplied.]

FRA's existing interpretation of the language related to signal employees reads as follows:

LIMITATIONS ON HOURS

No individual employed by a common carrier in installing, repairing or maintaining signal systems may be required or permitted to work in excess of twelve continuous hours, After working twelve continuous hours, an individual must be given at least ten consecutive hours off duty before being permitted to return to work.

[3] Section 2(a) of the Hours of Service Act provided:

It shall be unlawful for any common carrier, its officers or agents, subject to this Act—

''(1) To require or permit an employee, in case such employee shall have been continuously on duty for fourteen hours, to continue on duty or to go on duty until he has had at least ten consecutive hours off duty, except that, effective upon the expiration of the two-year period beginning on the effective date of this paragraph, such fourteen-hour duty period shall be reduced to twelve hours; or

''(2) To require or permit an employee to continue on duty or to go on duty when he has not had at least eight consecutive hours off duty during the preceding twenty-four hours.

No individual engaged in covered work may be required or permitted to continue on duty or go on duty unless he has had ''at least eight consecutive hours off duty within the preceding twenty-four hours.'' The clear spirit and intent of the quoted language lead to the conclusions that:

(1) When the time on duty is broken or interrupted by off-duty periods of less than 8 consecutive hours, the individual may be on duty up to a maximum of 12 hours during a 24 hour period, so long as such individual has had a statutory off-duty period of at least 8 or 10 consecutive hours immediately prior to reporting for work.

(2) After completing the 12 hours of broken duty, or at the end of, the 24 hour period, whichever occurs first, the employee may not be required or permitted to continue on duty or to go on duty until he has had at least 8 consecutive hours off duty.

(3) The 24-hour period referred to in paragraphs 1 and 2 above shall begin when an employee reports for work immediately after his having had a statutory off-duty period of 8 or 10 hours.

42 FR 4464, 4466 (Jan. 25, 1977).

3. Discussion of FRA's Current Interpretation of the 8–Hour Rest Provision and Calls To Report to Duty

Under the old hours of service laws, and the current FRA interpretations, as cited above, a 24-hour period begins when an employee reports for duty. At the instant that the employee reports for duty, FRA looks back at the 24-hour period before the employee reported for duty to see that the employee had at least 8 consecutive hours off (or 10 consecutive hours off if the employee worked 12 consecutive hours) following the prior duty assignment. If so, then the employee has a maximum of 12 hours to work in the next 24 hours, and must get 8 or 10 hours off either after working that 12 hours or at the end of the 24-hour period, whichever occurs first, before going on duty again. After the employee receives a statutory off-duty period (*i.e.,* at least 8 or consecutive 10 hours, whichever is applicable), when the employee next reports for duty, a new 24-hour period begins for the purpose of calculating time on duty, and the requirement of the statutory off-duty period.

Therefore, an employee who works in broken service (*e.g.,* 8 hours on, then 4 hours off, then 4 hours on) just has to get the 8 or 10 hours off somewhere within the 24-hour period before the employee begins the tour of duty. FRA has not required the 8 or 10 hours to be any particular set of hours in the 24-hour period before commencing the current duty tour. If the employee continues off duty after having received at least the minimum statutory off-duty period, the railroad may call the employee repeatedly before the

employee comes on duty. While these contacts would break the continuity of the off-duty period, and might commingle with the next duty tour if the employee does not receive a statutory off-duty period, the calls themselves would not violate the law, once the minimum statutory off-duty period is completed.

Further, a settled FRA interpretation adopted shortly after the 1969 amendments to the Hours of Service Act, with encouragement from the industry parties, has permitted the railroad to address one call to an employee during the rest period for the purpose of advising the employee concerning the place and time that the employee is to appear for the next assignment, without that call being considered an interruption of the required 8- or 10-hour statutory release. (This interpretation is emphatically extinguished for train employees in freight service, beginning on July 16, as result of enactment of a provision in Section 108(b) to be codified at 49 U.S.C. 21103(e). FRA proposes to continue it in effect for train employees in passenger service to maintain the status quo pending further rulemaking, as the Congress intended in enacting, effective October 16, 2008, 49 U.S.C. 21102(c).)

The purpose and effect of FRA's interpretation regarding the issue of 8 consecutive hours off duty within the prior 24 hours were to ease planning by permitting railroads to look forward from the time that the employee reported for work. The interpretation assumed that 8 or 10 hours of rest immediately preceded the time that the employee went on duty, which was ordinarily the case (there having been a single call for the assignment, which by interpretation did not interrupt the period of rest). Where there were multiple calls outside the basic period of rest, they were commingled with subsequent service, so in fact the commencement of the duty tour immediately followed the statutory rest.

As a practical matter, the prior interpretation had little effect on hours worked, since as a practical matter only a highly unusual pattern of broken service (*e.g.,* 4 on, 6 off, 4 on, 6 off, 4 on) could result in work occurring in defiance of the literal language of the law, as the employee would have worked 12 hours in the 24-hour period without ever having 8 hours off duty in the prior 24 hours. This seldom if ever has occurred, and at no time since publication of interpretations in appendix A to 49 CFR part 228 in 1977 has FRA had occasion to question the wisdom of this approach.

C. The New 10–Hour Rest Provision and the Prohibition on Communication During That Rest

1. Overview

Under the hours of service laws as amended by the RSIA of 2008, the minimum statutory off-duty period for train employees and signal employees, for purposes of what will be codified at 49 U.S.C. 21103(a)(3) and 49 U.S.C. 21104(a)(2) is 10 hours, regardless of how many hours are worked and whether service is consecutive or broken, and any interruption of a rest period before its desired duration has been achieved (10 hours for full rest, 4 hours for a train employee's interim release, etc.) restarts the clock for the minimum full rest period because of the new prohibition to be codified at 49 U.S.C. 21103(e) and 21104(d).[4]

2. The Statutory Language of the New 10-Hour Rest Provision

Effective July 16, 2009, the RSIA of 2008 amends 49 U.S.C. 21103(a) to provide, *inter alia,* that ''[e]xcept as provided in subsection (d) of this section, a railroad carrier and its officers and agents may not require or allow a train employee to * * * (3) remain or go on duty unless that employee has had at least 10 consecutive hours off duty during the prior 24 hours * * *'' The predecessor provision is 49 U.S.C. 21103(a)(1). The changes made to this predecessor provision are fairly minor: redesignating subsection (c), regarding emergencies, as subsection (d); transferring the phrase ''remain or go on duty'' in the introductory text of the subsection (a) to the beginning of subsection (a)(3); transferring all the language in subsection (a)(1) (''unless that employee has had at least 8 consecutive hours off duty during the prior 24 hours'') to subsection (a)(3); and then changing ''8'' to ''10'' in the minimum off-duty period.

Effective July 16, 2009, the RSIA of 2008 also amends 49 U.S.C. 21104(a) to provide that ''[e]xcept as provided in subsection (c) of this section, a railroad carrier and its officers and agents may not require or allow its signal employees to remain or go on duty and a contractor or subcontractor to a railroad carrier and its officers and agents may not require or allow its signal employees to remain or go on duty * * * (2) unless that employee has had at least 10 consecutive hours off duty during the prior 24 hours.'' For purposes of this discussion, the changes are minor, the most salient of which are to change ''8'' to ''10'' as the minimum off-duty period.

3. Discussion of Proposed Interpretation of New 10-Hour Rest Provision

FRA is concerned that, as applied to the revised laws, the existing, ''fresh start'' interpretation conflicts with the plain meaning of laws by excluding the 10-hour period from the ''prior 24 hours'' to which the revised statute refers. Although the ''fresh start'' approach may have had some merit to simplify planning under the old hours of service laws, it does not appear to track the purpose or intent of the new, more stringent statute. Accordingly, FRA proposes to enforce the plain meaning of the revised statute, i.e., no train employee or signal employee may be required or permitted to go or remain on duty unless that employee had received at least 10 consecutive hours of rest within any of the 24-hour periods prior to any of the moments in question (*i.e.,* any instant that the employee goes or remains on duty during the duty tour), rather than the one 24- hour period prior to the one moment that the employee commences the duty tour.

This new approach, which may be described as ''continuous lookback,'' conforms to the plain meaning of the law, which by its terms prohibits an employee from going or remaining on duty unless the employee has received 10 hours of rest in the prior 24 hours.[5]

[4] Effective July 16, 2009, section 21103(e) of title 49 U.S.C. will provide as follows:

''Communication During Time Off Duty.—During a train employee's minimum off-duty period of 10 consecutive hours, as provided under subsection (a) or during an interim period of at least 4 consecutive hours available for rest under subsection (b)(7) or during additional off-duty hours under subsection (c)(4), a railroad carrier, and its officers and agents, shall not communicate with the train employee by telephone, by pager, or in any other manner that could reasonably be expected to disrupt the employee's rest. Nothing in this subsection shall prohibit communication necessary to notify an employee of an emergency situation, as defined by the Secretary. The Secretary may waive the requirements of this paragraph for commuter or intercity passenger railroads if the Secretary determines that such a waiver will not reduce safety and is necessary to maintain such railroads' efficient operations and on-time performance of its trains.''

Effective July 16, 2009, section 21104(d) of title 49 U.S.C. will provide as follows:

''Communication During Time Off Duty.—During a signal employee's minimum off-duty period of 10 consecutive hours, as provided under subsection (a), a railroad carrier or a contractor or subcontractor to a railroad carrier, and its officers and agents, shall not communicate with the signal employee by telephone, by pager, or in any other manner that could reasonably be expected to disrupt the employee's rest. Nothing in this subsection shall prohibit communication necessary to notify an employee of an emergency situation, as defined by the Secretary.''

[5] Indeed, FRA acknowledged this when issuing its current interpretation, providing, ''A very literal reading of the statute would require that the required 8-hour release period be within the ''preceding twenty-four hours'' described in section 2(a)(2) of the statute * * * in every instance. That

It appears that this interpretation would also best address the acute fatigue of employees working at different times of day and night, by ensuring that their best opportunity for rest, free from interruptions by the railroad, comes just prior to their going back on duty, so that they are well rested when they go to work, and better able to remain reasonably so throughout the duty tour.

There would be practical challenges associated with the continuous lookback approach, and the utilization of employees could be constrained. First, it would be particularly important that crews be scheduled precisely in order to obtain best use of their available time, particularly for extended assignments (*i.e.,* those approaching the maximum 12 hours on duty, or exceeding 12 hours total time on duty when on-duty time is combined with time spent waiting for deadhead transportation or in deadhead transportation to the place of final release). For typical over-the-road assignments, railroads might either have to notify the employee of the time to report 10 or more hours before the time the employee is wanted, so that the last 10 or more hours would be uninterrupted,[6] or else have to call immediately at the conclusion of a known period of rest, providing notice of the next assignment within a short time prior to its beginning. A typical maximum pattern might be a ''2-hour'' call (*i.e.,* a call from the railroad notifying the employee to report for duty 2 hours later), followed by an on-duty period of 12 consecutive hours. This approach would effectively eliminate the possibility of 12 hours of broken service, because the interim period of release would also occur within the 24-hour period. (For example, with a 2-hour call, 8 hours of work, and 4 hours off, any resumption of work would be barred because following the aggregate period of 14 hours (2+8+4) any ''look back'' to find a continuous 10-hour period of release within the prior 24 hours would be futile.) By contrast, lesser periods of aggregate service might be plausible (*e.g.,* a call prior to the 10-hour rest period, 5 hours on duty, 4 hours off duty, 5 hours on duty, allowing a total of 10 hours of on-duty time before the 24-hour duty period would have to end, because an instant later the prior 24-hour period would not include a period of 10 consecutive hours off).

Clearly the means by which ''pool crews'' and ''extra board'' assignments are managed would need to be altered if the railroad wished to get full use of the employee's allowed 12 hours. To accomplish this, among the options available to the railroad would be to tell the employee when to come back before the employee is released from the previous duty tour, or to notify the employee when he or she is about 10 hours out from the next call. If the projected time is later set back, the railroad would need to notify the employee of the setback up to 10 hours before the new time that the employee would need to report, because those next 10 hours would be the uninterrupted rest.

FRA has identified the following positive aspects of the proposed interpretation:

- Appears most faithful to the literal language of the statute.
- The legislative history of the RSIA of 2008 reiterates the statutory language, which has not significantly changed, the literal meaning of which FRA has always believed supports the proposed interpretation.
- Best ensures that meaningful rest closely precedes the period of work, supporting the safety purpose of the laws.
- Creates a strong incentive for employers to plan their operations in such a way that employees can effectively plan their rest.
- Prevents periods of aggregate service potentially extending for up to 24 hours without substantial rest.

FRA has identified the following negative aspects of the proposed interpretation:

- Departs from a settled interpretation, which could require significant training and adjustment in expectations regarding the operation of the law.
- During periods of stress on rail operations, could limit availability of employees and efficiency of operations.
- To the extent that employers notify employees of assignments precisely 10 hours prior to the time for reporting, the rest period could be compromised by the requirement to accomplish travel to the report-for-duty location within the 10 hours.
- Might not produce uniformly positive outcomes in terms of safety (*e.g.,* to the extent that an employee is released from service in the late evening hours, the best time for rest could be immediately, rather than just before the onset of the duty tour).[7]

FRA requests comments on this proposed change in interpretation, including the options for adapting to the interpretation if adopted, the operational difficulties presented by the proposed interpretation, and the circumstances most likely to present such difficulty. FRA asks that those objecting to the proposed interpretation provide their views as to the better interpretation that would satisfy the language and the intent of the statute.

FRA wishes to note that, even under the present interpretation, railroads would not be free to simply provide 10 interrupted hours of rest and then repeatedly set back calls over a long period of time. The current interpretation is that the beginning of the duty tour following statutory rest starts the clock. Statutory rest will now clearly be uninterrupted rest, and so even one call ''busting'' or ''setting back'' an assignment will be commingled with the subsequent service unless a new 10-hour period of rest ensues. Whichever interpretation is finally adopted, railroads will need to do a better job of planning crew utilization.

IV. FRA's Interim Policies and Interpretations of the Hours of Service Laws as Amended by the RSIA of 2008

A. Other Questions Related to the Prohibition on Communication With Train Employees and Signal Employees

These questions apply to sections 108(b)(3) and (c)(4) of the RSIA of 2008, which amend sections 49 U.S.C. 21103 and 49 U.S.C. 21104 effective July 16, 2009, to provide that a railroad carrier or a contractor or subcontractor to a railroad carrier, and its officers and agents, are prohibited from communicating with a train employee or a signal employee by telephone, pager, or in any other manner that could reasonably be expected to disrupt the employee's rest. To be codified at 49 U.S.C. 21103(e) and 21104(d). This prohibition applies during—

- A train employee's or a signal employee's minimum off-duty period of 10 consecutive hours;
- A train employee's period of interim release of at least 4 hours that is available for rest; and
- A train employee's required additional rest, in the amount by which

would mean that broken service would have to be distributed within the remaining 16 hours in every instance. (For instance, 4 hours on duty, 4 hours off duty—the minimum permitted and 4 hours on duty.).'' 42 FR 27594, 27595 (May 31, 1977).

[6] More than 10 hours uninterrupted rest would be required for a train employee if additional rest is required as a result of time spent awaiting or in deadhead transportation after 12 hours on duty. To be codified at 49 U.S.C. 21103(c)(4).

[7] This is a formal concern, but FRA is not persuaded that it is a practical concern, as the employer will have little reason to contact the employee until next assignment is approaching, and the employee's circadian pattern will tend to support quality sleep during the nighttime hours.

the sum of on-duty and limbo time exceeds 12 hours.

The section does not prohibit communication necessary to notify an employee of an emergency situation, and the provision may be waived as to train employees of commuter or intercity passenger railroads if the Secretary determines a waiver will not reduce safety and is necessary to maintain such railroads' efficient operation and on-time performance.

1. Does the Prohibition on Communication With Train Employees and Signal Employees Apply to Every Statutory Off-Duty Period No Matter How Long the Employee Worked?

Yes, except for the 48- or 72-hour rest requirement. This prohibition on communication applies to every off-duty period of at least 10 hours under 49 U.S.C. 21103(a)(3) or 21104(a)(2) and to any additional rest required for a train employee when the sum of on-duty time and limbo time exceeds 12 hours. For train employees it also applies to every lesser off-duty period that qualifies as an interim release.

2. Is the Additional Rest for a Train Employee When On-Duty Time Plus Limbo Time Exceeds 12 Hours Mandatory, or May the Employee Decline It?

The additional rest is mandatory and may not be declined. Alternate proposed versions of the legislation gave the employee the option, but the statute (*i.e.,* the legislation as passed), makes the additional rest mandatory.

3. If an Employee Is Called To Report for Duty, But Then Receives a Call Canceling the Call To Report Before He or She Leaves the Place of Rest, Is a New Period of 10 Uninterrupted Hours Off Duty Required?

If the employee has not left the place of rest, the employee has not accrued on-duty time, and would still be off-duty, with the exception that the time spent in the call could commingle with a future duty tour. However, if FRA adopts the proposed interpretation discussed in section III, above, the railroad's options might be more limited, because the beginning of the uninterrupted rest of 10 hours would continue to serve as the beginning of the 24-hour period within which the employee may be utilized.

4. What If the Call Is Cancelled Just One Minute Before Report-for-Duty Time?

The answer to this scenario is the same as the answer to the preceding question.

5. What If the Employee Was Told Before Going Off Duty To Report at the End of Required Rest (Either 10 Hours or 48 or 72 Hours After Working 6 or 7 Days), and Is Released From That Call Prior to the Report-for-Duty Time?

The answer to this scenario is the same as the answer to the preceding question.

6. Are Text Messages or E-Mail Permitted During the Rest Period?

The employee may not be required to receive any communication of any sort, or to access information of any kind. However, FRA encourages provision of information that can be accessed at the employee's option, especially in the case of unscheduled or uncertain assignments, so that the employee can plan rest. The alerts provided by most devices when an e-mail or text message is received might reasonably be expected to disturb an employee who may be trying to obtain rest. However, an employee might be reluctant to turn the devices off, because that would also prevent their receiving personal messages that they would want to receive even during rest. One solution may be railroad-provided communication devices that can be turned off, so that the employee will not be disturbed, but can access the messages at other times, and will not interfere with personal communication. However, there must be no expectation of a response during the uninterrupted rest period.

7. May the Railroad Return an Employee's Call During the Rest Period Without Violating the Prohibition on Communication?

Yes. If the employee initiated the contact, then the railroad's receipt of the communication from the railroad is voluntary on the part of the employee, and a railroad will not be penalized for responding to an employee's request. However, the content of the communication must be limited to the issue about which the employee called. A call from an employee about one issue does not open the door to unlimited communication on other matters that would otherwise be prohibited.

Railroads may also push data to an employee at a particular time of day selected by the employee, or in a specific situations requested by the employee, such as if an employee requested, for example, to receive information when he or she is a certain number of crews out from being called, provided that (1) the receipt of the information is voluntarily chosen by the employee and is purely for the employee's convenience and (2) the railroad does not require the employee to access this information or respond to it within the period of required uninterrupted rest.

8. May the Railroad Call To Alert an Employee to a Delay (Set Back) or Displacement?

No. The railroad may not call the employee for these purposes during the employee's 10 hours of uninterrupted rest, without violating the prohibition on communicating with the employees. However, the railroad may make the information available by some means by which the employee may voluntarily access it, or would have it available at the conclusion of the uninterrupted rest. The ideal situation would be that if the setback provides sufficient time before the employee would now need to report for duty, the railroad would make the call, and then provide 10 hours of uninterrupted rest before the employee is to report for duty at the new time.

9. If the Railroad Violates the Requirement of Undisturbed Rest, Is the Undisturbed Rest Period Restarted From the Beginning?

Yes.

10. Should Any Violation of Undisturbed Rest Be Documented by an Electronic Record?

Yes. The communication and the time involved in it must be recorded as an activity on the employee's hours of service record, as required by 49 CFR 228.11(b)(9) for train employees and 49 CFR 228.11(e)(9) for signal employees, which provisions become effective on July 16, 2009. For those railroads not participating in electronic recordkeeping, this activity must be captured on their paper records.

11. Is the Additional Rest Required When On-Duty Time Plus Limbo Time Exceeds 12 Hours (During Which Communication With An Employee Is Prohibited) To Be Measured Only in Whole Hours, So That the Additional Rest Requirement Is Not a Factor Until the Total Reaches 13 Hours?

No. Section 108(b)(2) of the RSIA of 2008 requires that when the employees total time on duty, awaiting deadhead transportation, and in deadhead transportation exceeds 12 consecutive hours, the railroad shall provide the employee with additional time off duty ''equal to the number of hours by which such sum exceeds 12 hours.'' FRA believes that it is consistent with the Congressional intent of this provision to interpret a fraction of an hour as a ''number of hours.'' Therefore, the

additional undisturbed time off that an employee must receive includes any fraction of an hour that is in excess of 12 hours.

B. Questions Related to the Requirements Applicable to Train Employees for 48 or 72 Hours Off at the Home Terminal

In particular, these questions involve the requirements that train employees receive—

(1) 48 hours off at their home terminal after initiating an on-duty period on 6 consecutive days,

(2) 72 hours off at their home terminal after initiating an on-duty period on 7 consecutive days, and

(3) 72 hours off at their home terminal after initiating an on-duty period on 6 consecutive days, completing their on-duty time at other than the home terminal, and then working the 7th consecutive day.

Section 108(b)(1) and (g) of the RSIA of 2008, amend 49 U.S.C. 21103(a)(4) effective on July 16, 2009, to provide that—

- In general, a railroad carrier and its officers and agents may not require or allow a train employee to remain or go on duty after the employee has initiated an on-duty period each day for 6 consecutive days unless the employee has had at least 48 consecutive hours (48 hours) off duty at the employee's home terminal during which the employee is unavailable for service for any railroad carrier.
- However, an employee may work a seventh consecutive day if the employee ends the sixth consecutive day at a location other than the employee's home terminal. After that, the employee must be given 72 consecutive hours (72 hours) off duty at the home terminal.
- An employee may also work 7 consecutive days if a collective bargaining agreement or pilot project allows such a schedule.
- If an employee initiates an on-duty period each day for 7 consecutive days, the employee must receive 72 hours off duty at the employee's home terminal, during which the employee is unavailable for service for any railroad carrier.

FRA may waive both the 6-consecutive-day and 7-consecutive-day provisions if a collective bargaining agreement provides for a different arrangement and that arrangement is in the public interest and consistent with railroad safety.

1. Is a ''Day'' a Calendar Day or a 24-Hour Period for the Purposes of This Provision?

Although arguments could be made for either interpretation of this language, FRA interprets this provision as related to initiating an on-duty period on 6 or 7 consecutive calendar days. This interpretation should promote administrative simplicity, and is consistent with what has seemed to be the understanding of the industry.

2. If an Employee is Called for Duty But Does Not Work, Has the Employee Initiated an On-Duty Period? Is There a Call and Release? What if the Employee Has Reported?

If an employee is called to report for duty at a particular time, but is notified of his or her release from that call prior to the time the employee is scheduled to report for duty, then the employee has not accrued any time on duty, and has the full time remaining to work without having to receive another statutory off-duty period. The employee has not initiated an on-duty period. This is true whether or not the employee has yet arrived at the location at which he or she was to report for duty, so long as the employee is notified of the release prior to the time he or she was to report.

However, if the employee reports for duty at the time that he or she is scheduled to report, and then is released at a time after that, the period from the report time until the release time is time on duty, by which amount of time the time remaining for that employee to work before a statutory off-duty period is required must be reduced, and the employee has initiated an on-duty period for the purpose of the 6- or 7-day limitation.

3. Does Deadheading From a Duty Assignment to the Home Terminal for Final Release on the 6th or 7th Day Count as a Day That Triggers the 48-Hour or 72-Hour Rest Period Requirement?

Scenario 1: An employee initiates an on-duty period for five consecutive days. On the next day the employee deadheads from a duty assignment to the place of final release that is the employee's home terminal. Does the deadheading on the 6th day count as initiating an on-duty period so that afterwards the employee is entitled to a minimum of 48 hours off duty?

Analysis of Scenario 1

Deadheading from a duty assignment to a place of final release is neither time on duty, nor time off duty. Therefore, such a deadhead could not itself constitute initiating an additional on-duty period, separate from the one from which the employee was deadheaded.

Similarly, if the deadhead was unconnected to a duty tour, meaning that the employee had received at least a statutory off-duty period before being deadheaded back to the home terminal, the deadhead would still be neither time on duty nor time off duty, and would not constitute initiating an on-duty period.

Therefore, if an employee is deadheaded back to the home terminal on the 6th day, the 48-hour rest requirement would not be triggered by the deadhead transportation, because the employee would not have initiated an on-duty period on 6 consecutive days.

However, if an employee is deadheaded to the home terminal and then performs covered service without having received at least a statutory off-duty period, then the deadhead would be a deadhead to duty, which is time on duty under the statute, and would constitute initiating an on-duty period. In addition, if, after being deadheaded to the home terminal, the employee receives a statutory off-duty period, and then initiates an on-duty period in the same calendar day, the employee will have initiated an on-duty period on a 6th consecutive day.

Scenario 2: An employee initiates an on-duty period for six consecutive days and completes his or her final period of on-duty time at a terminal other than the employee's home terminal. On the next day the employee deadheads from a duty assignment to the place of final release that is the employee's home terminal. Does the deadheading on the 7th day count as initiating an on-duty period or working so that afterwards the employee is entitled to a minimum of 72 hours off duty?

Analysis of Scenario 2

Deadheading from a duty assignment to a place of final release, or deadheading unconnected to the previous duty tour would remain neither time on duty nor time off duty as described in Scenario 1 above. However, the statute provides that an employee may ''work'' a 7th consecutive day, and then receive 72 hours off duty at the home terminal, rather than ''initiate an on-duty period'' on a 7th day, if the 6th day ends at a terminal other than the employee's home terminal. Deadheading is still service for the carrier, so FRA believes it is reasonable to say that the employee ''worked'' a 7th consecutive day back to the home terminal, whether the employee is deadheaded on that day or actually operates a train. An employee

who works a 7th consecutive day to get back to the home terminal must receive at least 72 consecutive hours off duty.

4. Does Attendance at a Mandatory Rules Class or Other Mandatory Activity That Is Not Covered Service But Is Non-Covered Service, Count as Initiating an On-Duty Period on a Day?

No. As in the previous question, the rules class or other mandatory activity is other service for the carrier (non-covered service) that is not time on duty and would not constitute initiating an on-duty period if it is preceded and followed by a statutory off-duty period.

Likewise, if the rules class or other mandatory activity commingled with covered service during either the previous duty tour or the next duty tour after the rules class (because there was not a statutory off-duty period between them), the rules class or other mandatory activity would not itself constitute initiating a separate on-duty period, but would be part of the same on-duty period with which it is commingled.

Therefore, if an employee attends a rules class or performs other service for the carrier that is not covered service and does not count as time on duty, but does not initiate an on-duty period in that calendar day, this breaks the string of consecutive days of initiating an on-duty period for the purposes of this provision.

5. If an Employee Is Marked Up on an Extra Board for 6 Days But Only Works 2 Days Out of the 6, Is the 48-Hour Rest Requirement Triggered?

No. The employee must actually initiate an on-duty period. Being marked up does not accomplish this unless the employee actually reports for duty.

6. If an Employee Initiates an On-Duty Period on 6 Consecutive Days, Ending at an Away-From-Home Terminal and Then Has 28 Hours Off at an Away-From-Home Terminal, May the Employee Work Back to the Home Terminal? The Statute Says That After Initiating an On-Duty Period on 6 Consecutive Days the Employee May Work Back to the Home Terminal on the 7th Day and Then Must Get 72 Hours Off, But What if the Employee Had a Day Off at the Away-From-Home Terminal After the 6th Day?

The answer to this question would depend on whether the 28 hours off resulted in a full calendar day in which the employee did not initiate an on-duty period, before the employee worked back to the home terminal.

The statute says that the employee may work on the 7th day to get back to the home terminal and then must get 72 hours off. If the employee first has at least a full calendar day off at the away-from-home terminal, the consecutiveness is broken, and the employee has neither initiated an on-duty period, nor otherwise worked 7 consecutive days and would not be entitled to 72 hours off after getting back to the home terminal. However, the time off at the away-from-home terminal would not count toward the 48 hours off that the employee must receive after getting back to the home terminal.

If the 28 hours off at the away from home terminal did not result in a full calendar day in which the employee had not initiated an on-duty period, then the consecutiveness would not be broken and the work back to the home terminal would count as a seventh consecutive day, and would require the employee to receive 72 hours off duty at the home terminal. For example, if an employee initiates an on-duty period at 1 a.m., and is released from duty at the away-from-home terminal at 11 a.m., the employee would not have broken the consecutiveness until the next calendar day had ended and the employee had not initiated an on-duty period. That period, in this example, would be 37 hours. If the employee initiated an on-duty period to work back to his or her home terminal after 28 hours off duty, or at 3 p.m. the next day, the employee has not had a complete calendar day in which he or she has not initiated an on-duty period.

7. May an Employee Who Works 6 Consecutive Days Vacation Relief at a ''Temporary Home Terminal'' Work Back to the Regular Home Terminal on the 7th Day?

Yes, the employee may work the seventh day and then receive 72 hours off at the home terminal. FRA believes this is consistent with the statutory purpose of allowing the employee to have the extended rest period at home. To that end, although the statute refers to the home terminal, FRA expects that in areas in which large terminals include many different reporting points at which employees go on and off duty, the railroad would make every effort to return an employee to his or her regular reporting point, so that the rest period is spent at home.

8. Employees Are Not Allowed To Perform ''Any Service for Any Railroad Carrier'' During These Required 48-Hour or 72-Hour Rest Periods. This Language Is Not Applied to Rest Periods Elsewhere in the Statute. Does This Mean That If an Employee Is Employed by More Than One Railroad, Then Employing Railroad A Must Aggregate the Time the Employee Spends Working for Any Other Railroad With the Time the Employee Works for Railroad A?

It will be the responsibility of the railroad to require employees to report any service for another railroad. It will be the responsibility of the employee to report to inform each railroad for which the employee works of its service for another railroad.

The employee will be required to record service for Railroad A on the hours of service record for Railroad B, and vice versa. Service for any railroad other than the railroad whose record is being completed would be recorded as other mandatory service, which occurred between periods of covered service, and would alter the ''prior time off'' indicated on the record. However, FRA will only consider enforcement action where service for another carrier is performed during the required 48 or 72 hours off duty that an employee must receive after initiating an on-duty period for six or 7 consecutive days, because the new hours of service laws do not address service for another carrier during the other required off-duty periods.

Hours of service recordkeeping programs will need to flag prior time off of less than the required 48 or 72 hours off duty when records show the initiation of an on-duty period for 6 or 7 consecutive days.

C. Questions Related to the 276–Hour Monthly Maximum for Train Employees of Time on Duty, Waiting for or Being in Transportation to Final Release, and in Other Mandatory Service for the Carrier

Section 108(b)(1) of the RSIA of 2008 amends 49 U.S.C. 21103(a)(1) effective July 16, 2009 to provide that a railroad carrier and its officers and agents may not require or allow a train employee to—

- Remain or go on duty;
- Wait for deadhead transportation;
- Be in deadhead to final release; or
- Be in any other mandatory service for the carrier—

in any calendar month in which the employee has spent a total of 276 hours—

- On duty;
- Waiting for deadhead or in deadhead from duty to final release; or

• In any other mandatory service for the carrier.

1. If an Employee Reaches or Exceeds 276 Hours for the Calendar Month During a Trip That Ends at the Employee's Away-From-Home Terminal, May the Railroad Deadhead the Employee Home During That Month?

The literal language of the statute might seem to prohibit deadheading an employee who has already reached or exceeded the 276-hour monthly maximum, because time spent in deadhead transportation to final release is part of the time to be calculated toward the 276-hour maximum, and one of the activities not allowed after the employee reaches 276 hours. However, the intent of the statute seems to favor providing extended periods of rest at the home terminal. Therefore, in most cases, FRA would allow the railroad to deadhead the employee home in this circumstance, rather than requiring the employee to remain at an away-from-home terminal until the end of the month.

FRA expects the railroad to make every effort to plan an employee's work so that this situation would not regularly arise, and FRA reserves the right to take enforcement action if a pattern of abuse is apparent.

2. How Will FRA Apply the 276-Hour Cap to Employees Who Only Occasionally Perform Covered Service as a Train Employee, But Whose Hours, When Combined With Their Regular Shifts in Non-Covered Service, Would Exceed 276 Hours?

This provision in the RSIA of 2008 does not specifically provide any flexibility for employees who only occasionally perform covered service as a train employee. Such employees would still be required, as they are now, to complete an hours of service record for every 24-hour period in which the employee performed covered service, and the employee's hours will continue to be limited as required by the statute for that 24-hour period. *See* 74 FR 25330, 25348 (May 27, 2009), to be codified at 49 CFR 228.11(a), effective July 16, 2009.

FRA will likely exercise some discretion in enforcing the 276-hour monthly limitation with regard to employees whose primary job is not to perform covered service as a train employee, as most of the hours for such employees would be comprised of the hours spent in the employee's regular ''non-covered service'' position, which hours are not otherwise subject to the limitations of the statute. However, FRA will enforce the 276-hour limitation with regard to such employees if there is a perception that a railroad is abusing it.

3. Does the 276–Hour Count Reset at Midnight on the First Day of a New Month?

Yes. The statute refers to a calendar month, so when the month changes, the count resets immediately, as in the following example:

Employee goes on duty at 6 PM on the last day of the month, having previously accumulated 270 hours for that calendar month. By midnight, when the month changes, he has worked an additional 6 hours, for a total of 276 hours. The remaining hours of this duty tour occur in the new month and begin the count toward the 276-hour maximum for that month, so the railroad is not in violation for allowing the employee to continue to work.

4. May an Employee Accept a Call To Report for Duty When He or She Knows There Are Not Enough Hours Remaining in the Employee's 276-Hour Monthly Limitation To Complete the Assignment or the Duty Tour, and It Is Not the Last Day of the Month, so the Entire Duty Tour Will Be Counted Toward the Total for the Current Month?

It is the responsibility of the railroad to track the hours, so the employee would generally not be in trouble with FRA for accepting the call, absent evidence that the employee deliberately misrepresented his or her availability. The railroad will be in violation of the new hours of service laws if an employee's cumulative monthly total exceeds 276 hours. However, it could be a mitigating factor in some situations if the railroad reasonably believed the employee might be able to complete the assignment before reaching the 276-hour limitation.

• *Scenario 1:* Employee is called for duty with 275 hours already accumulated. It is only the 27th day of the month, so the entire period will be in the current month. It was probably not reasonable to assume that any assignment could be completed in the remaining time.

• *Scenario 2:* Again the 27th day of the month. This time the employee has only accumulated 264 hours toward the 276-hour monthly limitation. In this instance, the railroad may have expected that the employee could complete the covered service and deadhead to the home terminal within the remaining time. If that does not happen, the railroad is in violation, but enforcement discretion or mitigation of any penalties assessed will be considered if the railroad made a reasonable decision.

5. What Activities Constitute ''Other Mandatory Service for the Carrier,'' Which Counts Towards the 276-Hour Monthly Limitation?

FRA recognizes that if every activity in which an employee participates as part of his or her position with the railroad is counted toward the 276-hour monthly maximum, it could significantly limit the ability of both the railroad to use the employee, and the employee to be available for assignments that he or she would wish to take, especially in the final days of a month. This has been raised as a matter of concern since enactment of the RSIA of 2008.

In particular, there are activities that may indirectly benefit a railroad but that are in the first instance necessary for an employee to maintain the status of prepared and qualified to do the work in question. In some cases these activities are compensated in some way, and in some cases not. These activities tend not to be weekly or monthly requirements, but rather activities that occur periodically such as audiograms, vision tests, optional rules refresher classes, and acquisition of security access cards for hazardous materials facilities. Most of these activities can be planned by employees within broad windows to avoid conflicts with work assignments and maintain alertness. Railroads are most often not aware of when the employee will accomplish the activity.

Therefore, for the purposes of this provision, FRA will require that railroads and employees count toward the monthly maximum those activities that the railroad not only requires the employee to perform but also requires the employee to complete immediately or to report at an assigned time and place to complete, without any discretion in scheduling on the part of the employee.

Those activities over which the employee has some discretion and flexibility of scheduling would not be counted for the purposes of the 276-hour provision, because the employee would be able to schedule them when he or she is appropriately rested. FRA expects that railroads will work with their employees as necessary so that they can schedule such activities and still obtain adequate rest before their next assignment.

6. Does Time Spent Documenting Transfer of Hazardous Materials (Transportation Security Administration Requirement) Count Against the 276-Hour Monthly Maximum?

Yes. This example is a specific application of the previous question and response concerning ''other mandatory service for the carrier.'' The activity of documenting the transfer of a hazardous material pursuant to a Transportation Security Administration requirement is mandatory service for the carrier, and a mandatory requirement of the position for employees whose jobs involve this function. Although the requirement is Federal, compliance with it is a normal part of an employee's duty tour, which must be completed as part of the duty tour, and the employee does not have discretion in when and where to complete this requirement. Time spent in fulfilling this requirement is part of the maximum allowed toward the 276-hour monthly maximum.

D. Other Interpretive Questions Related to Section 108 of the RSIA of 2008

1. Do the 40-Hour and 30-Hour Monthly Maximum Limitations on Time Awaiting and in Deadhead Transportation to Final Release Only Apply to Time Awaiting and in Deadhead Transportation After 12 Consecutive Hours on Duty?

Section 108(b) provides that a railroad may not require or allow an employee to exceed 40 hours per month from July 16, 2009, to October 15, 2009, and 30 hours per month on or after October 16, 2009,—

(1) Awaiting deadhead transportation; or

(2) In deadhead transportation from a duty assignment to a place of final release

''following a period of 12 consecutive hours on duty. * * * '' To be codified at 49 U.S.C. 21103(c)(1).

The intent of this provision is to prevent situations in which employees are left waiting on trains for extended periods of time awaiting deadhead transportation, and then in the deadhead transportation. This purpose would be frustrated if none of the limbo time is counted toward the limitation unless the on-duty time for the duty tour is already at or exceeding 12 hours, as an employee who has accumulated 11 hours and 59 minutes in his or her duty tour could be subjected to limitless time awaiting and in deadhead transportation.

FRA will interpret this provision to include all time spent awaiting or in deadhead transportation to a place of final release that occurs more than 12 hours after the beginning of the duty tour, excluding statutory interim periods of release. For example, if an employee is on duty for 11 hours 30 minutes, and then spends an additional 3 hours awaiting and in deadhead transportation to the point of final release, for a total duty tour of 14 hours and 30 minutes, 2 hours and 30 minutes of the time spent awaiting or in deadhead transportation will be counted toward the 30- or 40-hour monthly limit.

2. Did the RSIA of 2008 Affect Whether a Railroad May Obtain a Waiver of the Provisions of the New Hours of Service Laws?

Yes, but FRA's authority, delegated from the Secretary, to waive provisions of the hours of service laws as amended by the RSIA remains extremely limited. 49 CFR 1.49.

The RSIA of 2008 left intact the longstanding, though limited, waiver authority at 49 U.S.C. 21102(b), which authorizes the exemption of railroads ''having not more than 15 employees covered by'' the hours of service laws:

> After a full hearing, for good cause shown, and on deciding that the exemption is in the public interest and will not affect safety adversely. The exemption shall be for a specific period of time and is subject to review at least annually. The exemption may not authorize a carrier to require or allow its employees to be on duty more than a total of 16 hours in a 24-hour period.

The RSIA of 2008 amended the one other, even narrower waiver provision in the old hours of service laws and added three more equally narrow new waiver provisions. In particular, the RSIA of 2008 revised 49 U.S.C. 21108, Pilot projects, originally enacted in 1994, involving joint petitions for waivers related to pilot projects under 49 U.S.C. 21108, primarily to provide for waivers of the hours of service laws both as in effect on the date of enactment of the RSIA of 2008 and as in effect nine months after the date of enactment. Waivers under this section are intended to enable the establishment of one or more pilot projects to demonstrate the possible benefits of implementing alternatives to the strict application of the requirements of the hours of service laws, including requirements concerning maximum on-duty and minimum off-duty periods. The Secretary may, after notice and opportunity for comment, approve such waivers for a period not to exceed two years, if the Secretary determines that such a waiver is in the public interest and is consistent with railroad safety. Any such waiver, based on a new petition, may be extended for additional periods of up to two years, after notice and opportunity for comment. An explanation of any waiver granted under this section shall be published in the **Federal Register**.

The first of the three new waiver provisions, 49 U.S.C. 21109(e)(2), effective October 16, 2008, authorizes temporary waivers of that section in order ''if necessary, to complete'' a pilot project mandated by that subsection. The second new waiver provision, to be codified at 49 U.S.C. 20103(a)(4), effective July 16, 2009, provides limited authority to grant a waiver of one provision that it adds to the old hours of service laws. That provision is the requirement that an employee receive 48 hours off duty after initiating an on-duty period on 6 consecutive days, 72 hours off duty after initiating an on-duty period on 7 consecutive days, etc. This provision was discussed in section IVB, above. FRA may waive this provision if a collective bargaining agreement provides for a different arrangement and that arrangement is in the public interest and consistent with railroad safety. A railroad or labor organization should submit information regarding schedules allowed under their collective bargaining agreements that would not be permitted under this provision, and supporting evidence for the conclusion that it is in the interest of safety. Of course, a waiver is not needed for a schedule that would not violate this provision. For example, if a schedule provides that an employee works 4 consecutive days and then has one day off, the schedule would not violate the new hours of service laws, because the employee would not have initiated an on-duty period on 6 consecutive days, so 48 hours off duty would not be required.

The third and last new waiver provision authorizes waivers, effective July 16, 2009, of the prohibition on communication during off-duty periods with respect to train employees of commuter or intercity passenger railroads if it is determined that a waiver will not reduce safety and is necessary to maintain such a railroad's efficient operation and on-time performance. This waiver provision is to be codified in the last sentence of 49 U.S.C. 20103(e). It should be noted that petitions for this type of waiver are unlikely because 49 U.S.C. 20102(c) places train employees or commuter or intercity passenger railroads under an ''alternate hours of service regime'' requiring compliance with 49 U.S.C. 20103 before its amendment by the RSIA of 2008 pending timely preparation of regulations, during which time these employees are not subject to

the prohibition on communication during off-duty periods.

Issued in Washington, DC, on June 18, 2009.

Karen J. Rae,

Deputy Administrator.

[FR Doc. E9–15026 Filed 6–23–09; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 19, 2009.

The Department of the Treasury will submit the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before July 27, 2009 to be assured of consideration.

Alcohol and Tobacco Tax and Trade Bureau (TTB)

OMB Number: 1513–0087.

Type of Review: Revision.

Title: Labeling and Advertising Requirements Under the Federal Alcohol Administration Act.

Description: Bottlers and importers of alcohol beverages must adhere to numerous performance standards for statements made on labels and in advertisements of alcohol beverages. These performance standards include minimum mandatory labeling and advertising statements.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 7,071 hours.

Clearance Officer: Frank Foote (202) 927–9347, Alcohol and Tobacco Tax and Trade Bureau, Room 200 East, 1310 G Street, NW., Washington, DC 20005.

OMB Reviewer: Shagufta Ahmed (202) 395–7873, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Celina Elphage,

Treasury PRA Clearance Officer.

[FR Doc. E9–15029 Filed 6–25–09; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 19, 2009.

The Department of the Treasury will submit the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, and 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before July 27, 2009 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1347.

Type of Review: Extension.

Title: FI–7–94 and FI–36–92 (Final) Arbitrage Restrictions on Tax-Exempt Bonds.

Description: The Code limits the ability of State and local government issuers of tax-exempt bonds to earn and/or keep arbitrage profits earned with bond proceeds. This regulation requires recordkeeping of certain interest rate hedges so that the hedges are taken into account in determining those profits.

Respondents: State, Local, and Tribal Governments.

Estimated Total Burden Hours: 42,050 hours.

OMB Number: 1545–1815.

Type of Review: Extension.

Form: 5498–ESA.

Title: Coverdell ESA Contribution Information.

Description: Form 5498–ESA is used by trustees and issuers of Coverdell Education Savings accounts to report contributions made to these accounts to beneficiaries.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 18,000 hours.

OMB Number: 1545–0169.

Type of Review: Extension.

Form: 4461, 4461–A, 4461–B.

Title: Form 4461, Application for Approval of Master or Prototype Defined Contribution Plan; Form 4461–A, Application for Approval of Master or Prototype Defined Benefit Plan; Form 4461–B.

Description: The IRS uses these forms to determine from the information submitted whether the applicant plan qualifies under section 401(a) of the Internal Revenue Code for plan approval. The application is also used to determine if the related trust qualifies for tax exempt status under Code section 501(a).

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 109,125 hours.

OMB Number: 1545–0919.

Type of Review: Extension.

Title: Limitations on Percentage Depletion in the Case of Oil and Gas Wells (PS–105–75) Final.

Description: The regulations require each partner to separately keep records of his share of the adjusted basis of partnership oil and gas property and require each partnership, trusts, estate, and operator to provide information necessary to certain persons to compute depletion with respect to oil and gas.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 1 hour.

OMB Number: 1545–0202.

Type of Review: Extension.

Form: 5310, 6088.

Title: Form 5310, Application for Determination for Terminating Plan; Form 6088, Distributable Benefits from Employee Pension Benefit Plans.

Description: Employers who have qualified deferred compensation plans can take an income tax deduction for contributions to their plans. IRS uses the data on Forms 5310 and 6088 to determine whether a plan still qualifies and whether there is any discrimination in benefits.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 1,813,650 hours.

OMB Number: 1545–1233.

Type of Review: Extension.

Title: Adjusted Current Earnings (IA–14–91)(Final).

Description: This regulation affects business and other for profit institutions. This information is required by the IRS to ensure the proper application of section 1.56(g)–1 of the regulation. It will be used to verify that taxpayers have properly elected the benefits of section 1.56(g)–1(r) of the regulation.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 1,000 hours.

OMB Number: 1545–1120.

Type of Review: Extension.

Title: CO–69–87 and CO–68–87 (Final) Final Regulations Under

Sections 382 and 383 of the Internal Revenue Code of 1986; Pre-change Attributes; CO–18–90 (Final) Final Regulations Under Section 382.

Description: (CO–69–87 and CO–68–87) These regulations require reporting by a corporation after it undergoes an ''ownership change'' under sections 382 and 383. Corporations required to report under these regulations include those with capital loss carryovers and excess credits. (CO–18–90) These regulations provide rules for the treatment of options under IRC section 382 for purposes of determining whether a corporation undergoes an ownership change. The regulation allows for certain elections for corporations whose stock is subject to options.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 220,575 hours.

OMB Number: 1545–1678.

Type of Review: Extension.

Title: REG–161424–01 (Final), Information Reporting for Qualified Tuition and Related Expenses; Magnetic Media Filing Requirements for Information Returns; REC–105316–98 (Final) Information.

Description: These regulations relate to the information reporting requirements in section 6050S of the Internal Revenue Code for payments of qualified tuition and related expenses and interest on qualified education loans. These regulations provide guidance to eligible education institutions, insurers, and payees required to file information returns and to furnish information statements under section 6050S.

Respondents: Not-for-profit institutions.

Estimated Total Burden Hours: 1 hour.

OMB Number: 1545–1843.

Type of Review: Extension.

Title: REG–106736–00 (NPRM) Assumptions of Partner Liabilities.

Description: In order to be entitled to a deduction with respect to the economic performance of a contingent liability that was contributed by a partner and assumed by a partnership, the partner, or former partner of the partnership, must receive notification of economic performance of the contingent liability from the partnership or other partner assuming the liability.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 125 hours.

OMB Number: 1545–1431.

Type of Review: Extension.

Title: Substantiation Requirement for Certain Contributions IA–74–93 (Final).

Description: These regulations provide that, for purposes of substantiation for certain charitable contributions, consideration does not include de minims goods or services. It also provides guidance on how taxpayers may satisfy the substantiation requirement for contributions of $250 or more.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 51,500 hours.

OMB Number: 1545–1531.

Type of Review: Extension.

Title: Notice 97–19 and Notice 98–34 Guidance for Expatriates under Sections 877, 2501, 2107, and 6039F.

Description: Notice 97–19 and Notice 98–34 provide guidance for individuals affected by amendments to Code sections 877, 2107, and 2501, as amended by the Health Insurance Portability and Accountability Act. These notices also provide guidance on Code section 6039F.

Respondents: Individuals or Households.

Estimated Total Burden Hours: 6,525 hours.

OMB Number: 1545–1667.

Type of Review: Extension.

Title: Revenue Procedure 99–50 Combined Information Reporting.

Description: The revenue procedure permits combined information reporting by a successor ''business entity'' (*i.e.,* a corporation, partnership, or sole proprietorship) in certain situations following a merger or an acquisition. The successor must file a statement with the Internal Revenue Service indicating what forms are being filed on a combined basis.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 500 hours.

OMB Number: 1545–1510.

Type of Review: Extension.

Title: Revenue Procedure 96–60, Procedure for Filing Forms W–2 is Certain Acquisitions.

Description: Information is required by the Internal Revenue Service to assist predecessor and successor employers in complying with the reporting requirements under Code sections 6051 and 6011 for Forms W–2 and 941.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 110,700 hours.

OMB Number: 1545–1533.

Type of Review: Extension.

Title: Revenue Procedure 97–22 26 CFR 601.105 Examination of returns and claims for refund, credits, or abatement, determination of correct tax liability.

Description: The information requested in Revenue Procedure 97–22 under sections 4 and 5 is required to ensure that records maintained in an electronic storage system will constitute records within the meaning of section 6001.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 1,000,400 hours.

OMB Number: 1545–1978.

Type of Review: Extension.

Form: 5884–A.

Title: Credits for Affected Midwestern Disaster Area Employers.

Description: Qualified employers will file Form 5884–A to claim a credit for wages paid to employees kept on the payroll for the period the business is rendered inoperable as a result of damages inflicted by Hurricane Katrina.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 760,000 hours.

OMB Number: 1545–1684.

Type of Review: Revision.

Title: Revenue Procedure 2009–14, Prefiling Agreements Program (Superseded 2007–17).

Description: Revenue Procedure 2009–14 permits a taxpayer under the jurisdiction of the Large and Mid-Size Business Division to request that the Service examines specific issues relating to tax returns before those returns are filed. This revenue procedure provides the framework within.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 13,134 hours.

OMB Number: 1545–1412.

Type of Review: Extension.

Title: FI–54–93 (Final) Clear Reflection of Income in the Case of Hedging Transactions.

Description: This information is required by the Internal Revenue Service to verify compliance with section 446 of the Internal Revenue Code. This information will be used to determine that the amount of tax has been computed correctly.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 22,000 hours.

OMB Number: 1545–1503.

Type of Review: Extension.

Title: Revenue Procedure 96–53, Section 482—Allocations Between Related Parties.

Description: The information requested in sections 4.02, 5, 8.02, 9, 11.01, 11.02(1), 11.04, 11.07 and 11.08 is required to enable the Internal

Revenue Service to give advice on filing Advance Pricing Agreement applications, to process such applications and negotiate agreements, and to verify compliance with agreements and whether agreements require modification.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 8,200 hours.

OMB Number: 1545–1530.

Type of Review: Extension.

Title: Tip Rate Determination Agreement (Gaming Industry); Gaming Industry Tip Compliance Agreement Program.

Description: Tip Rate Determination Agreement (Gaming Industry) Information is required by the Internal Revenue Service in its Compliance efforts to assist employers and their employees in understanding and complying with section 6053(a), which requires employees to report all their tips monthly to their employers. Gaming Industry Tip Compliance Agreement Program Taxpayers who operate gaming establishments may enter into an agreement with the Internal Revenue Service to establish tip rates and occupational categories for all tipped employees of the taxpayer. The agreements will require substantiation of the tip rates as well.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 10,467 hours.

OMB Number: 1545–1617.

Type of Review: Extension.

Title: REG–124069–02 (Final) Section 6038—Returns Required with Respect to Controlled Foreign Partnerships; REG–118966–97 (Final) Information Reporting with Respect to Certain Foreign Partnership.

Description: REG–124069–02 Treasury Regulation Sec. 1.6038–3 requires certain United States persons who own interests in controlled foreign partnership to annually report information to the IRS on Form 8865. This regulation amends the reporting rules under Treasury Regulation section 1.6038-e to provide that a U.S. person must follow the filing requirements that are specified in the instructions for Form 8865 when the U.S. person must file Form 8865 and the foreign partnership completes and files Form 1065 or Form 1065–B. REG–118966–97 Section 6038 requires certain U.S. persons who own interest in controlled foreign partnerships.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 500 hours.

OMB Number: 1545–1676.

Type of Review: Extension.

Title: REG–113572–99 (Final) Qualified Transportation Fringe Benefits.

Description: These regulations provide guidance to employers that provide qualified transportation fringe benefits under section 132(f), including guidance to employers that provide cash reimbursement for qualified transportation fringes and employers that offer qualified transportation fringes in lieu of compensation. Employers that provide cash reimbursement are required to keep records of documentation received from employees who receive reimbursement. Employers that offer qualified transportation fringes in lieu of compensation are required to keep records of employee compensation reduction elections.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 12,968,728 hours.

OMB Number: 1545–1810.

Type of Review: Extension.

Title: Credit for Small Employer Pension Plan Startup Costs.

Description: Qualified small employers use Form 8881 to request a credit for start up costs related to eligible retirement plans. Form 8881 implements section 45E, which provides a credit based on costs incurred by an employer in establishing or administering an eligible employer plan or for the retirement related education of employees with respect to the plan. The credit is 50% of the qualified costs for the tax year, up to a maximum credit of $500 for the first tax year and each of the two subsequent tax years.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 235,335 hours.

OMB Number: 1545–1824.

Type of Review: Extension.

Title: REG–139768–02 (Final) Excise Tax Relating to Structured Settlement Factoring Transactions.

Description: The regulations provide rules relating to the manner and method of reporting and paying the 40 percent excise tax imposed by section 5891 of the Internal Revenue Code with respect to acquiring of structured payment rights.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 2 hours.

OMB Number: 1545–1968.

Type of Review: Extension.

Form: 8902.

Title: Alternative Tax on Qualifying Shipping Activities.

Description: Form 8902 is used to elect the alternative tax on notional income from qualifying shipping activities and to figure the alternative tax.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 3,056 hours.

OMB Number: 1545–1980.

Type of Review: Extension.

Title: Notice 2006–01, Charitable Contributions of Certain Motor Vehicles, Boats, and Airplanes. Reporting requirements under Sec. 170(f)(12)(D).

Description: Charitable organizations are required to send an acknowledgement of car donations to the donor and to the Service. The purpose of is to prevent donors from taking inappropriate deductions.

Respondents: Not-for-profit institutions.

Estimated Total Burden Hours: 21,500 hours.

OMB Number: 1545–2131.

Type of Review: Extension.

Form: 1127.

Title: Form 1127—Application for Extension of Time for Payment of Tax

Description: Under IRC 6161, individual taxpayers and business taxpayers are allowed to request an extension of time for payment of tax shown or required to be shown on a return or for a tax due on a notice of deficiency. In order to be granted this extension, they must file Form 1127, providing evidence of undue hardship, inability to borrow, and collateral to ensure payment of the tax.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 7,960 hours.

Clearance Officer: R. Joseph Durbala, (202) 622–3634. Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Shagufta Ahmed, (202) 395–7873. Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Celina Elphage,

Treasury PRA Clearance Officer.

[FR Doc. E9–15030 Filed 6–25–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 8288 and 8288–A

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 8288, U.S. Withholding Tax Return for Dispositions by Foreign Persons of U.S. Real Property Interests, and Form 8288–A, Statement of Withholding on Dispositions by Foreign Persons of U.S. Real Property Interests.

DATES: Written comments should be received on or before August 25, 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 Dawn Bidne, at (202) 622–3933, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at *Dawn.E.Bidne@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: U.S. Withholding Tax Return for Dispositions by Foreign Persons of U.S. Real Property Interests (Form 8288) and Statement of Withholding on Dispositions by Foreign Persons of U.S. Real Property Interests (Form 8288–A).

OMB Number: 1545–0902.

Form Number: 8288 and 8288–A.

Abstract: Internal Revenue Code section 1445 requires transferees to withhold tax on the amount realized from sales or other dispositions by foreign persons of U.S. real property interests. Form 8288 is used to report and transmit the amount withheld to the IRS. Form 8288–A is used by the IRS to validate the withholding, and a copy is returned to the transferor for his or her use in filing a tax return.

Current Actions: A new code reference was added into the instructions, resulting in an increase of requested burden hours by 2,000.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals or households.

Estimated Number of Respondents: 10,000.

Estimated Time per Respondent: 24 hr., 10 min.

Estimated Total Annual Burden Hours: 243,675.

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: June 11, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–15031 Filed 6–25–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[INTL–64–93]

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, INTL–64–93 (TD 8611). Conduit Arrangements Regulations (§§ 1.881–4 and 1.6038A–3).

DATES: Written comments should be received on or before August 25, 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 Dawn Bidne at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3933, or through the Internet at *Dawn.E.Bidne@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Conduit Arrangements Regulations.

OMB Number: 1545–1440.

Regulation Project Number: INTL–64–93.

Abstract: This regulation provides rules that permit the district director to recharacterize a financing arrangement as a conduit arrangement. The recharacterization will affect the amount of U.S. withholding tax due on financing transactions that are part of the financing arrangement. This regulation affects withholding agents and foreign investors who engage in multi-party financing arrangements.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,000.

Estimated Time per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 10,000.

The following paragraph applies to all 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: June 19, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–15032 Filed 6–25–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 2006–40

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 Notice 2006–40, Credit for Production From Advanced Nuclear Facilities.

DATES: Written comments should be received on or before August 25, 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 Dawn Bidne, (202) 622–3933, at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *Dawn.E.Bidne@irs.gov*

SUPPLEMENTARY INFORMATION:

Title: Credit for Production From Advanced Nuclear Facilities.

OMB Number: 1545–2000.

Form Number: Notice 2006–40.

Abstract: This notice provides the time and manner for a taxpayer to apply for an allocation of the national megawatt capacity limitation under § 45J of the Internal Revenue Code. This information will be used to determine the portion of the national megawatt capacity limitation to which a taxpayer is entitled. The likely respondents are corporations and partnerships.

Current Actions: There is no change in the paperwork burden previously approved by OMB. However, the Title and Notice number has changed from originally approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Revision of a currently approved collection.

Affected Public: Businesses and other for-profit organizations.

Estimated Number of Respondents: 15.

Estimated Time per Respondent: 40 hours.

Estimated Total Annual Burden Hours: 600.

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: June 19, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–15033 Filed 6–25–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–103805–99]

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–103805–99 (TD 9002), Agent for Consolidated Group (§ 1.1502–77).

DATES: Written comments should be received on or before August 25, 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 regulations should be directed to Dawn Bidne, at (202) 622–3933, or at room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *Dawn.E.Bidne@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Agent for Consolidated Group.

OMB Number: 1545–1699.

Regulation Project Number: REG–103805–99.

Abstract: The information is needed in order for a terminating common parent of a consolidated group to designate a substitute agent for the group and receive approval of the Commissioner, or for a default substitute agent to notify the Commissioner that it is the default substitute agent, pursuant to Treas. Reg. § 1.1502–77(d). The Commissioner will use the information to determine whether to approve the designation of the substitute agent (if approval is required) and to change the IRS's records to reflect the information about the substitute agent.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 100.

Estimated Time per Respondent: 2 hours.

Estimated Total Annual Burden Hours: 200.

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: June 19, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–15034 Filed 6–25–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 97–34

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 Notice 97–34, Information Reporting on Transactions With Foreign Trusts and on Large Foreign Gifts.

DATES: Written comments should be received on or before August 25, 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 notice should be directed to Dawn Bidne (202) 622–3933, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *Dawn.E.Bidne@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Information Reporting on Transactions With Foreign Trusts and on Large Foreign Gifts.

OMB Number: 1545–1538.

Notice Number: Notice 99–34.

Abstract: Notice 97–34 provides guidance on the foreign trust and foreign gift information reporting provisions contained in the Small Business Job Protection Act of 1996.

Current Actions: There are no changes being made to the notice at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 5,000.

Estimated Time per Respondent: 45 minutes.

Estimated Total Annual Burden Hours: 3,750.

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: June 10, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–15035 Filed 6–25–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8633

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 8633, Application to Participate in the IRS *e-file* Program.

DATES: Written comments should be received on or before August 25, 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 Dawn Bidne, at (202)622–3933 or at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Dawn.E.Bidne@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application to Participate in the IRS e-file Program.

OMB Number: 1545–0991.

Form Number: 8633.

Abstract: Form 8633 is used by tax preparers, electronic return collectors, software firms, service bureaus and electronic transmitters as an application to participate in the electronic filing program covering individual income tax returns.

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: Businesses or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 50,000.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 50,000.

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: June 15, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–15036 Filed 6–25–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2003–37

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 Revenue Procedure 2003–37, Documentation Provisions for Certain Taxpayers Using the Fair Market Value Method.

DATES: Written comments should be received on or before August 25, 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 revenue procedure should be directed to Dawn Bidne at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3933, or through the Internet at *Dawn.E.Bidne@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Documentation Provisions for Certain Taxpayers Using the Fair Market Value Method of Internet Expense Apportionment.

OMB Number: 1545–1833.

Revenue Procedure Number: Revenue Procedure 2003–37.

Abstract: Revenue Procedure 2003–37 describes documentation and information a taxpayer that uses the fair market value method of apportionment of interest expense may prepare and make available to the Service upon request in order to establish the fair market value of the taxpayer's assets to the satisfaction of the Commissioner as required by § 1.861–9T(g)(1)(iii). It also sets forth the procedures to be followed in the case of elections to use the fair market value method.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents and/or Recordkeepers: 125.

Estimated Average Time per Respondent/Recordkeeper: 5 hours.

Estimated Total Annual Reporting and/or Recordkeeping Burden: 625 hours.

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: June 10, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–15037 Filed 6–25–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Ruling 2000–33

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 Revenue Ruling 2000–33, Deferred Compensation Plans of State and Local Governments and Tax-Exempt Organizations.

DATES: Written comments should be received on or before August 25, 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 Dawn Bidne, at (202) 622–3933, or at Internal Revenue Service, room 6129 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *Dawn.E.Bidne@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Deferred Compensation Plans of State and Local Governments and Tax-Exempt Organizations.

OMB Number: 1545–1695.

Revenue Ruling Number: Revenue Ruling 2000–33.

Abstract: Revenue Ruling 2000–33 specifies the conditions the plan sponsor should meet to automatically defer a certain percentage of its employees' compensation into their accounts in an eligible deferred compensation plan.

Current Actions: There are no changes being made to this revenue ruling at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Not-for-profit institutions, and state, local or tribal governments.

Estimated Number of Respondents: 500.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 500.

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: June 19, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–15038 Filed 6–25–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–246250–96]

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–246250–96 (TD 8818), Public Disclosure of Material Relating to Tax-Exempt Organizations (§§ 301.6104(d)–3, 301–6104(d)–4, and 301.6104(d)–5).

DATES: Written comments should be received on or before August 25, 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 regulation should be directed to Dawn Bidne, at (202) 622–3933, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at *Dawn.E.Bidne@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Public Disclosure of Material Relating to Tax-Exempt Organizations.

OMB Number: 1545–1560.

*Regulation Project Numb*ers: REG–246250–96.

Abstract: Under section 6104(e) of the Internal Revenue Code, certain tax-exempt organizations are required to make their annual information returns and applications to tax exemption available for public inspection. In addition, certain tax-exempt organizations are required to comply with requests made in writing or in person from individuals who seek a copy of those documents or, in the alternative, to make their documents widely available. This regulation provides guidance concerning these disclosure requirements.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Not-for-profit institutions.

Estimated Number of Respondents: 1,100,000.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 551,000.

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: June 19, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–15039 Filed 6–25–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Letter 109C

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 Letter 109C, Return Requesting Refund Unlocatable or Not Filed; Send Copy.

DATES: Written comments should be received on or before August 25, 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 Dawn Bidne at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3933, or through the Internet at *Dawn.E.Bidne@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Return Requesting Refund Unlocatable or Not Filed; Send Copy.

OMB Number: 1545–0393.

Form Number: 109C.

Abstract: If a taxpayer inquires about not receiving a refund and no return is found, this letter is sent requesting the taxpayer to file another return. The taxpayer must complete an affidavit stating that if they receive a second refund check, it will be returned to the IRS.

Current Actions: There are no changes being made to the letter at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions.

Estimated Number of Respondents: 18,223.

Estimated Time per Respondent: 5 minutes.

Estimated Total Annual Burden Hours: 1,513.

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: June 17, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–15040 Filed 6–25–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8288–B

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 8288–B, Application for Withholding Certificate for Dispositions by Foreign Persons of U.S. Real Property Interests.

DATES: Written comments should be received on or before August 25, 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 Dawn Bidne at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3933, or through the Internet at *Dawn.E.Bidne@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Withholding Certificate for Dispositions by Foreign Persons of U.S. Property Interests.

OMB Number: 1545–1060.

Form Number: 8288–B.

Abstract: Section 1445 of the Internal Revenue Code requires transferees to withhold tax on the amount realized from sales or other dispositions by foreign persons of U.S. real property interests. Code sections 1445(b) and (c) allow the withholding to be reduced or eliminated under certain circumstances. Form 8288–B is used to apply for a withholding certificate from IRS to reduce or eliminate the withholding required by Code section 1445.

Current Actions: The form was updated to include two new line items, three new code references, and almost seven hundred new words. Due to these increases, the number of burden hours requested has increased from 28,798 to 31,135 hours.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals or households.

Estimated Number of Respondents: 5,079.

Estimated Time per Respondent: 6 hours, 8 minutes.

Estimated Total Annual Burden Hours: 31,135.

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: June 11, 2009.

R. Joseph Durbala,

IRS Reports Clearance Office.

[FR Doc. E9–15041 Filed 6–24–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8844

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 8844, Empowerment Zone Employment Credit.

DATES: Written comments should be received on or before August 25, 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 Dawn Bidne at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3933, or through the Internet at *Dawn.E.Bidne@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Empowerment Zone Employment Credit.

OMB Number: 1545–1444.

Form Number: Form 8844.

Abstract: Employers who hire employees who live and work in one of the eleven designated empowerment zones can receive a tax credit for the first $15,000 of wages paid to each employee. The credit is applicable from the date of designation through the year 2004.

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, individuals or households, farms and non-profit institutions.

Estimated Number of Respondents: 40,000.

Estimated Time per Respondent: 8 hours, 5 minutes.

Estimated Total Annual Burden Hours: 237,600.

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: June 11, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–15042 Filed 6–25–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 6781

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 6781, Gains and Losses From Section 1256 Contracts and Straddles.

DATES: Written comments should be received on or before August 25, 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 Dawn Bidne at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3933, or through the Internet at *Dawn.E.Bidne@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Gains and Losses From Section 1256 Contracts and Straddles.

OMB Number: 1545–0644.

Form Number: Form 6781.

Abstract: Form 6781 is used by taxpayers in computing their gains and losses on Internal Revenue Code section 1256 contracts under the marked-to-market rules and gains and losses under Code section 1092 from straddle positions. The data is used to verify that the tax reported accurately reflects any such gains and losses.

Current Actions: There has been a change in responses due to a change in methodology that allows for 43,157 fewer responses. However, the burden hours that were previously approved will not change.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals.

Estimated Number of Respondents: 100,000.

Estimated Time per Respondent: 9 hours, 2 minutes.

Estimated Total Annual Burden Hours: 903,237.

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: June 11, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–15043 Filed 6–25–09; 8:45 am]

BILLING CODE 4830–01–P

TENNESSEE VALLEY AUTHORITY

Meeting of the Regional Resource Stewardship Council

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of meeting.

SUMMARY: The TVA Regional Resource Stewardship Council (RRSC) will hold a meeting on Wednesday, July 15, 2009 to consider various matters.

The RRSC was established to advise TVA on its natural resource stewardship activities. Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2, (FACA).

The management of the Tennessee Valley reservoirs and the lands adjacent to them has long been integral components of TVA's mission. As part of implementing the TVA Environmental Policy, TVA is conducting an Environmental Impact Study (EIS) under the process established by the National Environmental Policy Act (NEPA) that will help prioritize techniques for the management of TVA's sustainable land use activities, natural resource management activities, and water resource protection and improvement activities. TVA would like to utilize the RRSC as a key stakeholder group throughout the EIS period to advise TVA on the issues, tradeoffs, and focus of environmental stewardship activities. At the July meeting, TVA will be seeking advice from the Council on issues regarding the scope and direction of the study.

TVA will also be seeking recommendations and advice on its campground and marina operations. Specifically, TVA will be seeking advice on the appropriate methodology or approach to establishing a value to charge campground and marina operators for use of the public lands.

The meeting agenda includes the following:

1. Introductions.

2. Informational Items and Project Updates (Kingston Fly Ash Recovery Efforts, Bear Creek Dam Project, Blue Ridge Dam Project, Reservoir Systems Operations, Integrated Resource Plan).

3. RRSC Discussion Topic: Environmental Impact Study on TVA's Stewardship Management (e.g. Study of Natural Resource Management,

Sustainable Land Use, and Water Protection.).

4. RRSC Discussion Topic: TVA's Marina and Campground Valuation.

5. Public Comments.

6. Council Discussion and Advice.

The TVA RRSC will hear opinions and views of citizens by providing a public comment session. The public comment session will be held at 11 a.m., EDT, on Wednesday, July 15. Persons wishing to speak are requested to register at the door by 9 a.m., on Wednesday, July 15 and will be called on during the public comment period. Handout materials should be limited to one printed page. Written comments are also invited and may be mailed to the Regional Resource Stewardship Council, Tennessee Valley Authority, 400 West Summit Hill Drive, WT–11B, Knoxville, Tennessee 37902.

DATES: The meeting will be held on Wednesday, July 15, 2009, from 8 a.m. to 3:30 p.m., EDT.

ADDRESSES: The meeting will be held at the Auditorium of the TVA Headquarters at 400 West Summit Hill Drive, Knoxville, Tennessee 37902, and will be open to the public. Anyone needing special access or accommodations should let the contact below know at least a week in advance.

FOR FURTHER INFORMATION CONTACT: Beth Keel, 400 West Summit Hill Drive, WT–11B, Knoxville, Tennessee 37902, (865) 632–6113.

Dated: June 22, 2009.

Anda A. Ray,

Senior Vice President, Office of Environment & Research, Tennessee Valley Authority, WT 11A–K.

[FR Doc. E9–15087 Filed 6–25–09; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF VETERANS AFFAIRS

Rehabilitation Research and Development Service Scientific Merit Review Board; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the Rehabilitation Research and Development Service Scientific Merit Review Board will meet on August 25–26, 2009, at the Madison Hotel, 1177 15th Street, NW., Washington, DC, from 8 a.m. until 5:30 p.m. each day.

The purpose of the Board is to review rehabilitation research and development applications for scientific and technical merit and to make recommendations to the Director, Rehabilitation Research and Development Service, regarding their funding.

The August 25 session will be open to the public from 8 to 9 a.m. for the discussion of administrative matters, the general status of the program and the administrative details of the review process. The meetings will be closed as follows for the Board's review of research and development applications:

August 25: From 9 a.m. to 5:30 p.m.

August 26: From 8 a.m. to 5:30 p.m.

The reviews involve oral comments, discussion of site visits, staff and consultant critiques of proposed research protocols, and similar analytical documents that focus on the consideration of the personal qualifications, performance and competence of individual research investigators. Disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. Disclosure would also reveal research proposals and research underway which could lead to the loss of these projects to third parties and thereby frustrate future agency research efforts. As provided by subsection 10(d) of Public Law 92–463, as amended, closing portions of the meeting is in accordance with 5 U.S.C. 552b(c)(6), and (c)(9)(B).

Those who plan to attend the open sessions should contact Ricardo Gonzalez, Administrative Officer, Rehabilitation Research and Development Service (122), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, at (202) 461–1750.

Dated: June 22, 2009.

By Direction of the Secretary:

E. Philip Riggin,

Committee Management Officer.

[FR Doc. E9–15106 Filed 6–25–09; 8:45 am]

BILLING CODE 8320–01–P



Federal Register

Friday,
June 26, 2009

Part II

Department of Health and Human Services

Centers for Medicare & Medicaid Services

Medicare and Medicaid Programs; Quarterly Listing of Program Issuances–January Through March 2009; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–9052–N]

Medicare and Medicaid Programs; Quarterly Listing of Program Issuances—January Through March 2009

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice lists CMS manual instructions, substantive and interpretive regulations, and other **Federal Register** notices that were published from January 2009 through March 2009, relating to the Medicare and Medicaid programs. This notice provides information on national coverage determinations (NCDs) affecting specific medical and health care services under Medicare. Additionally, this notice identifies certain devices with investigational device exemption (IDE) numbers approved by the Food and Drug Administration (FDA) that potentially may be covered under Medicare. This notice also includes listings of all approval numbers from the Office of Management and Budget for collections of information in CMS regulations and a list of Medicare-approved carotid stent facilities. Included in this notice is a list of the American College of Cardiology's National Cardiovascular Data registry sites, active CMS coverage-related guidance documents, and special one-time notices regarding national coverage provisions. Also included in this notice is a list of National Oncologic Positron Emissions Tomography Registry sites, a list of Medicare-approved ventricular assist device (destination therapy) facilities, a list of Medicare-approved lung volume reduction surgery facilities, a list of Medicare-approved clinical trials for fluorodeoxyglucose positron emissions tomography for dementia, and a list of Medicare-approved bariatric surgery facilities.

Section 1871(c) of the Social Security Act requires that we publish a list of Medicare issuances in the **Federal Register** at least every 3 months. Although we are not mandated to do so by statute, for the sake of completeness of the listing, and to foster more open and transparent collaboration efforts, we are also including all Medicaid issuances and Medicare and Medicaid substantive and interpretive regulations (proposed and final) published during this 3-month time frame.

FOR FURTHER INFORMATION CONTACT: It is possible that an interested party may need specific information and not be able to determine from the listed information whether the issuance or regulation would fulfill that need. Consequently, we are providing contact persons to answer general questions concerning these items. Copies are not available through the contact persons. (*See* Section III of this notice for how to obtain listed material.)

Questions concerning CMS manual instructions in Addendum III may be addressed to Ismael Torres, Office of Strategic Operations and Regulatory Affairs, Centers for Medicare & Medicaid Services, C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–1864.

Questions concerning regulation documents published in the **Federal Register** in Addendum IV may be addressed to Gwendolyn Johnson, Office of Strategic Operations and Regulatory Affairs, Centers for Medicare & Medicaid Services, C4–14–03, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–6954.

Questions concerning Medicare NCDs in Addendum V may be addressed to Patricia Brocato-Simons, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services, C1–09–06, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–0261.

Questions concerning FDA-approved Category B IDE numbers listed in Addendum VI may be addressed to John Manlove, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services, C1–13–04, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–6877.

Questions concerning approval numbers for collections of information in Addendum VII may be addressed to Melissa Musotto, Office of Strategic Operations and Regulatory Affairs, Regulations Development and Issuances Group, Centers for Medicare & Medicaid Services, C5–14–03, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–6962.

Questions concerning Medicare-approved carotid stent facilities in Addendum VIII may be addressed to Sarah J. McClain, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services, C1–09–06, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–2994.

Questions concerning Medicare's recognition of the American College of Cardiology-National Cardiovascular Data Registry sites in Addendum IX may be addressed to JoAnna Baldwin, MS, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services, C1–09–06, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–7205.

Questions concerning Medicare's active coverage-related guidance documents in Addendum X may be addressed to Beverly Lofton, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services, C1–09–06, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–7136.

Questions concerning one-time notices regarding national coverage provisions in Addendum XI may be addressed to Beverly Lofton, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services, C1–09–06, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–7136.

Questions concerning National Oncologic Positron Emission Tomography Registry sites in Addendum XII may be addressed to Stuart Caplan, RN, MAS, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services, C1–09–06, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–8564.

Questions concerning Medicare-approved ventricular assist device (destination therapy) facilities in Addendum XIII may be addressed to JoAnna Baldwin, MS, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services, C1–09–06, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–7205.

Questions concerning Medicare-approved lung volume reduction surgery facilities listed in Addendum XIV may be addressed to JoAnna Baldwin, MS, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services, C1–09–06, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–7205.

Questions concerning Medicare-approved bariatric surgery facilities listed in Addendum XV may be addressed to Kate Tillman, RN, MA, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services, C1–09–06, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–9252.

Questions concerning fluorodeoxyglucose positron emission

tomography for dementia trials listed in Addendum XVI may be addressed to Stuart Caplan, RN, MAS, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services, C1–09–06, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–8564.

Questions concerning all other information may be addressed to Gwendolyn Johnson, Office of Strategic Operations and Regulatory Affairs, Regulations Development Group, Centers for Medicare & Medicaid Services, C5–14–03, 7500 Security Boulevard, Baltimore, MD 21244–1850, or you can call (410) 786–6954.

SUPPLEMENTARY INFORMATION:

I. Program Issuances

The Centers for Medicare & Medicaid Services (CMS) is responsible for administering the Medicare and Medicaid programs. These programs pay for health care and related services for 39 million Medicare beneficiaries and 35 million Medicaid recipients. Administration of the two programs involves (1) furnishing information to Medicare beneficiaries and Medicaid recipients, health care providers, and the public and (2) maintaining effective communications with regional offices, State governments, State Medicaid agencies, State survey agencies, various providers of health care, all Medicare contractors that process claims and pay bills, and others. To implement the various statutes on which the programs are based, we issue regulations under the authority granted to the Secretary of the Department of Health and Human Services under sections 1102, 1871, 1902, and related provisions of the Social Security Act (the Act). We also issue various manuals, memoranda, and statements necessary to administer the programs efficiently.

Section 1871(c)(1) of the Act requires that we publish a list of all Medicare manual instructions, interpretive rules, statements of policy, and guidelines of general applicability not issued as regulations at least every 3 months in the **Federal Register**. We published our first notice June 9, 1988 (53 FR 21730). Although we are not mandated to do so by statute, for the sake of completeness of the listing of operational and policy statements, and to foster more open and transparent collaboration, we are continuing our practice of including Medicare substantive and interpretive regulations (proposed and final) published during the respective 3-month time frame.

II. How To Use the Addenda

This notice is organized so that a reader may review the subjects of manual issuances, memoranda, substantive and interpretive regulations, NCDs, and FDA-approved IDEs published during the subject quarter to determine whether any are of particular interest. We expect this notice to be used in concert with previously published notices. Those unfamiliar with a description of our Medicare manuals may wish to review Table I of our first three notices (53 FR 21730, 53 FR 36891, and 53 FR 50577) published in 1988, and the notice published March 31, 1993 (58 FR 16837). Those desiring information on the Medicare NCD Manual (NCDM, formerly the Medicare Coverage Issues Manual (CIM)) may wish to review the August 21, 1989, publication (54 FR 34555). Those interested in the revised process used in making NCDs under the Medicare program may review the September 26, 2003, publication (68 FR 55634).

To aid the reader, we have organized and divided this current listing into 11 addenda:

- Addendum I lists the publication dates of the most recent quarterly listings of program issuances.
- Addendum II identifies previous **Federal Register** documents that contain a description of all previously published CMS Medicare and Medicaid manuals and memoranda.
- Addendum III lists a unique CMS transmittal number for each instruction in our manuals or Program Memoranda and its subject matter. A transmittal may consist of a single or multiple instruction(s). Often, it is necessary to use information in a transmittal in conjunction with information currently in the manuals.
- Addendum IV lists all substantive and interpretive Medicare and Medicaid regulations and general notices published in the **Federal Register** during the quarter covered by this notice. For each item, we list the—
  - Date published;
  - **Federal Register** citation;
  - Parts of the Code of Federal Regulations (CFR) that have changed (if applicable);
  - Agency file code number; and
  - Title of the regulation.
- Addendum V includes completed NCDs, or reconsiderations of completed NCDs, from the quarter covered by this notice. Completed decisions are identified by the section of the NCDM in which the decision appears, the title, the date the publication was issued, and the effective date of the decision.
- Addendum VI includes listings of the FDA-approved IDE categorizations, using the IDE numbers the FDA assigns. The listings are organized according to the categories to which the device numbers are assigned (that is, Category A or Category B), and identified by the IDE number.
- Addendum VII includes listings of all approval numbers from the Office of Management and Budget (OMB) for collections of information in CMS regulations in title 42; title 45, subchapter C; and title 20 of the CFR.
- Addendum VIII includes listings of Medicare-approved carotid stent facilities. All facilities listed meet CMS standards for performing carotid artery stenting for high risk patients.
- Addendum IX includes a list of the American College of Cardiology's National Cardiovascular Data registry sites. We cover implantable cardioverter defibrillators (ICDs) for certain indications, as long as information about the procedures is reported to a central registry.
- Addendum X includes a list of active CMS guidance documents. As required by section 731 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Pub. L. 108–173, enacted on December 8, 2003), we will begin listing the current versions of our guidance documents in each quarterly listings notice.
- Addendum XI includes a list of special one-time notices regarding national coverage provisions. We are publishing a list of issues that require public notification, such as a particular clinical trial or research study that qualifies for Medicare coverage.
- Addendum XII includes a listing of National Oncologic Positron Emission Tomography Registry (NOPR) sites. We cover positron emission tomography (PET) scans for particular oncologic indications when they are performed in a facility that participates in the NOPR.
- Addendum XIII includes a listing of Medicare-approved facitilites that receive coverage for ventricular assist devices used as destination therapy. All facilities were required to meet our standards in order to receive coverage for ventricular assist devices implanted as destination therapy.
- Addendum XIV includes a listing of Medicare-approved facilities that are eligible to receive coverage for lung volume reduction surgery. Until May 17, 2007, facilities that participated in the National Emphysema Treatment Trial are also eligible to receive coverage.
- Addendum XV includes a listing of Medicare-approved facilities that meet minimum standards for facilities modeled in part on professional society statements on competency. All facilities

must meet our standards in order to receive coverage for bariatric surgery procedures.

• Addendum XVI includes a listing of Medicare-approved clinical trials for fluorodeoxyglucose positron emission tomography (FDG–PET) for dementia and neurodegenerative diseases.

III. How To Obtain Listed Material

A. Manuals

Those wishing to subscribe to program manuals should contact either the Government Printing Office (GPO) or the National Technical Information Service (NTIS) at the following addresses:

Superintendent of Documents, Government Printing Office, *Attn:* New Orders, P.O. Box 371954, Pittsburgh, PA 15250–7954, Telephone (202) 512–1800, Fax number (202) 512–2250 (for credit card orders); or

National Technical Information Service, Department of Commerce, 5825 Port Royal Road, Springfield, VA 22161, Telephone (703) 487–4630.

In addition, individual manual transmittals and Program Memoranda listed in this notice can be purchased from NTIS. Interested parties should identify the transmittal(s) they want. GPO or NTIS can give complete details on how to obtain the publications they sell. Additionally, most manuals are available at the following Internet address: *http://cms.hhs.gov/manuals/default.asp*.

B. Regulations and Notices

Regulations and notices are published in the daily **Federal Register**. Interested individuals may purchase individual copies or subscribe to the **Federal Register** by contacting the GPO at the address given above. When ordering individual copies, it is necessary to cite either the date of publication or the volume number and page number.

The **Federal Register** is also available on 24x microfiche and as an online database through *GPO Access*. The online database is updated by 6 a.m. each day the **Federal Register** is published. The database includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward. Free public access is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is *http://www.gpoaccess.gov/fr/index.html*, by using local WAIS client software, or by telnet to *swais.gpoaccess.gov*, then log in as guest (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then log in as guest (no password required).

C. Rulings

We publish rulings on an infrequent basis. CMS Rulings are decisions of the Administrator that serve as precedent final opinions and orders and statements of policy and interpretation. They provide clarification and interpretation of complex or ambiguous provisions of the law or regulations relating to Medicare, Medicaid, Utilization and Quality Control Peer Review, private health insurance, and related matters. Interested individuals can obtain copies from the nearest CMS Regional Office or review them at the nearest regional depository library. We have, on occasion, published rulings in the **Federal Register**. Rulings, beginning with those released in 1995, are available online, through the CMS Home Page. The Internet address is *http://cms.hhs.gov/rulings*.

D. CMS' Compact Disk–Read Only Memory (CD–ROM)

Our laws, regulations, and manuals are also available on CD–ROM and may be purchased from GPO or NTIS on a subscription or single copy basis. The Superintendent of Documents list ID is HCLRM, and the stock number is 717–139–00000–3. The following material is on the CD–ROM disk:

• Titles XI, XVIII, and XIX of the Act.

• CMS-related regulations.

• CMS manuals and monthly revisions.

• CMS program memoranda.

The titles of the Compilation of the Social Security Laws are current as of January 1, 2005. (Updated titles of the Social Security Laws are available on the Internet at *http://www.ssa.gov/OP_Home/ssact/comp-toc.htm*.) The remaining portions of CD–ROM are updated on a monthly basis.

Because of complaints about the unreadability of the Appendices (Interpretive Guidelines) in the State Operations Manual (SOM), as of March 1995, we deleted these appendices from CD–ROM. We intend to re-visit this issue in the near future and, with the aid of newer technology, we may again be able to include the appendices on CD–ROM.

Any cost report forms incorporated in the manuals are included on the CD–ROM disk as LOTUS files. LOTUS software is needed to view the reports once the files have been copied to a personal computer disk.

IV. How To Review Listed Material

Transmittals or Program Memoranda can be reviewed at a local Federal Depository Library (FDL). Under the FDL program, government publications are sent to approximately 1,400 designated libraries throughout the United States. Some FDLs may have arrangements to transfer material to a local library not designated as an FDL. Contact any library to locate the nearest FDL.

In addition, individuals may contact regional depository libraries that receive and retain at least one copy of most Federal Government publications, either in printed or microfilm form, for use by the general public. These libraries provide reference services and interlibrary loans; however, they are not sales outlets. Individuals may obtain information about the location of the nearest regional depository library from any library.

For each CMS publication listed in Addendum III, CMS publication and transmittal numbers are shown. To help FDLs locate the materials, use the CMS publication and transmittal numbers. For example, to find the Medicare Benefit Policy publication titled ''Heartsbreath Test for Heart Transplant Rejection,'' use CMS–Pub. 100–03, Transmittal No. 99.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance, Program No. 93.774, Medicare—Supplementary Medical Insurance Program, and Program No. 93.714, Medical Assistance Program)

Dated: June 4, 2009.

Jacquelyn Y. White,

Director, Office of Strategic Operations and Regulatory Affairs.

BILLING CODE 4120–01–P

Addendum I

This addendum lists the publication dates of the most recent quarterly listings of program issuances.

March 30, 2007 (72 FR 15282)

June 22, 2007 (72 FR 34508)

September 28, 2007 (72 FR 55282)

December 28, 2007 (72 FR 73990)

April 1, 2008 (73 FR 17422)

June 27, 2008 (73 FR 36596)

September 26, 2008 (73 FR 55902)

December 30, 2008 (73 FR 79982)

March 27, 2009 (74 FR 13516)

Addendum II—Description of Manuals, Memoranda, and CMS Rulings

An extensive descriptive listing of Medicare manuals and memoranda was published on June 9, 1988, at 53 FR 21730 and supplemented on September 22, 1988, at 53 FR 36891 and December 16, 1988, at 53 FR 50577. Also, a complete description of the former CIM (now the NCDM) was published on August 21, 1989, at 54 FR 34555. A brief description of the various Medicaid manuals and memoranda that we maintain was published on October 16, 1992, at 57 FR 47468.

ADDENDUM III
Medicare and Medicaid Manual Instructions
January Through March 2009

Transmittal No. — Manual/Subject/Publication Number

Medicare General Information
(CMS-Pub. 100-01)

57 Implementing Validated Workarounds for Shared System Claims Processing by Medicare Administrative Contractors (A/B MACs), Durable Medical Equipment Medicare Administrative Contractors (DMEMACs), Carriers, Regional Home Health Intermediaries (RHHIs), and Fiscal Intermediaries (FIs)
Implementing Validated Workarounds for Shared System Claims Processing by All Medicare Contractors

58 Disclosure of Physician Ownership in Hospitals
Basic Commitment in Provider Agreement

Medicare Benefit Policy
(CMS-Pub. 100-02)

101 January 2009 Update of the Hospital Outpatient Prospective Payment System
Encounter Defined
Coverage of Outpatient Diagnostic Services
Coverage of Outpatient Therapeutic Services Incident to a Physicians Service Furnished on or After August 1, 2000
Outpatient Observation Services
Partial Hospitalization Services

102 Shipboard Services Billed to the Carrier and Services Not Provided Within the United States. This CR rescinds and fully replaces CR 6217.
Services Not Provided Within the United States

103 Ambulance Services and Expiration of the Ambulance Fee Schedule Transition Period
Reasonableness of the Ambulance Trip
Effect of Beneficiary Death on Medicare Payment for Ground Ambulance Transports
Destination
Separately Payable Ambulance Transports Under Part B versus Patient Transportation that is Covered Under a Packaged Hospital Service

Multiple Patient Ambulance Transport
Air Ambulance Services
Medical Reasonableness
Documentation
Effort of Beneficiary Death on Program Payment for Air Ambulance Transports
Coverage Guidelines for Ambulance Service Claims
Managed Care Providers/Suppliers
Beneficiary Signature Requirements
Implementation of the Ambulance Fee Schedule
Definition of Ambulance Services
Ground Ambulance Services
Air Ambulance Services

104 April 2009 Update to the ASC Payment System; Summary of Payment Policy Changes/Manual Revisions
Definition of Ambulatory Surgical Center

Medicare National Coverage Determination (CMS-Pub. 100-03)

99 Heartsbreath Test for Heart Transplant Rejection

Medicare Claims Processing (CMS-Pub. 100-04)

1661 Emergency Update to the 2009 Medicare Physician Fee Schedule Database

1662 Home Health Prospective Payment System Rate Update for Calendar Year 2009

1663 Correction to Prothrombin Time (PT/INR) Monitoring for Home Anticoagulation Management
Allowable Covered Diagnosis Codes
Applicable Diagnosis Codes for Carriers

1664 January 2009 Integrated Outpatient Code Editor Specifications Version 10.0

1665 New Common Working Medicare Secondary Payer Type
for Workers" Compensation Medicare Set-aside Arrangements to Stop Conditional Payments
MSP Maintenance Transaction Error Codes

1666 Instructions for Fiscal Intermediary Standard System Multi-Carrier System and Healthcare Integrated General Ledger Accounting System Changes

1667 Instructions for Fiscal Intermediary Standard System Multi-Carrier System and Healthcare Integrated General Ledger Accounting System Changes

1668 Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction

1669 January 2009 Update of the Ambulatory Surgical Center Payment System
Payment When a Device is Furnished With No Cost or With Full or Partial Credit Beginning January 1, 2008

1670 Claim Status Category Code and Claim Status Code Update

1671 Clarification of Requirements for New and Material Evidence as Good Cause for Reopening
Good Cause for Reopening
What Constitutes New and Material Evidence
Policies Related to Good Cause Reopening for New and Material Evidence
What Constitutes Error on the Face of the Evidence

1672 Payment for Co-surgeons in a Method II Critical Access Hospital
Coding Co-Surgeon Services Rendered in a Method II CAH
Use of Payment Policy Indicators for Determining Procedures Eligible for Payment of Co-Surgeons
Payment of Co-Surgeon Services Rendered in a Method II CAH
Co-Surgeon Medicare Summary and Remittance Advice Messages
Review of Supporting Documentation for Co-Surgeon Services in a Method II CAH

1673 Correction to the Common Working File for Late Recertifications
Data Required on Claim to FI

1674 Remittance Advice Remark Code and Claim Adjustment Reason Code Update

1675 Standard System Change to Allow Claims Processing Contractors Flexibility With 9-Digit ZIP Codes
Claims Processing Instructions for Payment Jurisdiction for Claims Received on or After April 1, 2004

1676 Change in the Amount in Controversy Requirement for Administrative Law Judge (ALJ) Hearings and Federal District Court Appeals
Right to an ALJ Hearing
Requests for U.S. District Court Review by a Party

1677 Shipboard Services Billed to the Carrier and Services Not Provided Within the United States. This CR rescinds and fully replaces CR 6217.
Services Received by Medicare Beneficiaries Outside the United States
Physician and Ambulance Services Furnished in Connection With Covered Foreign Inpatient Hospital Services
Shipboard Services Billed to the Carrier
Services Rendered in Nonparticipating Providers

1678 Outpatient Therapy Caps With Exceptions in CY 2009
The Financial Limitation
Healthcare Common Procedure Coding System (HCPCS) Coding Requirement

1679 Issued to a specific audience, not posted to Internet/Intranet to Confidentiality of Instruction
1680 Instructions for Downloading the Medicare ZIP Code Files for July 2009
1681 Payments to Institutional Providers with Multiple Service Delivery Locations
Reporting of Taxonomy Codes (Institutional Providers)
Payments on the MPFS for Providers With Multiple Service Locations
1682 Clarification of Date of Service (DOS) of Ambulance Services.
1683 Heartsbreath Test for Heart Transplant Rejection
1684 Changes to the Laboratory National Coverage Determination Edit Software for April 2009
1685 April 2009 Quarterly Average Sales Price Medicare Part B Drug Pricing Files and Revisions to Prior Quarterly Pricing Files
1686 New Non-physician Practitioner Specialty Code for Speech Language Pathologists
Non-physician Practitioner, Supplier and Provider Specialty Codes
1687 Healthcare Common Procedure Coding System Codes Subject to and Excluded from Clinical Laboratory Improvement Amendments Edits
1688 Clarification of the Medicare Redetermination Notice for Partly or Fully Unfavorable Redeterminations
Medicare Redetermination Notice (For Partly or Fully Unfavorable Redeterminations)
1689 New Waived Tests
1690 Reporting the National Provider Identifier (NPI) on Claims for Reference Laboratory and Purchased Diagnostic Services Performed Outside the Billing Jurisdiction
Carrier Specific Requirements for Certain Specialties/Services
Paper Claim Submission to Carriers/B MAC
Electronic Claim Submission to Carriers/B MAC
1691 April Update to the 2009 Medicare Physician Fee Schedule Database (MPFSDB)
1692 Healthcare Provider Taxonomy Codes Update April 2009
1694 Issued to a specific audience, not posted to Internet/Intranet due to Confidential
1695 Providers Submitting Information Regarding Medicare Beneficiaries Entitled to Medicare Advantage (MA) for Fiscal Year (FY) 2006 for the Medicare/Supplemental Security Income (SSI) Fraction
Additional Payment Amounts for Hospitals with Disproportionate Share of Low-Income Patients
Low-Income Patient (LIP) Adjustment: The Supplemental Security Income Medicare Beneficiary Data for Inpatient Rehabilitation Facilities (IRFs) Paid Under the Prospective Payment System (PPS)
1696 Updates to the Medicare Claims Processing Manual Publication 100-04, Chapter 15
Overview
Authorities
Statutes and Regulations
Other References to Ambulance Related Policies in the CMS Internet Only Manuals
Summary of the Benefit
Definitions
Additional Introductory Guidelines
Payment Rules
Payment Under the Ambulance Fee Schedule
General
Jurisdiction
Services Provided
Components of the Ambulance fee Schedule
ZIP Code Determines Fee Schedule Amount
CMS Supplied National ZIP Code File and National Ambulance Fee Schedule
Contractor Determination of Fee Schedule Amounts
Payment for Mileage Charges
Air Ambulance
Ambulance Inflation Factor
Documentation Requirements
General Billing Guidelines
Multi-Carrier System Guidelines
MCS Coding Requirements for Suppliers
Coding Instructions for Paper and Electronic Claim Forms
Coding Instructions for Form CMS-1491
CWF Editing of Ambulance Claims for Inpatients
Fiscal Intermediary Shared System Guidelines
MAC Bill Processing Guidelines Effective April 1, 2002, as a Result of Fee Schedule Implementation
SNF Billing
Indian Health Service / Tribal Billing
Medical Conditions List and Instructions

1697 Heartsbreath Test for Heart Transplant Rejection
1698 April 2009 Update to the ASC Payment System; Summary of Payment Policy Changes/Manual Revisions
Definition of Ambulatory Surgical Center
1699 Quarterly Update to Correct Coding InitiativeEdits, Version 15.1, Effective April 1, 2009
1700 April 2009 Integrated Outpatient Code Editor Specifications Version 10.1
1701 Revision of the Hospice Wage Index and the Hospice Pricer for FY 2009
1702 April 2009 Update of the Hospital Outpatient Prospective Payment System (OPPS)
Billing for Stem Cell Transplantation
General Coding and Billing Instructions and Explanations
Requirement that Hospitals Report Device Codes on Claims on Which They Report Specified Procedures
Coding and Payment for Drug Administration
Billing and Payment for Blood, Blood Products, and Stem Cells and Related Services Under the Hospital Outpatient Prospective Payment System
When a Provider Paid Under the OPPS Does Not Purchase the Bloo or Blood Products That It Procures from a Community Blood Bank, or When a Provider Paid Under the OPPS Does Not Assess a Charge for Blood or Blood Products Supplied by the Providerýs Own Blood Bank Other Than Blood Processing and Storage
When a Provider Paid Under the OPPS Purchases Blood or Blood Products from a Community Blood Bank or When a Provider Paid Under the OPPS Assesses a Charge for Blood or Blood Products Collected By Its Own Blood Bank That Reflects More Than Blood Processing and Storage
Billing for Autologous Stem Cell Transplants
Correct Coding Initiative (CCI) Edits
1703 New Common Working File Medicare Secondary Payer Type for Workers' Compensation Medicare Set-aside Arrangements to Stop Conditional Payments
MSP Maintenance Transaction Error Codes
1704 Modifications to the National Coordination of Benefits (COBA) Agreement
Crossover Process
Consolidated Claims Crossover Process
Claims Crossover Disposition and Coordination of Benefits Agreement By-Pass Indicators
The Coordination of Benefits Agreement (COBA) Detailed Error Report Notification Process
1705 Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
1706 Manual Clarifications for Skilled Nursing Facility and Therapy Billing
Inpatient Billing from Hospitals and SNFs
HCPCS Coding Requirements
Special Inpatient Billing Instructions
Bills with Covered and Noncovered Days
Billing in Benefits Exhaust and No-Payment Situations
1707 Assignment of Initial Enrollment FQHCs, ESRD Facilities, and RHCs
General Billing Requirements
Provider Assignment to FIs and MACs
Claims Processing Jurisdiction for RHCs and FQHCs

Medicare Secondary Payer (CMS-Pub. 100-05)

65 New Common Working File Medicare Secondary Payer Type for Workers' Compensation Medicare Set-Aside Arrangements to Stop Conditional Payments
Definitions
MSP Provisions
MSP Utilization Edits and Resolution Claim Submitted to CWF
Sending of HUSC Files From CWF to Recovery Management and Account Systems
MSP "W" Record and Accompanying Processes

Medicare Financial Management (CMS-Pub. 100-06)

146 Notice of New Interest Rate for Medicare Overpayments and Underpayments 2nd Notification for FY 2009
147 Chapter 7 - Internal Control Requirements Update
Introduction
Authority
FMFIA and the CMS Contractor Contract
GAO Standards for Internal Controls in the Federal Government
Definition and Objectives
Definition and Objectives Monitoring
CMS Contractor Internal Control Review Process
Risk Assessment
Risk Analysis Chart
Internal Control Objectives

CMS Contractor Control Objectives
Policies and Procedures
Testing Methods
Documentation and Working Papers
Certification Package for Internal Controls
CPIC Requirements
OMB Circular A-123, Appendix A: Internal Control Over Financial Reporting
Certification Statement
Executive Summary
CPIC Report of Material Weaknesses
CPIC Report of Internal Control Deficiencies
Definitions of Control Deficiency, Significant Deficiency, and Material Weaknesses
Corrective Action Plans
Submission, Review, and Approval of Corrective Action Plans
Corrective Action Plan Reports
CMS Finding Numbers
Initial CAP Report
Quarterly CAP Report
Entering Data into the Initial or Quarterly CAP Report
List of CMS Contractor Control Objectives
CMS Financial Reporting Cycle Memo
Financial Reporting Cycle Memo Inclusions
List of Appendices
148 Recovery Audit Contractors (RACs)
Table of Contents
Communication with the RACs
Overview of the RAC Process
Inputting Suppression and Exclusion Cases to the RAC Data Warehouse
149 Instruction for Credits for Medicare Administrative Contractors on Complementary Credit Reporting
Completing the Certification Form

Medicare State Operations Manual
(CMS-Pub. 100-07)

40 Revisions to Chapter 2, "The Certification Process," Sections Relating to Federally Qualified Health Centers, and Exhibits 177 and 179
Meaning of Providers and Suppliers
Assisting Providers and Suppliers
Medicare Health Care Provider/Supplier Enrollment
Specialty Intermediaries
Citations
Description
RO Approval Process for FQHCs
General
Information To Be Provided to Potential Applicants
Request to Participate
Processing Requests
RO Assigning Applicants an FQHC CMS Certification Number
Effective Date
RO Completion of Forms
Complaint Investigations

Medicare Program Integrity
(CMS-Pub. 100-08)

282 Zone Program Integrity Contractor Updates
Overpayment Procedures
Conduct of Expanded Review Based on Statistical Sampling for Overpayment
Estimation and Recoupment of Projected Overpayments by Contractors
Background on Consent Settlement
Consent Settlement Offer
Consent Settlement Budget and Performance Requirements for ACs
Suspension of Payment
Fraud or Willful Misrepresentation Exists - Fraud Suspensions
Overpayment Exists But the Amount is Not Determined - General Suspensions
Payments to be Made May Not Be Correct - General Suspensions
Provider Fails to Furnish Records and Other Requested Information – General Suspensions
Approval
Prior Notice Versus Concurrent Notice
Content of Notice
Shortening the Notice Period for Cause
Mailing the Notice to the Provider
Opportunity for Rebuttal
Claims Review
Case Development - Benefit Integrity
Duration of Suspension of Payment
Removing the Suspension
Disposition of the Suspension

Contractor Suspects Additional Improper Claims
DME MACs, DME PSCs, and ZPICs
Reserved for Future Use
General Purpose
Determining When Statistical Sampling May Be Used
Consultation With a Statistical Expert
Use of Other Sampling Methodologies
Probability Sampling
Random Numbers Selection
Determining Sample Size
Documentation of Sampling Methodology
Documentation of Universe and Frame
Worksheets
Informational Copies to Primary GTL, Associate GTL, SME or CMS RO
The Point Estimate
Actions to be Performed Following Selection of Provider or Supplier and Sample
Notification of Provider or Supplier of the Review and Selection of the Review Site
Written Notification of Review
Determining Review Site
Recovery From Provider or Supplier
283 Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality
284 Model Letter Updates
Model Development Letter
Model Rejection Letter
Model Returned Application Letter
Model Revalidation Letter
Model Approval Letter for Initial Enrollment
Model Approval Letter for Change of Information
Model Revalidation Approval Letter
Model Denial Letter for Certified Providers & Suppliers: Denial Based on a Condition of Participation
Model Denial Letter for Certified Providers & Suppliers: Denial Based on an Enrollment Reason(s)
Model Denial Letter for Suppliers, Non-IDTF, Furnishing Part B Services
Model Denial Letter for IDTFs
Model Revocation Letter for Certified Providers & Suppliers: Revocation Based on a Condition of Participation
Model Revocation Letter for Certified Providers & Suppliers: Revocation Based on an Enrollment Reason(s)
Model Revocation Letter for Suppliers Furnishing Part B Services
Model Revocation Letter for OIG Sanctioned Providers/Suppliers
Model Revocation Letter for National Clearinghouse Supplier (NCS)
Model Reconsideration Letter
Model Identity Theft Prevention Letter
285 Provider Enrollment to Combine the Preferred Provider Transaction Access Number into the Collapse Process
286 Incorporation of Physician Fee Schedule Regulatory Changes
Definitions
Pre-Screening Process
Application Rejections
Denials for Incomplete Applications
Returning the Application
Types of Business Organizations
Certification Statement
Delegated Officials
IDTF Standards
Requesting and Receiving Clarifying Information
Definitions
Determining Whether a CHOW Has Occurred
Processing CHOW Applications
Effective Billing Date for Physicians, Non-Physician Practitioners, and Physician or Non-Physician Practitioner Organizations
Denials
General Procedures
Electronic Fund Transfers
Medicare Advantage and Other Managed Care Organizations
Clinical Nurse Specialists
Nurse Practitioners
Physicians
Speech Language Pathologists in Private Practice
Contractor Issued Revocations
File Maintenance

Medicare Contractor Beneficiary and Provider Communications (CMS-Pub. 100-09)

24	Implementation of New Provider Authentication Requirements for Medicare Contractor Provider Telephone and Written Inquiries Guidelines for Telephone Service Provider Authentication Elements National Provider Identifier Provider Transaction Access Number Tax Identification Number Inquiry Types Telephone Inquiries Contractor Discretion Concerning Information Written Inquiries Overlapping Claims Requests for Information Available on the Remittance Advice Authentication of Provider Elements for CSR Inquiries Authentication of Provider Elements for IVR Inquiries Authentication of Provider Elements for Written Inquiries Provider Authentication Elements National Provider Identifier Contractor Discretion Concerning IVR Information Provider Transaction Access Number Tax Identification Number Inquiry Types Telephone Inquiries Contractor Discretion Concerning IVR Information Written Inquiries Overlapping Claims Requests for Information Available on the Remittance Advice Authentication of Provider Elements for CSR Inquiries Authentication of Provider Elements for IVR Inquiries Authentication of Provider Elements for Written Inquiries
25	Implementation of New Provider Authentication Requirements for Medicare Contractor Provider Telephone and Written Inquiries Provider Authentication Elements National Provider Identifier (NPI) Provider Transaction Access Number (PTAN) Tax Identification Number (TIN) Inquiry Types Telephone Inquiries Contractor Discretion Concerning IVR Information Written Inquiries Overlapping Claims Requests for Information Available on the Remittance Advice Authentication of Provider Elements for CSR Inquiries Authentication of Provider Elements for IVR Inquiries Authentication of Provider Elements for Written Inquiries Provider Authentication Elements National Provider Identifier Contractor Discretion Concerning IVR Information Provider Transaction Access Number Tax Identification Number Inquiry Types Telephone Inquiries Contractor Discretion Concerning IVR Information Overlapping Claims Requests for Information Available on the Remittance Advice Authentication of Provider Elements for CSR Inquiries Authentication of Provider Elements for IVR Inquiries Authentication of Provider Elements for Written Inquiries
	Medicare End Stage Renal Disease Network Organizations (CMS Pub 100-14)
00	None
	Medicare Managed Care (CMS-Pub. 100-16)
00	None
	Medicare Business Partners Systems Security (CMS-Pub. 100-17)
00	None
	Demonstrations (CMS-Pub. 100-19)

00 None

One Time Notification
(CMS-Pub. 100-20)

428 Influenza Pandemic Emergency Preparedness – Additional Guidance Concerning Tentative and Final Settlements, Periodic Interim Payments and Pass-Through Payments, Medicare Secondary Payer, Accelerated Payments, Repayments and Financial Management
429 Update to Change Request 5927--Shared Systems Active and Non-Active Edits/Reason Codes and Audit Trail Reporting
430 Long Term Care Hospital Special Project
431 Jurisdiction 3 A/B MAC Merge of the Part B Arizona, Montana and Utah CICS Production and User Acceptance Testing Regions
432 Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
433 FISS, CWF, and NCH System Requirements for All Outpatient 837 I Claims Related to Rendering Physicians/Practitioners
434 Correction to Home Health Prospective Payment System Episode Sequence Edits
435 VMS Modifications to Implement the Common Electronic Data Interchange System, Final Implementation
436 Re-design of FISS Edits for Hemophilia Clotting Factors on Inpatient Claims
437 Health Insurance Portability and Accountability Act 837 5010 Coordination of Benefits Requirements--Multi-Carrier Systems
438 New "WW" Code to Identify a New Source for Topotecan
439 Influenza Pandemic Emergency- Additional Guidance Concerning the Medicare Prescription Drug Program (Part D) and Medicare Advantage (Part C)
440 Facet Joints
441 Influenza Pandemic Emergency Preparedness -- Additional Guidance Concerning Medicare Fee-For-Service Payment Policies and Billing Instructions
442 Modifier 79
443 Payment for Repair, Maintenance and Servicing of Oxygen Equipment as a Result of the Medicare Improvements for Patients and Providers Act of 2008
444 Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
445 Claims Processing Instructions for Diagnostic Tests Subject to the Anti-Markup Pricing Limitation
446 Clarification on Use of National Drug Codes in 837 I Billing
447 Corrections to the Inpatient Prospective Payment System Wage Index for Fiscal Year 2009 and the Outpatient Prospective Payment System Wage Index for Calendar Year 2009
448 Request for Common Working File to Continue Sending Common Working File Medicare Quality Assurance the Existing 4010 File Formats after the CWF July Implementation of 5010 File Formats
449 Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
450 System Network Architecture Requirements for New CMS-Net Wide Area Network
451 Incorporation of the National Provider Identifier (NPI) Into the National Supplier Clearinghouse (NCS) Enrollment System and Related Instructions
453 Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
454 Influenza Pandemic Emergency Preparedness – Waiver of Certain Medicare Requirements
455 Health Insurance Portability and Accountability 837 5010 Coordination of Benefits Requirements--Multi-Carrier Systems
456 Addition of the Jurisdiction 5 Medicare Administrative Contractor (MAC) Roll Up Number (05001) to the CWF Contractor Table for Provider Inquiry Usage (Only)
457 Hemophilia Clotting Factor Indicator on Average Sales Price Drug Pricing File
458 Issued to a specific audience, not posted to Internet/ Intranet due to Sensitivity of Instruction
459 Program Overview: 2009 Physician Quality Reporting Initiative (PQRI) and the 2009 Electronic Prescribing (E-Prescribing) Incentive Program
460 J12 Production Region Merge of the District of Columbia, Maryland, New Jersey, and Pennsylvania Part A Workloads
461 Payment for Maintenance and Servicing of Certain Oxygen Equipment as a Result of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA)
462 Emergency Change to the CWF Pacific Host's Internal Control File for the A/B Medicare Administrative Contractor Jurisdiction 3 Part B Merge
463 J14 Part A and Part B Medicare Administrative Contractor New Workload Numbers for the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont
464 Customer Information Control System Production Region Merge of the Alaska, Washington, Idaho and Oregon Medicare Part A Workloads in Preparation for the J2 Medicare Administrative Contractor Implementation
465 New "WW" Code to Identify a New Source for Topotecan
466 Implementation of Indirect Medical Education (IME) and Long Term Care Hospital (LTCH) Provisions from the American Recovery and Reinvestment Act (ARRA) of

2009

467 J10 Part A and Part B Medicare Administrative Contractor Part B Tennessee and Idaho CICS UAT and Production Region Split and New Workload Numbers for the States of Alabama, Georgia, and Tennessee

468 Limitation of Recoupment - VMS Recoupment and Claims Adjustment Process

Addendum IV—Regulation Documents Published in the Federal Register January Through March 2009

Publication Date	FR Vol. 74 Page Number	42 CFR Parts Affected	File Code	Title of Regulation
January 2, 2009	166	424	CMS-6006-F	Medicare Program; Surety Bond Requirement for Suppliers of Durable Medical Equipment, Prosthetics, Orthotics, and Suppliers (DMEPOS).
January 12, 2009	1494	422 and 423	CMS-4131-FC	Medicare Program; Medicare Advantage and Prescription Drug Benefit Program: Negotiated Pricing and Remaining Revisions.
January 12, 2009	1550	423	CMS-4131-P2	Medicare Program; Prescription Drug Benefit Program: Payments to Sponsors of Retiree Prescription Drug Plans.
January 16, 2009	2873	414	CMS-1561-IFC	Medicare Program; Changes to the Competitive Acquisition of Certain Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) by Certain Provisions of the Medicare Improvements for Patients and Providers Act of 2008.
January 16, 2009	2881	423	CMS-4138-F4	Medicare Program; Medicare Advantage and Prescription Drug Benefit Programs MIPPA Drug Formulary and Protected Classes Policies.

January 16, 2009	3051	----------	CMS-3210-N	Medicare Program; Meeting of the Medicare Evidence Development and Coverage Advisory Committee—March 18, 2009.
January 16, 2009	3264	493	CMS-2252-P	Medicare, Medicaid, and Clinical Laboratory Improvement Amendments of 1988 (CLIA) Program; Cytology Proficiency Testing (PT).
January 16, 2009	3296	**45 CFR** 162	CMS-0009-F	Health Insurance Reform; Modifications to the Health Insurance Portability and Accountability Act (HIPAA) Electronic Transaction Standards.
January 16, 2009	3328	**45 CFR** 162	CMS-0013-F	HIPAA Administrative Simplification: Modifications to Medical Data Code Set Standards To Adopt ICD-10-CM and ICD-10-PCS.
January 23, 2009	4203	----------	CMS-2899-FN	Medicare and Medicaid Programs; Approval of the Accreditation Commission for Health Care, Incorporated for Continued Deeming Authority for Home Health Agencies.
January 23, 2009	4205	----------	CMS-2298-N	Medicare Program; Town Hall Forum on Access to Dental Care for Medicaid-Eligible Children; April 6, 2009.
January 23, 2009	4206	----------	CMS-1562-N	Medicare Program; Meeting of the Practicing Physicians Advisory Council, March 9, 2009.
January 26, 2009	4343	410, 416, and 419	CMS-1404-CN	Medicare Program; Changes to the Hospital Outpatient Prospective Payment System and CY 2009 Payment Rates; Changes to the Ambulatory Surgical Center Payment System and CY 2009 Payment Rates; Hospital Conditions of Participation: Requirements for Approval and Re-Approval of Transplant Centers To Perform Organ Transplants—Clarification of Provider and Supplier Termination Policy Medicare and Medicaid Programs: Changes to the Ambulatory Surgical Center Conditions for Coverage.
January 26, 2009	4439	----------	CMS-2274-CN	Medicaid Program; Fiscal Year Disproportionate Share Hospital Allotments and Disproportionate Share Hospital Institutions for Mental Disease Limits.
January 27, 2009	4888	447 and 457	CMS-2244-F2	Medicaid Program; Premiums and Cost Sharing.
February 2, 2009	5808	440	CMS-2232-IFC	Medicaid Program; State Flexibility for Medicaid Benefit Packages: Delay of Effective Date.

February 10, 2009	6557	414	CMS-1561-NC	Medicare Program; Changes to the Competitive Acquisition of Certain Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) by Certain Provisions of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA).
February 12, 2009	7029	414	CMS-1561-NC	Medicare Program; Changes to the Competitive Acquisition of Certain Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) by Certain Provisions of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA), Correction.
February 13, 2009	7234	----------	CMS-3210-N2	Medicare Program; Medicare Evidence Development and Coverage Advisory Committee; Cancellation of the March 18, 2009 Meeting and Annoucement of the June 17, 2009 Meeting.
February 19, 2009	7653	414	CMS-1561-IFC2	Medicare Program; Changes to the Competitive Acquisition of Certain Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) by Certain Provisions of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA).
February 27, 2009	8867	401 and 405	CMS-4064-RCN2	Medicare Program; Changes to the Medicare Claims Appeal Procedures; Continuation of Effectiveness and Extension of Timeline for Publication of Final Rule.
February 27, 2009	8965	----------	CMS-3205-FN	Medicare Program; Application by the American Association of Diabetes Educators (AADE) for Recognition as a National Accreditation Organization (NAO) for Accrediting Entities to Furnish Outpatient Diabetes Self-Management Training (DSMT).
February 27, 2009	8967	----------	CMS-4142-PN	Medicare Program; Application of the Utilization Review Accreditation Commission for Deeming Authority for Medicare Prescription Drug Plan Sponsors.

February 27, 2009	8969	----------	CMS-1497-N	Medicare Program; Public Meetings in Calendar Year 2009 for All New Public Requests for Revisions to the Healthcare Common Procedure Coding System (HCPCS) Coding and Payment Determinations.
March 13, 2009	10918	----------	CMS-3211-N	Medicare Program; Meeting of the Medicare Evidence Development and Coverage Advisory Committee—May 6, 2009.
March 27, 2009	13345	424	CMS-6006-F2	Medicare Program; Medicare Program; Surety Bond Requirement for Suppliers of Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS); Correcting Amendment.
March 27, 2009	13346	447 and 457	CMS-2244-F3	Medicaid Program; Premiums and Cost Sharing.
March 27, 2009	13436	----------	CMS-2284-N	Medicare Program; Deeming Notice for the College of American Pathologists (CAP) as an Accrediting Organization Under the Clinical Laboratory Improvement Amendments 1988 (CLIA).
March 27, 2009	13439	----------	CMS-2294-FN	Medicare and Medicaid Programs; Approval of the Joint Commission for Continued Deeming Authority for Hospices.
March 27, 2009	13516	----------	CMS-9050-N	Medicare and Medicaid Programs; Quarterly Listing of Program Issuances—October Through December 2008.
March 27, 2009	13441	----------	CMS-3212-N	Medicare Program; Request for Nominations for Members for the Medicare Evidence Development and Coverage Advisory Committee.
March 27, 2009	13442	----------	CMS-7013-N	Medicare Program; Announcement of Rechartering and Meeting of the Advisory Panel on Medicare Education, April 22, 2009.
March 27, 2009	13443	----------	CMS-2282-N	Medicare, Medicaid, and CLIA Programs; Approval of the American Osteopathic Association as a CLIA Accreditation Organization.

Addendum V—National Coverage Determinations
[Jnauary Through March 2009]

A national coverage determination (NCD) is a determination by the Secretary with respect to whether or not a particular item or service is covered nationally under Title XVIII of the Social Security Act, but does not include a determination of what code, if any, is assigned to a particular item or service covered under this title, or determination with respect to the amount of payment made for a particular item or service so covered. We include below all of the NCDs that were issued during the quarter covered by this notice. The entries below include information concerning completed decisions as well as sections on program and decision memoranda, which also announce pending decisions or, in some cases, explain why it was not appropriate to issue an NCD. We identify completed decisions by the section of the NCDM in which the decision appears, the title, the date the publication was issued, and the effective date of the decision. Information on completed decisions as well as pending decisions has also been posted on the CMS Web site at http://cms.hhs.gov/coverage.

Title	NCDM Section	TN #	Issue Date	Effective Date
Heartsbreath Test for Heart Transplant Rejection	260.1	R99NCD	02/13/2009	12/08/2008
Changes to the Laboratory National Coverage Determination (NCD) Edit Software for April 2009	190	R1684CP	02/13/2009	04/01/2009

Addendum VI
FDA-Approved Category B IDEs
[January Through March 2009]

Under the Food, Drug, and Cosmetic Act (21 U.S.C. 360c) devices fall into one of three classes. To assist CMS under this categorization process, the FDA assigns one of two categories to each FDA-approved IDE. Category A refers to experimental IDEs, and Category B refers to non-experimental IDEs. To obtain more information about the classes or categories, please refer to the **Federal Register** notice published on April 21, 1997 (62 FR 19328).

The following list includes all Category B IDEs approved by FDA during the fourth quarter, January through March 2009.

IDE	Category
G060101	B
G070239	B
G080045	B
G080110	B
G080116	B
G080117	B
G080121	B
G080144	B
G080169	B
G080191	B
G080201	B
G080203	B
G080205	B
G080221	B
G080227	B
G080229	B
G080233	B
G080234	B
G090001	B
G090003	B
G090005	B
G090007	B
G090008	B

G090009	B
G090010	B
G090011	B
G090015	B
G090028	B
G090030	B
G090031	B
G090037	B

Addendum VII
Approval Numbers for Collections of Information

Below we list all approval numbers for collections of information in the referenced sections of CMS regulations in Title 42; Title 45, Subchapter C; and Title 20 of the Code of Federal Regulations, which have been approved by the Office of Management and Budget:

OMB Control Numbers	Approved CFR Sections in Title 42, Title 45, and Title 20 (Note: Sections in Title 45 are preceded by "45 CFR," and sections in Title 20 are preceded by "20 CFR")
OMB NUMBER	Approved CFR Sections
0938-0008	Part 424 Subpart C
0938-0022	413.20, 413.24, 413.106
0938-0023	424.103
0938-0025	406.28, 407.27
0938-0027	486.100 - 486.110
0938-0033	405.807
0938-0035	407.40
0938-0037	413.20, 413.24
0938-0041	408.6, 408.202
0938-0042	410.1, 410.40, 424.124, 424.601, 414.605, 414.610, 414.615, 414.620, 414.625, 424.32
0938-0045	405.711
0938-0046	405.2133
0938-0050	413.20, 413.24
0938-0062	431.151, 435.151, 435.1009, 440.220, 440.250, 442.1, 442.10 - 442.16, 442.30, 442.40, 442.42, 442.100 - 442.119, 483.400 - 483.480, 488.332, 488.400, 498.3 - 498.5
0938-0065	485.701 - 485.729
0938-0074	491.1 - 491.11
0938-0080	406.7, 406.13
0938-0086	420.200 - 420.206, 455.100 - 455.106
0938-0101	430.30
0938-0102	413.20, 413.24

0938-0107	413.20, 413.24
0938-0146	431.800 - 431.865
0938-0147	431.800 - 431.865
0938-0151	493.1 - 493.2001
0938-0155	405.2470
0938-0193	430.10 - 430.20, 440.167
0938-0202	413.17, 413.20
0938-0214	411.25, 489.2, 489.20
0938-0236	413.20, 413.24
0938-0242	488.26 and 442.30
0938-0245	407.10, 407.11
0938-0246	431.800-431.865
0938-0251	406.7
0938-0266	416.1-416.150
0938-0267	485.56, 485.58, 485.60, 485.64, 485.66
0938-0269	412.116, 412.632, 413.64, 413.350, 484.245
0938-0270	405.376
0938-0272	440.180, 441.300 - 441.310
0938-0273	485.701 - 485.729
0938-0279	424.5
0938-0287	447.31
0938-0296	413.170, 413.184
0938-0301	413.20, 413.24, 415.60
0938-0302	418.22, 418.24, 418.28, 418.56, 418.58, 418.70, 418.74, 418.83, 418.96, 418.100
0938-0313	489.11, 489.20
0938-0328	482.12, 482.13, 482.21, 482.22, 482.27, 482.30, 482.41, 482.43, 482.45, 482.53, 482.56, 482.57, 482.60, 482.61, 482.62, 482.66, 485.618, 485.631
0938-0334	491.9, 491.10
0938-0338	486.104, 486.106, 486.110
0938-0354	441.50
0938-0355	442.30, 488.26
0938-0358	488.26
0938-0359	412.40 - 412.52
0938-0360	488.60
0938-0365	484.10, 484.12, 484.14, 484.16, 484.18, , 484.36, 484.48, 484.52
0938-0372	414.330
0938-0378	482.60 - 482.62
0938-0379	442.30, 488.26
0938-0386	405.2100 - 405.2171
0938-0391	488.18, 488.26, 488.28
0938-0426	480.104, 480.105, 480.116, 480.134
0938-0429	447.53
0938-0443	478.18, 478.34, 478.36, 478.42
0938-0444	1004.40, 1004.50, 1004.60, 1004.70
0938-0445	412.44, 412.46, 431.630, 476.71, 476.74, 476.78
0938-0447	405.2133
0938-0448	405.2133, **45 CFR** 5, 5b; **20 CFR** Parts 401, 422E
0938-0449	440.180, 441.300 - 441.310
0938-0454	424.20
0938-0456	412.105
0938-0463	413.20, 413.24, 413.106
0938-0467	431.17, 431.306, 435.910, 435.920, 435.940 - 435.960
0938-0469	417.126, 422.502, 422.516
0938-0470	417.143, 422.6
0938-0477	412.92
0938-0484	424.123
0938-0501	406.15
0938-0502	433.138
0938-0512	486.301 - 486.348
0938-0526	475.102, 475.103, 475.104, 475.105, 475.106
0938-0534	410.38, 424.5
0938-0544	493.1 - 493.2001
0938-0564	411.32
0938-0565	411.20 - 411.206
0938-0566	411.404, 411.406, 411.408
0938-0573	412.256
0938-0578	447.534
0938-0581	493.1 - 493.2001
0938-0599	493.1 - 493.2001
0938-0600	405.371, 405.378, 413.20
0938-0610	417.436, 417.801, 422.128, 430.12, 431.20, 431.107, 483.10, 484.10, 489.102
0938-0612	493.801, 493.803, 493.1232, 493.1233, 493.1234, 493.1235, 493.1236, 493.1239, 493.1241, 493.1242, 493.1249, 493.1251, 493,1252, 493.1253, 493.1254, 493.1255, 493.1256, 493.1261, 493.1262, 493.1263, 493.1269, 493.1273, 493.1274, 493.1278, 493.1283, 493.1289, 493.1291, 493.1299
0938-0618	433.68, 433.74, 447.272
0938-0653	493.1771, 493.1773, 493.1777
0938-0657	405.2110, 405.2112

0938-0658	405.2110, 405.2112
0938-0667	482.12, 488.18, 489.20, 489.24
0938-0686	493.551 - 493.557
0938-0688	486.301 - 486.325
0938-0691	412.106
0938-0692	466.78, 489.20, 489.27
0938-0701	422.152
0938-0702	**45 CFR** 146.111, 146.115, 146.117, 146.150, 146.152, 146.160, 146.180
0938-0703	**45 CFR** 148.120, 148.122, 148.124, 148.126, 148.128
0938-0714	411.370 - 411.389
0938-0717	424.57
0938-0721	410.33
0938-0723	421.300 - 421.316
0938-0730	405.410, 405.430, 405.435, 405.440, 405.445, 405.455, 410.61, 415.110, 424.24
0938-0732	417.126, 417.470
0938-0734	**45 CFR** 5b
0938-0739	413.337, 413.343, 424.32, 483.20
0938-0749	424.57
0938-0753	422.000 - 422.700
0938-0754	441.151, 441.152
0938-0758	413.20, 413.24
0938-0760	484.55, 484.205, 484.245, 484.250
0938-0761	484.11, 484.20
0938-0763	422.250, 422.252, 422.254, 422.256, 422.258, 422.262, 422.264, 422.266, 422.270, 422.300, 422.304, 422.306, 422.308, 422.310, 422.312, 422.314, 422.316, 422.318, 422.320, 422.322, 422.324, 423.251, 423.258, 423.265, 423.272, 423.286, 423.293, 423.301, 423.308, 423.315, 423.322, 423.329, 423.336, 423.343, 423.346, 423.350
0938-0770	410.2
0938-0778	422.111, 422.564
0938-0779	417.126, 417.470, 422.64, 422.210
0938-0781	411.404, 484.10
0938-0786	438.352, 438.360, 438.362, 438.364
0938-0790	460.12 - 460.210
0938-0792	491.8, 491.11
0938-0796	422.64
0938-0798	413.24, 413.65, 419.42
0938-0802	419.43
0938-0818	410.141 - 410.146, 414.63
0938-0829	422.568
0938-0832	Parts 489 and 491
0938-0833	483.350 - 483.376
0938-0841	431.636, 457.50, 457.60, 457.70, 457.340, 457.350, 457.431, 457.440, 457.525, 457.560, 457.570, 457.740, 457.750, 457.810, 457.940, 457.945, 457.965, 457.985, 457.1005, 457.1015, 457.1180
0938-0842	412.23, 412.604, 412.606, 412.608, 412.610, 412.614, 412.618, 412.626, 413.64
0938-0846	411.352 - 411.361
0938-0857	Part 419
0938-0860	Part 419
0938-0866	**45 CFR** Part 162
0938-0872	413.337, 483.20
0938-0873	422.152
0938-0874	**45 CFR** Parts 160 and 162
0938-0878	Part 422 Subparts F and G
0938-0887	**45 CFR** 148.316, 148.318, 148.320
0938-0897	412.22, 412.533
0938-0907	412.230, 412.304, 413.65
0938-0910	422.620, 422.624, 422.626
0938-0911	426.400, 426.500
0938-0915	421.120, 421.122
0938-0916	483.160
0938-0920	438.6, 438.8, 438.10, 438.12, 438.50, 438.56, 438.102, 438.114, 438.202, 438.206, 438.207, 438.240, 438.242, 438.402, 438.404, 438.406, 438.408, 438.410, 438.414, 438.416, 438.604, 438.710, 438.722, 438.724, 438.810
0938-0921	414.804
0938-0931	**45 CFR** 142.408, 162.408, and 162.406
0938-0933	438.50
0938-0935	422 Subparts F and K
0938-0936	423
0938-0939	405.502
0938-0944	422.250, 422.252, 422.254, 422.256, 422.258, 422.262, 422.264, 422.266, 422.270, 422.300, 422.304, 422.306, 422.308, 422.310, 422.312, 422.314, 422.316, 422.318, 422.320, 422.322, 422.324, 423.251, 423.258, 423.265, 423.272, 423.279, 423.286, 423.293, 423.301, 423.308, 423.315, 423.322, 423.329, 423.336, 423.343, 423.346, 423.350
0938-0950	405.910
0938-0951	423.48

0938-0953	405.1200 and 405.1202
0938-0954	414.906, 414.908, 414.910, 414.914, 414.916
0938-0957	Part 423 Subpart R
0938-0964	403.460, 411.47
0938-0969	421.405
0938-0975	423.562(a)
0938-0976	423.568
0938-0977	Part 423 Subpart R
0938-0978	423.464
0938-0982	422.310, 423.301, 423.322, 423.875, 423.888
0938-0986	412.20-412.30
0938-0990	423.56
0938-0992	423.505, 423.514
0938-0993	1396
0938-0997	424.5
0938-0999	Part 424 Subpart C
0938-1004	423.502
0938-1009	411.357(v), 411.357(w)
0938-1013	423.56(e)
0938-1019	405.1206, 422.622
0938-1020	412.525(a)(4), 412.529(c)(3), 412.84(i)(2)
0938-0123	422.152(a)(1), 422.152(a)(2)
0938-1024	1396
0938-1026	447.520
0938-1013	423.56e
0938-1019	405.1206, 422.622
0938-1023	422.152a
0938-1033	455
0938-1034	489.20
0938-1049	424.36(b)

Addendum VIII
Medicare-Approved Carotid Stent Facilities
[January Through March 2009]

On March 17, 2005, we issued our decision memorandum on carotid artery stenting. We determined that carotid artery stenting with embolic protection is reasonable and necessary only if performed in facilities that have been determined to be competent in performing the evaluation, procedure, and follow-up necessary to ensure optimal patient outcomes. We have created a list of minimum standards for facilities modeled in part on professional society statements on competency. All facilities must at least meet our standards in order to receive coverage for carotid artery stenting for high risk patients.

Facility	Provider Number	Effective Date	State	Additional Information
Capital Health System-Fuld Campus 750 Brunswick Avenue Trenton, NJ 08638	1275583726	01/20/2009	NJ	N/A
Helen Ellis Memorial Hospital 1395 South Pinellas Avenue Tarpon Springs, FL 34689	100055	01/20/2009	FL	N/A
Palms West Hospital 13001 Southern Boulevard Loxahatchee, FL 33470-1150	100269	01/20/2009	FL	N/A
Memorial Herman Northwest 1635 North Loop West Houston, TX 77008	450184	01/20/2009	TX	N/A
Mercy Medical Center 1320 Mercy Drive Canton, OH 44708	360070	01/29/2009	OH	N/A
North Mississippi Medical Center 830 South Gloster Street Tupelo, MS 38801	250004	01/29/2009	MS	N/A
Sacred Heart Medical Center at RiverBend 3311 RiverBend Drive Springfield, OR 97477	380102	02/19/2009	OR	N/A
Tarrant County Hospital District 1500 S. Main Street Fort Worth, TX 76104	1992753222	02/19/2009	TX	d.b.a. JPS Health Network
Virginia Commonwealth University Health System Authority 1250 East Marshall Street PO Box 980510 Richmond, VA 23298-0510	490032	03/18/2009	VA	N/A
San Antonio Community Hospital 999 San Bernardino Road Upland, CA 91786	050099A	03/20/2009	CA	N/A
San Antonio Community Hospital 999 San Bernardino Road Upland, CA 91786	050099A	03/20/2009	CA	N/A
Yavapai Regional Medical Center 1003 Willow Creek Road Prescott, AZ 86301-1668	030012	04/08/2009	AZ	N/A
Imperial Point Medical Center 6401 North Federal Highway Fort Lauderdale, FL 33308	100200	04/08/2009	FL	N/A
Legacy Meridian Park Hospital 19300 SW 65th Avenue Tualatin, OR 97062	380089	04/08/2009	OR	N/A

Arrowhead Hospital 18701 North 67th Avenue Glendale, AZ 85308	030094	04/16/2009	AZ	N/A

Addendum IX

American College of Cardiology's National Cardiovascular Data Registry Sites [January Through March 2009]

In order to obtain reimbursement, Medicare national coverage policy requires that providers implanting ICDs for primary prevention clinical indications (that is, patients without a history of cardiac arrest or spontaneous arrhythmia) report data on each primary prevention ICD procedure. This policy became effective January 27, 2005. Details of the clinical indications that are covered by Medicare and their respective data reporting requirements are available in the Medicare National Coverage Determination (NCD) Manual, which is on the Centers for Medicare & Medicaid Services (CMS) Web site at http://www.cms.hhs.gov/Manuals/IOM/itemdetail.asp?filterType=none&filterByDID=99&sortByDID=1&sortOrder=ascending&itemID=CMS014961 .

A provider can use either of two mechanisms to satisfy the data reporting requirement. Patients may be enrolled either in an Investigational Device Exemption trial studying ICDs as identified by the FDA or in the American College of Cardiology's National Cardiovascular Data Registry (ACC-NCDR) ICD registry. Therefore, in order for a beneficiary to receive a Medicare-covered ICD implantation for primary prevention, the beneficiary must receive the scan in a facility that participates in the ACC-NCDR ICD registry.

We maintain a list of facilities that have been enrolled in this registry. Addendum IX includes the facilities that have been designated in the quarter covered by this notice.

Facility Name	Address1	Address2	City	State	Zip
Abbott Northwestern Hospital	800 East 28th Street (Internal Zip 33210)		Minneapolis	MN	55407
Abilene Regional Medical Center	6250 Highway 83-84 Antilley Road		Abilene	TX	97606
Abington Memorial Hospital	1200 York Road	5 Toll-AMH	Abington	PA	19446
Adena Regional Medical Center	272 Hospital Road		Chillicothe	OH	45601
Adventist Bolingbrook Hospital	120 North Oak Street		Bolingbrook	IL	60440
Adventist Glen Oaks Hospital	701 Winthrop Avenue		Glendale Heights	IL	60139
Adventis Hinsdale Hospital	120 N. Oak Street		Hinsdale	IL	60521
Adventist Medical Center	10123 SE Market Street		Portland	OR	97216
Advocate Christ Medical Center	4440 West 95th Street	#127NOB	Oak Lawn	IL	60453
Advocate Condell Medical Center	801 S. Milwaukee Avenue		Libertyville	IL	60048
Advocate Good Shepherd Hospital	450 W. Highway 22		Barrington	IL	60010
Advocate Illinos Masonic Medical Center	836 W. Wellington		Chicago	IL	60657
Advocate Lutheran General Hospital	1775 Dempster Street		Park Ridge	IL	60068
Affinity Medical Center	400 Austin Avenue		Massillon	OH	44646
Aiken Regional Medical Center	302 University Parkway		Aiken	SC	29802
Akron City Hospital	525 East Market Street		Akron	OH	44309-2090
Akron General Medical Center	400 Wabash Avenue	Heart & Vascular Center	Akron	OH	44307
Alamance Regional Medical Center	PO Box 202		Burlington	NC	27216
Alaska Regional Hospital	2801 Debarr Road		Anchorage	AK	99508
Albany Medical Center Hospital	43 New Scotland Avenue		Albany	NY	12208
Albert Einstein Medical Center	5501 Old York Road		Philadelphia	PA	19141
Alegent Health Bergan Mercy Medical Center	7500 Mercy Road		Omaha	NE	68124
Alegent Health Immanuel Medical Center	6828 North 72nd Street	Suite 3000N	Omaha	NE	68122-1709
Alegent Health Mercy Hospital	6901 North 72nd Street		Omaha	NE	68122
Alexian Brothers Medical Center	800 Biesterfield Road		Elk Grove Village	IL	60007-3311

Allegheny General Hospital	320 East North Avenue		Pittsburg	PA	15212
Allegiance Health (W.A. Foote Memorial Hospital)	205 N. East Avenue	Heart Center 1st Floor	Jackson	MI	49201
Allen Memorial Hospital	1825 Logan Avenue		Waterloo	IA	50703
Alpena Regional Medical Center	1501 W. Chisholm Street		Alpena	MI	49707
Alta Bates Medical Center	2450 Ashby Avenue		Berkeley	CA	94705
Alta Bates Summit Medical Center	350 Hawthorne Avenue		Oakland	CA	94609
Alton Memorial Hospital	1 Memorial Drive		Alton	IL	62067
Altoona Hospital	620 Howard Avenue		Altoona	PA	16601
Altru Health System	1200 South Columbia Road		Grand Forks	ND	58201
Alvarado Hospital	6645 Alvarado Road		San Diego	CA	92120
Anaheim Memorial Medical Center	1111 W. La Palma Avenue		Anaheim	CA	92801
AnMed Health	800 North Fant Street		Anderson	SC	29621
Anna Jaques Hospital	25 Highland Avenue		Newburyport	MA	01950
Anne Arundel Medical Center	2001 Medical Parkway		Annapolis	MD	21404
Appleton Medical Center/ThedaClark Medical Center	1818 N. Meade Street	Rm 165-B	Appleton	WI	54911

Arizona Heart Hospital	1930 East Thomas Road		Phoenix	AZ	85016
Arizona Regional Medical Center	4838 East Baseline Road	Suite 109-110	Mesa	AZ	85206
Arkansas Heart Hospital	1701 S. Shackelford Road		Little Rock	AR	72202
Arlington Memorial Hospital	800 W. Randol Mill Road		Arlington	TX	76012
Arnot-Ogden Medical Center	600 Roe Avenue		Elmira	NY	14905
Arrowhead Hospital	18701 N. 67th Avenue		Glendale	AZ	85308
Ashtabula County Medical Center	2420 Lake Avenue		Ashtabula	OH	44004
Aspirus Wausau Hospital	333 Pine Ridge Boulevard		Wausau	WI	54401
Athens Regional Medical Center	1199 Prince Avenue		Athens	GA	30606
Atlanta Medical Center	303 Parkway Drive NE		Atlanta	GA	30312
Atlantic Cardiology	333 Borthwick Avenue		Portsmouth	NH	03801
Atlanticare Regional Medical Center	2500 English Creek Avenue		Egg Habour Township	NJ	08234
Atrium Medical Center	One Medical Center		Franklin	OH	45005
Audrain Medical Center	620 E. Monroe Street		Mexico	MO	65265
Aultman Hospital	2600 Sixth Street SW		Canton	OH	44710

Aurora BayCare Medical Center	2845 Greenbrier Road		Green Bay	WI	54308
Aurora Medical Center—Kenosha	2900 W. Oklahoma Avenue		Milwaukee	WI	53132
Aurora Medical Center of Washington County	1032 E. Sumner Street		Hartford	WI	53027
Aurora Medical Center Oshkosh	855 N. Westhaven Street		Oshkosh	WI	53132
Aurora Memorial Hospital of Burlington	2900 W. Oklahoma Avenue		Milwaukee	WI	53215
Aurora Sheboygan Memorial Medical Center	2629 N. 7th Street		Sheboygan	WI	53083
Aurora Sinai Medical Center	945 N. 12th Street		Milwaukee	WI	53233
Aurora West Allis Memorial Hospital	2900 E. Oklahoma Avenue		Milwaukee	WI	53215
Aventura Hospital and Medical Center	5631 Glencrest Boulevard		Tampa	FL	33625-1008
Avera Heart Hospital of South Dakota	4500 West 69th Street		Sioux Falls	SD	57108
Avera Sacred Heart Hospital	501 Summit		Yankton	SD	57078
Avera St. Luke's	305 South State Street		Aberdeen	SD	57401
Bakersfield Heart Hospital	3001 Sillect Avenue		Bakersfield	CA	93308
Bakersfield Memorial Hospital	420 34th Street	PO Box 1888	Bakersfield	CA	93303-1888

Ball Memorial Hospital	2401 University Avenue		Muncie	IN	47303
Baltimore Washington Medical Center	301 Hospital Drive	2nd Floor Cardiac Cath Lab	Glen Burnie	MD	21061
Banner Boswell Medical Center	10401 W. Thunderbird Boulevard		Sun City	AZ	85351
Banner Desert Medical Center	Banner Desert Medical Center, Quality Management	1400 S. Dobson Road	Mesa	AZ	85202
Banner Estrella Medical Center	9201 W. Thomas Road		Phoenix	AZ	85037
Banner Good Samaritan Med Center	1111 East McDowell Road		Phoenix	AZ	85006-2612
Banner Heart Hospital	6750 E. Baywood Avenue		Mesa	AZ	85206
Banner Thunderbird Med Center	5555 W. Thunderbird Road		Glendale	AZ	85306
Baptist Health Medical Center	9601 Interstate 630 Exit 7		Little Rock	AR	72205-7299
Baptist Health Medical Center	3333 Springhill Drive		North Little Rock	AR	72117
Baptist Hospital	1000 W. Moreno Street		Pensacola	FL	32501
Baptist Hospital	4220 Harding Road		Nashville	TN	37202
Baptist Hospital East	4000 Kresge Way		Louisville	KY	40207
Baptist Hospital of Miami	8900 SW 88th Street		Miami	FL	33176
Baptist Hospital West	10820 Parkside Drive		Knoxville	TN	37934
Baptist Medical Center	800 Prudential Drive		Jacksonville	FL	32207

Baptist Medical Center	730 North Main Avenue	Suite 409	San Antonio	TX	78205
Baptist Memorial Hospital North Mississippi	2301 South Lamar Boulevard		Oxford	MS	38655
Baptist Memorial Hospital	6019 Walnut Grove Road		Memphis	TN	38120
Baptist Memorial Hospital-Desoto	7601 Southcrest Parkway		Southaven	MS	38671
Baptist Memorial Hospital-Union City	1201 Bishop Street		Union City	TN	38261
Baptist St. Anthony's Health Systems	1600 Wallace Boulevard		Amarillo	TX	79106
Barberton Citizens Hospital	155 5th Street NE		Barberton	OH	44203
Barnes Jewish Hospital/Washington University	#1 Barnes Jewish Hospital Plaza	SW Tower-Main Mailstop 90-59-315	Saint Louis	MO	63110-9930
Bartow Regional Medical Center	2200 Osprey Boulevard		Bartow	FL	33830
Bassett Healthcare-(Mary Imogene Bassett Hospital)	One Atwell Road		Cooperstown	NY	13326
Baton Rouge General Medical Center	3600 Florida Boulevard		Baton Rouge	LA	70806
Battle Creek Health System	300 North Avenue		Battle Creek	MI	49016

Baxter Regional Medical CenterAttn: A/P	624 Hospital Drive		Mountain Home	AR	72653
Bay Medical Center	615 North Bonita Avenue		Panama City	FL	32401
Bay Regional Medical Center	1900 Columbus Avenue		Bay City	MI	48708
Bayfront Medical Center	701 Sixth Street South		St. Petersburg	FL	33701
Bayhealth Medical Center(KGH)	640 S. State Street		Dover	DE	19901
Baylor All Saints Medical Center at Fort Worth	1400 8th Avenue		Fort Worth	TX	76104
Baylor Jack and Jane Hamilton Heart and Vascular Hospital	621 North Hall Street		Dallas	TX	75226
Baylor Medical Center at Garland	2300 Marie Curie Drive		Garland	TX	75042
Baylor Medical Center at Irving	1901 North MacArthur Boulevard		Irving	TX	75061
Baylor Regional Medical Center at Grapevine	1650 West College Street		Grapevine	TX	76051
Bayshore Medical Center	4000 Spencer Highway		Pasadena	TX	77504
Baystate Medical Center	759 Chestnut Street	Springfield 4 4558	Springfield	MA	01199
Beauregard Memorial Hospital	600 S. Pine Street		Deridder	LA	70634

Belim Memorial Hospital	744 S. Webster Avenue	Cardiac Data Center 5th Floor	Green Bay	WI	54301
Benefis Healthcare	1101 26th Street South		Great Falls	MT	59405-5161
Berkshire Medical Center, Inc.	725 North Street		Pittsfield	MA	01201-4124
Bert Fish Medical Center	401 Palmetto Street		New Smyrna Beach	FL	32168
Beth Israel Deaconess Medical Center	185 Pilgrim Road		Boston	MA	02215
Bethesda Memorial Hospital	2815 S. Seacrest Blvd		Boynton Beach	FL	33435
Bethesda North Hospitals	375 Dixmyth Avenue		Cincinnati	OH	45220-2489
Beverly Hospital	85 Herrick Street		Beverly	MA	01915
Bexar County Hospital District d.b.a. University Health	4502 Medical Drive	Stop 34-1	San Antonio	TX	78229
Biloxi Regional Medical Center	150 Reynoir Street		Biloxi	MS	39531
Blake Medical Center	2020 59th Street West		Bradenton	FL	34209
Blanchard Valley Hospital	1900 South Main Street	HeartCare Center	Findlay	OH	45840
Blessing Hospital	1005 Broadway	PO Box 7005	Quincy	IL	62305-7005
Bloomington Hospital	601 W. Second Street		Bloomington	IN	47403

Boca Raton Community Hospital	12201 NW Second Place		Coral Springs	FL	33071
Bon Secours DePaul Medical Center	150 Kingsley Lane		Norfolk	VA	23505
Bon Secours – Maryview Medical Center	3636 High Street		Portsmouth	VA	23707
Bon Secours-Memorial Regional Medical Center	5801 Bremo Road	Suite 310, North Medical Office Building	Richmond	VA	23226
Bon Secours St Francis Medical Center	13701 Centerpointe Parkway		Midlothian	VA	23114
Bon Secours St. Marys Hospital	5801 Bremo Road	Suite 310, North Medical Office Building	Richmond	VA	23226
Boone Hospital Center	1600 E. Broadway		Columbia	MO	65201-5897
Borgess Medical Center	1521 Gull Road		Kalamazoo	MI	49048
Boston Medical Center	One Boston Medical Place		Boston	MA	02118
Bothwell Regional Health Center	601 East 14th Street		Sedalia	MO	65301
Botsford Hospital	28050 Grand River Avenue		Farmington Hills	MI	48336
Boulder Community Hospital	1100 Balsam Avenue		Boulder	CO	80304

Braddock Campus	900 Seton Drive		Cumberland	MD	21502-1850
Brandon Regional Hospital	119 Oakfield Drive		Brandon	FL	33511
Brandywine Hospital	201 Reeceville Road		Coatesville	PA	19320
Bridgeport Hospital	267 Grant Street		Bridgeport	CT	06610
Brigham & Womens Hospital	75 Francis Street	L258A	Boston	MA	02115
Bromenn Hospital	PO Box 2850		Bloomington	IL	61702-2850
Bronson Methodist Hospital	601 John Street		Kalamazoo	MI	49007-5348
Brookdale Hospital & Medical Center	1 Brookdale Plaza		Brooklyn	NY	11212
Brooklyn Hospital Center	121 DeKalb Avenue		Brooklyn	NY	11201
Brooksville Regional Hospital	17240 Cortez Boulevard		Brooksville	FL	34601
Brookwood Medical Center	2010 Brookwood Medical Center		Birmingham	AL	35209
Broward General Medical Center	1600 S. Andrews Avenue		Ft. Lauderdale	FL	33316
Bryan LGH Medical Center	1600 South 48th Street		Lincoln	NE	68526
Bryn Mawr Hospital	Suite 557 Lankenau MOB East	100 Lancaster Avenue	Wynnewood	PA	19096
Buffalo General Hospital/Aaron Health Sciences Library 4D	100 High Street		Buffalo	NY	14203
Cabell Huntington Hospital	1340 Hal Greer Boulevard		Huntington	WV	25701
California Pacific Medical Center	2330 Clay Street, Stern Building, Room #103	Stern Building, Room #103	San Francisco	CA	94115
CAMC Teays Valley Hospital	1400 Hospital Drive		Hurricane	WI	25526
Camden-Clark Memorial Hospital	800 Garfield Avenue		Parkersburg	WV	26101
Candler Hospital, Inc.	5353 Reynolds Street		Savannah	GA	31405
Cape Canaveral Hospital	701 West Cocoa Beach Causeway		Cocoa Beach	FL	32931
Cape Cod Hospital	40 Quinlan Way		Hyannis	MA	02601
Cape Fear Valley Health System	303 Wagoner Drive		Fayetteville	NC	28303-4646
Capital Medical Center	3900 Capital Mall Drive		Olympia	WA	98502
Capital Regional Medical Center	□arbara.scott3@ hcahealthcare.com		Tallahassee	FL	32308
Capital Regional Medical Center	1125 Madison Street (PO Box 1128)		Jefferson City	MO	65102-1128
Cardio Tricare	4300 Alton Road		Miami Beach	FL	33140
Cardiovascular Center of Puerto Rico	PO Box 366528		San Juan	PR	00936-6528
Carilion Roanoke Memorial Hosp	Att: Cardiac Cath Lab	PO Box 13367	Roanoke	VA	24033-3367
Caritas Norwood Hospital	800 Washington Street		Norwood	MA	02062
Caritas St. Elizabeths Medical Center	736 Cambridge Street		Boston	MA	02135

Carle Foundation Hospital	611 W. Park Street		Urbana	IL	61801
Carolina Pines Regional Medical Center	1304 W BoBo Newsom Highway		Hartsville	SC	29550
Carolinas Hospital System	805 Pamplico Highway		Florence	SC	29505
Carolinas Medical Center	1001 Blythe Boulevard		Charlotte	NC	28227
Carolinas Medical Center – Mercy	2001 Vail Avenue	Cath Lab	Charlotte	NC	28207
Carondelet Heart Institute at St. Joseph Medical Center	1000 Carondelet Drive		Kansas City	MO	64114
Carroll Hospital Center	200 Memorial Avenue		Westminster	MD	21157
Carson Tahoe Regional Medical Center	1600 Medical Parkway		Carson City	NV	89706
Cartersville Medical Center	PO Box 20008		Cartersville	GA	30120
Casa Grande Regional Medical Center	1800 E. Florence Boulevard		Casa Grande	AZ	85222
Castleview Hospital	300 North Hospital Drive		Price	UT	84501
Catawba Valley Medical Center	810 Fairgrove Church Road		Hickory	NC	28602
Catholic Medical Center	100 McGregor Street	Level C Room 248	Manchester	NH	03102-3770

Cayuga Medical Center at Ithaca	101 Dates Drive		Ithaca	NY	14850
Cedars-Sinai Health Systems	8700 Beverly Boulevard	MGB 901	Los Angeles	CA	90048
Centennial Hills Hospital Medical Center	6900 N. Durango Drive		Las Vegas	NV	89149-4409
Centennial Medical Center	12505 Lebanon Boulevard		Frisco	TX	75035
Centennial Medical Center	2300 Patterson Street		Nashville	TN	37203
Centerpoint Medical Center	19600 E. 39th Street		Independence	MO	64057
Centinela Hospital Medical Center	555 E. Hardy Street		Inglewood	CA	90301
Central Baptist Hospital	1800 Nicholasville Road Suite 401		Lexington	KY	40503
Central DuPage Hospital	25 N. Winfield Road		Winfield	IL	60190
Central Florida Regional Hospital	1401W. Seminole Boulevard		Sanford	FL	32771
Central Maine Medical Center	300 Main Street		Lewiston	ME	04240
Central Minnesota Heart Center at St. Cloud Hospital	1406 Sixth Avenue North		St. Cloud	MN	56303
Central Mississippi Medical Center	1850 Chadwick Drive		Jackson	MS	39204
Central Washington Hospital	1201 South Miller Street		Wenatchee	WA	98801

Chandler Regional Medical Center	475 S. Dobson Road	Quality Management Department	Chandler	AZ	85224
Charleston Area Medical Center	501 Morris Street		Charleston	WV	25301
Charlotte Regional Medical Center	809 East Marion Avenue		Punta Gorda	FL	33950
Charlton Memorial Hospital	363 Highland Avenue		Fall River	MA	02720-3700
Chattanooga-Hamilton County Hospital Authority/ER	975 E. Third Street		Chattanooga	TN	37403
Chesapeake General Hospital	736 Battlefield Boulevard North		Chesapeake	VA	23320
Cheshire Medical Center	580 Court Street		Keene	NH	03431
Chester County Hospital	759 Chestnut Street	Room Springfield 4-4558	Springfield	MA	01109
Chester River Hospital Center	100 Brown Street		Chestertown	MD	21620
Cheyenne Regional Medical Center	Cheyenne Regional Medical Center	214 E. 23rd Street	Cheyenne	WY	82001
Christian Hospital	11133 Dunn Road		St Louis	MO	63136
Christiana Care Health System	4755 Ogletown-Stanton Road		Newark	DE	19718
Christus Hospital-St. Mary	3600 Gates Boulevard		Port Arthur	TX	77642
Christus Saint Elizabeth Hospital	2830 Calder Street		Beaumont	TX	77702
Christus Santa Rosa Hospital	333 N. Santa Rosa Street		San Antonio	TX	78207
Christus Spohn Hospital Corpus Christi – Shoreline	600 Elizabeth Street		Corpus Christi	TX	78404
Christus St. John Hospital	18300 St. John Drive	Cath Lab	Nassau Bay	TX	77058
Christus St. Michael Health System	2600 St. Michael Drive		Texarkana	TX	75503
Christus St. Patrick Hospital	524 South Ryan Street		Lake Charles	LA	70602-3401
Christus – Schumpert Highland Hospital	One St. Mary Place		Shreveport	LA	71101
Christus – St. Frances Cabrini Hospital	3330 Masonic Drive	Cath Lab	Alexandria	LA	71301
Citrus Memorial Health System	502 W. Highland Boulevard		Inverness	FL	34452
CJW Medical Center	7101 Jahnke Road		Richmond	VA	23225-4044
Claremore Regional Hospital	1202 N. Muskogee Place		Claremore	OK	74017
Clarian Health Partners-Methodist Hospital campus	1701 N. Senate Boulevard	Room A1082	Indianapolis	IN	46202
Clarian North Medical Center	11725 Illinois Street B-178		Carmel	IN	46032
Clark Memorial Hospital	1220 Missouri Avenue		Jeffersonville	IN	47130

Clear Lake Regional Medical Center	500 Medical Center Boulevard		Webster	TX	77598
Cleveland Clinic Florida	3100 Weston Road		Weston	FL	33331
Cleveland Clinic Foundation	9500 Euclid Avenue		Cleveland	OH	44195
Coliseum Medical Centers	350 Hospital Drive		Macon	GA	31217
College Station Medical Center	1604 Rock Prairie Road		College Station	TX	77845
Columbia Hospital	4425 North Port Washington Road		Glendale	WI	53212
Columbia Regional Hospital	404 Keene Street		Columbia	MO	65201
Columbia St. Mary's Hospital Milwaukee	4425 N. Port Washington Road		Milwaukee	WI	53212
Columbia St. Mary's Hospital Ozaukee	13111 N. Port Washington Road		Mequon	WI	53097
Columbus Cardiovascular Care, PLLC	2520 5th Street North PO Box 1307		Columbus	MS	39703
Columbus Regional Hospital	2400 17th Street		Columbus	IN	47201
Comanche County Memorial Hospital	3401 W. Gore Boulevard	PO Box 129	Lawton	OK	73505
Community Health Partners	3700 Kolbe Road		Lorain	OH	44053
Community Hospital	5637 Marine Parkway		New Port Richey	FL	34652

Community Hospital	The Community Hospital	901 MacArthur Boulevard	Munster	IN	46321
Community Hospital and Wellness Center	433 West High Street		Bryan	OH	43506
Community Hospital East	Cardiovascular Services	1500 North Ritter Avenue	Indianapolis	IN	46219
Community Hospital of the Monterey Peninsula	PO Box HH		Monterey	CA	93942-1085
Community Hospital South	1500 N. Ritter Avenue		Indianapolis	IN	46219-3027
Community Medical Center	2827 Fort Missoula Road		Missoula	MT	59804
Community Medical Center	99 Highway 37 West		Toms River	NJ	08775
Community Medical Center	1800 Mulberry Street		Scranton	PA	18510
Community Medical Center-Clovis	2755 Herndon Avenue		Clovis	CA	93611
Community Memorial Hospital	147 N. Brent Street		Ventura	CA	93003
Community Memorial Hospital	W180 N8085 Town Hall Road		Menomonee Falls	WI	53052
Concord Hospital	250 Pleasant Street		Concord	NH	03301
Conroe Regional Medical Center	504 Medical Center Boulevard		Conroe	TX	77304
Covenant Heart Institute	3615 19th Street		Lubbock	TX	79410
Conway Regional Medical Center	2302 College Avenue		Conway	AR	72034-6226

Cooley Dickinson Hospital	30 Locust Street		Northampton	MA	01060
Cooper University Hospital	One Cooper Plaza	D386B	Camden	NJ	08103
Coral Gables Hospital	3100 Douglas Road		Coral Gables	FL	33134
Corpus Christi Medical Center	7101 SPID		Corpus Christi	TX	78412
Covenant Healthcare	1447 N. Harrison Street		Saginaw	MI	48602
Covenant Medical Center	3421 West Ninth Street.		Waterloo	IA	50702
Cox Medical Center South	3801 S. National Avenue		Springfield	MO	65807
Craven Regional Medical Center	2000 Neuse Boulevard	PO Box 12157	New Bern	NC	28560
Creighton University Medical Center	601 N. 30th Street		Omaha	NE	68131
Crestwood Medical CenterTriad Hospitals, Inc.	One Hospital Drive		Huntsville	AL	35801-3495
Crittenton Hospital Medical Center	1101 W. University Drive		Rochester	MI	48307-1831
Crouse Hospital	736 Irving Avenue		Syracuse	NY	13210
Crozer Chester Medical Center	1 Medical Center Boulevard		Chester	PA	19013-3995
Cumberland Cardiology	5000 US Route 321		Prestonsburg	KY	41653
CVPH Medical Center	75 Beekman Street		Plattsburgh	NY	12901
Cypress Fairbanks Medical Center	10655 Steepletop Drive		Houston	TX	77065
Dallas Regional Medical Center	1011 N. Galloway Avenue		Mesquite	TX	75149
Dameron Hospital	525 W. Acacia Street		Stockton	CA	95203
Danbury Hospital	24 Hospital Avenue	Cardiology 2 South	Danbury	CT	06810
Davis Hospital	1600 West Antelope Drive		Layton	UT	84041
Davis Regional Medical Center	218 Old Mocksville Road		Stateville	NC	28625
Dayton Heart Hospital	707 S. Edwin C. Moses Boulevard		Dayton	OH	45408
DCH Regional Medical Center	809 University Boulevard E		Tuscaloosa	AL	35401-2029
Deaconess Billings Clinic	2800 9th Avenue, North		Billings	MT	59101
Deaconess Hospital	311 Straight Street		Cincinnati	OH	45219
Deaconess Hospital	5501 N. Portland Avenue		Oklahoma City	OK	73112
Deaconess Hospital	600 Mary Street		Evansville	IN	47747
Deaconess Medical Center	W. 800 Fifth Avenue		Spokane	WA	99204
Deborah Heart & Lung Center	200 Trenton Road		Browns Mills	NJ	08015
Decatur General Hospital	1201 7th Street		Decatur	AL	35601
Dekalb Medical Center	2701 N. Decatur Road		Decatur	GA	30033

Dekalb Regional Medical Center	200 Medical Center Drive	Fort Payne	AL	35968
Del Sol Medical Center	10301 Gateway West	El Pasoq	TX	79925
Delray Medical Center	5352 Linton Boulevard	Delray Beach	FL	33484
Delta Regional Medical Center	1400 E. Union Street	Greenville	MS	38702
Denton Regional Medical Center	3535 South I-35E	Denton	TX	76205
Denver Health Medical Center	777 Bannock Street	Denver	CO	80204
DePaul Health Center	12303 DePaul Drive	Bridgeton	MO	63044
Des Peres Hospital	2345 Dougherty Ferry Road	St. Louis	MO	63122
Desert Regional Medical Center	1150 N. Indian Canyon	Palm Springs	CA	92262
Desert Springs Hospital	620 Shadow Lane	Las Vegas	NV	89106
DeTar Hospital	506 E. San Antonio Street	Victoria	TX	77902
Dixie Regional Medical Center	1380 E. Medical Drive	St. George	UT	84790
Doctors Hospital	5000 University Drive	Miami	FL	33146
Doctors Hospital	5100 West Broad Street	Columbus	OH	43228
Doctors Hospital	9440 Poppy Drive	Dallas	TX	75218
Doctor's Hospital	3983 I-49 S. Service Road	Opelousas	LA	70570
Doctors Hospital at Renaissance	5501 S. McColl Road	Edinburg	TX	78539
Doctors Hospital – Augusta	3651 Wheeler Drive	Augusta	GA	30909
Doctors Hospital of Sarasota	5731 Bee Ridge Road	Sarasota	FL	34233
Doctors Medical Center	2000 Vale Road	San Pablo	CA	94806
Doctors Medical Center	1441 Florida Avenue	Modesto	CA	95350
Dominican Santa Cruz Hospital	1555 Soquel Drive	Santa Cruz	CA	95065
Downey Regional Medical Center	11500 Brookshire Avenue	Downey	CA	90241
Doylestown Hospital	595 West State Street	Doylestown	PA	18901
DuBois Regional Medical Center	100 Hospital Avenue	DuBois	PA	15801
Duke Raleigh Hospital	3400 Wake Forest Road	Raleigh	NC	27609
Duke University Hospital	Erwin Road DUMC 3943	Durham	NC	27710
Dunn Memorial Hospital	1600 23rd Street	Bedford	ID	47421
Durham Regional Hospital	3634 Roxboro Road	Durham	NC	27704
East Alabama Medical Center	2000 Pepperall Parkway	Opelika	AL	36830
East Georgia Regional Medical Center	1499 Fair Road (PO Box 1048)	Statesboro	GA	30459

East Jefferson General Hospital	4200 Houma Boulevard	Quality Management Department	Metairie	LA	70006	
East Texas Medical Center	1000 S. Beckham Avenue		Tyler	TX	75711	
Eastern Idaho RMC	3100 Channing Way		Idaho Falls	ID	83404	
Eastern Maine Medical Center	489 State Street	PO Box 404	Bangor	ME	04402-0404	
Easton Hospital (Northampton Hospital Corp.)	250 South 21st Street		Easton	PA	18042	
Edward Hospital	120 Spalding Drive #205		Naperville	IL	60540	
Eisenhower Medical Center	39000 Bob Hope Drive		Rancho Mirage	CA	92270	
El Camino Hospital	2500 Grant Road		Mountain View	CA	94040	
Eliza Coffee Memorial Hospital	603 West College Street		Florence	AL	35630	
Elkhart General Hospital	600 East Boulevard	3 South Suites	Elkhart	IN	46514-2499	
Elliot Hospital	1 Elliot Way		Manchester	NH	03103	
Ellis Hospital	1101 Nott Street		Schenectady	NY	12308	
Elmhurst Hospital Center	79-01 Broadway	Dept of Cardiology, Suite D-54	Elmhurst	NY	11373	
Elmhurst Memorial Hospital Marquardt Memorial Lib	200 Berteau Avenue		Elmhurst	IL	60126	
EMH Regional Medical Center	630 East River Street		Elyria	OH	44035	
Emory Crawford Long Hospital	550 Peachtree Street		Atlanta	GA	30308	
Emory Dunwoody Medical Center	4575 North Shallowford Road		Atlanta	GA	30338	
Emory University Hospital	1364 Clifton Road, NE C408		Atlanta	GA	30322	
Encino-Tarzana Regional Medical Center	18321 Clark Street		Tarzana	CA	91356-3501	
Englewood Hospital & Medical Center	350 Engle Street		Englewood	NJ	07631	
Enloe Medical Center	1600 Esplanade		Chico	CA	95926	
Erie County Medical Center	462 Grider Street		Buffalo	NY	14215	
Evergreen Healthcare	12040 NE 128th Street MS21		Kirkland	WA	98034	
Excela Health Westmoreland Hospital	532 West Pittsburgh Street		Greensburg	PA	15601	
Exempla good Samaritan Medical Center	2420 W. 26th Avenue Building D Suite 100		Denver	CO	80211	
Exempla Lutheran Medical Center	2420 W. 26th Avenue Building D Suite 140		Denver	CO	80211	
Exempla Saint Joseph Hospital	2420 W. 26th Avenue Building D Suite 140		Denver	CO	80211	
Exeter Hospital	5 Alumni Drive		Exeter	NH	03833	
F.E. Lajam, MD PC	140-04 58th Road		Flushing	NY	11355	

Fairfield Cardiac Cath Labs	3000 Mack Road	Suite 200	Fairfield	OH	45014
Fairfield Medical Center	401 N. Ewing Street		Lancaster	OH	43130
Fairview Hospital	18101 Lorain Road #329		Cleveland	OH	44111
Fairview Park Hospital	200 Industrial Boulevard		Dublin	GA	31021
Fairview Southdale Hospital	6401 France Avenue South		Edina	MN	55435
Faith Regional Health Services	2700 W. Norfolk Avenue		Norfolk	NE	68701
Fawcett Memorial Hospital	21298 Olean Boulevard		Port Charlotte	FL	33949-4960
Faxton – St. Luke's Campus	1656 Champlin Avenue		New Hartford	NY	13413
FirstHealth Moore Regional Hospital	155 Memorial Drive		Pinehurst	NC	28374
Fisher-Titus Medical Center	272 Benedict Avenue		Norwalk	OH	44857
Flagler Hospital	400 Health Park Boulevard		St. Augustine	FL	32086
Flagstaff Medical Center	1200 N. Beaver Street		Flagstaff	AZ	86001-3198
Fletcher Allen Health Care	111 Colchester Avenue		Burlington	VT	05401
Florida Hospital Zephyrhills	7050 Gall Boulevard		Zephyrhills	FL	33541
Florida Hospital	601 East Rollins Street	Box 99	Orlando	FL	32803
Florida Hospital Fish Memorial	1055 Saxon Boulevard		Orange City	FL	32763
Florida Hospital Ormond Memorial	875 Sterthaus Avenue		Ormond Beach	FL	32174
Florida Hospital Waterman, Inc.	1000 Waterman Way		Tavares	FL	32778
Florida Medical Center	5000 W. Oakland Park Boulevard		Lauderdale Lakes	FL	33313
Flowers Hospital	4370 West Main Street		Dothan	AL	36305
Floyd Medical Center	304 Turner McCall Boulevard		Rome	GA	30165
Floyd Memorial Hospital	1850 State Street		New Albany	IN	47150
Forrest General Hospital	6051 Highway 49 South		Hattiesburg	MS	39404-6389
Forsyth Medical Center	3333 Silas Creek Parkway	Clinical Improvement Box 102	Winston-Salem	NC	27103
Fort Sanders Regional Medical Center	1901 Clinch Avenue		Knoxville	TN	37916-2307
Fort Walton Beach Medical Center	1000 Mar Walt Drive		Fort Walton Beach	FL	32547
Forum Health – Northside Medical Center	500 Gypsy Lane		Youngstown	OH	44501-0240
Fountain Valley Regional Hosp	17100 Euclid Street		Fountain Valley	CA	92708-4004
Frankford Hospital	Knights & Red Lion Roads		Philadelphia	PA	19114

Frankfort Regional Medical Center	299 Kings Daughter Drive		Frankfort	KY	40601
Franklin Square Hospital	9000 Franklin Square Drive		Baltimore	MD	21237
Frederick Memorial Hospital	400 W. Seventh Street		Frederick	MD	21710
Freeman Hospital	1102 W. 32nd Street	1102 W. 32nd Street	Joplin	MO	64804
Freeport Health Network	1045 W. Stephenson Street		Freeport	IL	61032
Fremont Area Medical Center	450 East 23rd Street		Fremont	NE	68025
French Hospital Medical Center	1911 Johnson Avenue		St Luis Obispo	CA	93401
Fresno Community Hospital and Medical Center	110 N. Valeria Street #103		Fresno	CA	93710
Fresno Heart Hospital	15 East Audubon Drive		Fresno	CA	93720
Froedtert Hospital	9200 W. Wisconsin Avenue		Milwaukee	WI	53226
Frye Regional Medical Center	420 N. Center Street		Hickory	NC	28601
Gadsden Regional Medical Center	1007 Goodyear Avenue		Gadsden	AL	35903
Galichia Heart Hospital	2610 N. Woodlawn Boulevard		Wichita	KS	67220
Garden City Hospital	6245 Inkster Road		Garden City	MI	48135
Garden Grove Hospital	12601 Garden Grove Boulevard		Garden Grove	CA	92843
Gaston Memorial	2525 Court Drive		Gastonia	NC	28054
Hospital					
Gateway Medical CenterGateway Health System	651 Dunlap Lane		Clarksville	TN	37043
Gateway Regional Medical Center	2100 Madison Avenue		Granite City	IL	62040
Geisinger Medical Center	100 North Academy Avenue		Danville	PA	17822-2160
Geisinger Wyoming Valley Medical Center	100 North Academy Avenue		Danville	PA	17822-2160
Genesis Medical Center	1236 East Rusholme Street	Suite 190	Davenport	IA	52803-2459
Genesis Medical Center, Illini Campus	801 Illini Drive		Silvis	IL	61282
Genesys Regional Medical Center	One Genesys Parkway		Grand Blanc	MI	48439
Georgetown University Hospital	3800 Reservoir Road NW		Washington	DC	20007
Gerald Champion Reginal Medical	2669 North Scenic Drive		Alamogordo	NM	88310
Glenbrook Hospital	2100 Pfingsten Road		Evanston	IL	60026
Glendale Adventist Medical Center	1509 Wilson Terrace		Glendale	CA	91206
Glendale Memorial Hospital and Health Center	1420 S. Central Avenue		Glendale	CA	91204
Glens Falls Hospital	100 Park Street		Glens Falls	NY	12801
Glenwood Regional	503 McMillan Road		West Monroe	LA	71291

Medical Center					
Good Samaritan Heart Center	520 South 7th Street		Vincennes	IN	47591
Good Samaritan Hospital and Health Center	2222 Philadelphia Drive		Dayton	OH	45406
Good Samaritan Hospital	2425 Samaritan Drive	2425 Samaritan Drive	San Jose	CA	95124
Good Samaritan Hospital	605 N. 12th Street		Mount Vernon	IL	62864
Good Samaritan Hospital	3815 Highland Avenue		Downers Grove	IL	60515
Good Samaritan Hospital	375 Dixmyth Avenue		Cincinnati	OH	45220-2489
Good Samaritan Hospital	1225 Wilshire Boulevard		Los Angelos	CA	90017
Good Samaritan Hospital	10 East 31 Street		Kearney	NE	68848
Good Samaritan Hospital	255 Lafayette Avenue		Suffern	NY	10901
Good Samaritan Hospital Cardiology	1000 Montauk Highway		West Islip	NY	11795
Good Samaritan Hospital of Maryland	5601 Loch Raven Boulevard		Baltimore	MD	21239
Good Samaritan Medical Center	1309 North Flagler Drive		West Palm Beach	FL	33401
Good Samaritan Regional Medical Center	3600 NW Samaritan Drive		Corvallis	OR	97330
Good Shepherd Medical Center	700 East Marshall Avenue		Longview	TX	75601
Governor Juan F. Luis Hospital & Medical Center	4007 Estate Diamond Ruby		Christiansted	VI	00820
Graduate Hospital	1800 Lombard Street		Philadelphia	PA	19146
Grady Memorial Hospital	561 West Central Avenue		Delaware	OH	43015-1489
Grand Strand Regional Medical Center	809 82nd Parkway		Myrtle Beach	SC	29572
Grandview Medical Center	405 Grand Avenue		Dayton	OH	45405
Grant Medical Center	111 S. Grant Avenue		Columbus	OH	43215
Great Plains Regional Medical Center	Box 2339		Elk City	OK	73648
Greater Baltimore Medical Center	GBMC – Cardiac Cath Lab	6701 N. Charles Street	Towson	MD	21204
Greene Memorial Hospital	1141 N. Monroe Drive		Xenia	OH	45385
Greenview Regional Hospital	1801 Ashley Circle		Bowling Green	KY	42104
Greenville Memorial Hospital	701 Grove Road		Greenville	SC	29605
Greenwich Hospital	5 Perryridge Road		Greenwich	CT	06830
Gulf Coast Medical Center	449 W. 23rd Street		Panama City	FL	32406-5309

Gulf Coast Medical Center	1400 Highway 59		Wharton	TX	77488
Gundersen Lutheran Medical Center, Inc.	1900 South Avenue	H06-004	LaCrosse	WI	54601
Gwinnett Hospital System	1000 Medical Center Boulevard		Lawrenceville	GA	30045
Hackensack University Medical Center	30 Prospect Avenue		Hackensack	NJ	07601
Hahnemann University Hospital	230 N. Broad Street		Philadelphia	PA	19102
Halifax Medical Center	303 N. Clyde Morris Boulevard		Daytona Beach	FL	32114-2732
Halifax Regional Hospital	2204 Wilborn Avenue		South Boston	VA	24592
Hamilton Medical Center	1200 Memorial Drive		Dalton	GA	30720
Hamot Medical Center	201 State Street		Erie	PA	16550
Hannibal Regional Hospital	6000 Hospital Drive		Hannibal	MO	63401
Harbor Hospital Center	3001 S. Hanover Street		Baltimore	MD	21225
Hardin Memorial Hospital	913 N Dixie Avenue		Elizabethtown	KY	42701
Harlingen Medical Center	5501 South Expressway 77		Harlingen	TX	78550
Harper University Hospital	3990 John R. Street		Detroit	MI	48201
Harris Methodist Fort Worth	1301 Pennsylvania Avenue		Fort Worth	TX	76104
Harris Methodist HEB	1600 Hospital Parkway		Bedford	TX	76022
Harrison Medical Center	2520 Cherry Avenue		Bremerton	WA	98310
Hartford Hospital	80 Seymour Street		Hartford	CT	06102-8000
Harton Regional Medical Center	1801 N. Jackson Street		Tullahoma	TN	37388
Havasu Regional Medical Center	101 Civic Center Lane		Lake Havasu City	AZ	86403
Hawaii Medical Center East, LLC	2230 Liliha Street		Honolulu	HI	96817
Hawaii Medical Center West	91-2141 Fort Weaver Road		Ewa Beach	HI	96706
Hays Medical Center	2220 Canterbury Road		Hays	KS	67601
Hazard ARH Regional Medical Center	100 Medical Center Drive		Hazard	KY	41701
Health Care Authority for Baptist Health	2105 East South Boulevard		Montgomery	AL	36116
Heart and Lung Clinic	900 East Broadway Box 5510		Bismarck	ND	58502
Heart Center of Indiana	8333 Nabb Road Suite 330	Suite 330	Indianapolis	IN	46290
Heart Hospital of Austin	3801 N. Lamar Boulevard		Austin	TX	78756
Heart Hospital of Lafayette	1105 Kaliste Saloom Road		Lafayette	LA	70508

Heart Hospital of New Mexico	504 Elm Street NE		Albuquerque	NM	87102
Heart of Florida Regional Medical Center	40100 Highway 27		Davenport	FL	33837
Heart of Lancaster Regional Medical Center	250 College Avenue		Lancaster	PA	17604
Heartland Regional Medical Center	3333 W. Deyoung Street		Marion	IL	62959
Heartland Regional Medical Center	The Heart Center – Cardiac Cath Lab	5325 Faraon Street	Saint Joseph	MO	64506-3373
Helen Ellis Memorial	1395 South Pinella Avenue		Tarpon Springs	FL	34689
Hellen Keller Hospital	1300 South Montgomery Avenue		Sheffield	AL	35660
Hemet Valley Medical Center	1117 E. Devonshire Avenue		Hemet	CA	92543
Hendersonville Medical Center	355 New Shackle Island Road		Hendersonville	TN	37075
Hendrick Medical Center	1900 Pine Street		Abilene	TX	79601
Hennepin County Medical Center	701 Park Avenue		Minneapolis	MN	55415-1829
Henrico Doctors Hospital	1602 Skipwith Road	Cardiac Cath Lab	Richmond	VA	23229
Henry Ford Hospital	2799 W. Grand Boulevard	K-14	Detroit	MI	48202
Henry Ford Macomb	15855 Nineteen Mile Road		Clinton Township	MI	48038
Henry Ford Macomb-Warren	13355 East Ten Mile Road		Warren	MI	48089
Henry Mayo Newhall Memorial Hospital	23845 McBean Parkway		Valencia	CA	91350
Henry Medical Center, Inc.	1133 Eagles Landing Parkway		Stockbridge	GA	30281
Hialeah Hospital	651 East 25th Street		Hialeah	FL	33013
High Point Regional Hospital	601 N. Elm Street		High Point	NC	27261
Highland Park Hospital	718 Glenview Avenue		Highland Park	IL	60035
Hillcrest Baptist Medical Center	3000 Herring Avenue		Waco	TX	76708
Hillcrest Hospital	6780 Mayfield Road		Mayfield Heights	OH	44124
Hillcrest Medical Center	1120 S. Utica Avenue	3 West	Tulsa	OK	74104
Hilton Head Regional Medical Center	25 Hospital Center Boulevard		Hilton Head	SC	29925
HMA-Physician Management Region 25 Dsb. Acct. (Physician's Regional)	6101 Pine Ridge Road		Naples	FL	34119
Hoag Memorial Hospital Presbyterian	One Hoag Drive		Newport Beach	CA	92658
Holland Community Hospital	602 Michigan Avenue		Holland	MI	49423
Hollywood Medical Center	3600 Washington Street		Hollywood	FL	33021

Holmes Regional Medical Center	1355 South Hickory Street Suite 203		Melbourne	FL	32901
Holy Cross Hospital	4725 N. Federal Highway		Ft. Lauderdale	FL	33308
Holy Cross Hospital	2701 W. 68th Street		Chicago	IL	60629
Holy Cross Hospital Medical Library	1500 Forest Glen Road		Silver Spring	MD	20910
Holy Spirit Health System	503 N 21st Street	Heart Center Admin.	Camp Hill	PA	17011-2204
Holzer Cardiovascular Institute	90 Jackson Pike		Gallipolis	OH	45631
Hopkins County Memorial Hospital	115 Airport Road		Sulphur Springs	TX	75482
Hospital Auxilio Mutuo de Puerto Rico	PO Box 191277		San Juan	PR	00919-1227
Hospital of St. Raphael	Cardiac Cath Lab, 1450 Chapel Street		New Haven	CT	06511
Hospital of the University of Pennsylvania	9011 E. Gates 3400 Spruce Street		Philadelphia	PA	19104
Houston Northwest Medical Center Accounts Payable	710 FM 1960 Road West		Houston	TX	77090
Howard County General Hospital	5755 Cedar Lane		Columbia	MD	21044
Howard Regional Health System	3500 South LaFountain Street		Kokomo	IN	46904-9011
Huguley Memorial Medical Center	11801 S. Freeway		Ft. Worth	TX	76115
Huntington Hospital	100 W. California Boulevard		Pasadena	CA	91109
Huntington Hospital	270 Park Avenue		Huntington	NY	11743
Huntsville Hospital	101 Sivley Road		Huntsville	AL	35801
Hutchinson Hospital	1701 E. 23rd Avenue		Hutchinson	KS	67502
Iberia Medical Center	2315 East Main Street		New Iberia	LA	70560
Immanuel-St. Joseph's Hospital	1025 Marsh Street		Mankato	MN	56001
Indian River Medical Center	1000 36th Street		Vero Beach	FL	32960
Indiana Heart Institute	8333 Naab Rd	Suite 330	Indianapolis	IN	46260
Indiana Regional Medical Center Cardiology Department	835 Hospital Road		Indiana	PA	15701
Ingalls Hospital	One Ingalls Drive		Harvey	IL	60426
Ingham Regional Medical Center	401 W. Greenlawn Avenue		Lansing	MI	48910
Innovis Health	3000 32nd Avenue SW		Fargo	ND	58104
Inova Alexandria Hospital	3289 Woodburn Road		Falls Church	VA	22042
Inova Fairfax Hospital/Inova Heart & Vascular Institute	3300 Gallows Road		Falls Church	VA	22042
Inova Loudoun Hospital	3289 Woodburn Road	Suite 235	Falls Church	VA	22042
Integris Baptist Medical Center	3433 NW 56th Street, Suite 805		Oklahoma City	OK	73112

Integris Health	600 S. Monroe Street	Enid	OK	73701
Integris Southwest Medical Center	4401 South Western Avenue	Oklahoma City	OK	73109
Intermountain Medical Center	PO Box 577000	Murray	UT	84157-7000
Iowa Lutheran Hospital	700 E. University Avenue	Des Moines	IA	50316
Iowa Methodist Medical Center	700 E. University Avenue	Des Moines	IA	50316
Iredell Memorial Hospital	557 Brookdale Drive	Statesville	NC	28687
Iroquois Memorial Hospital	200 Fairman Avenue	Watseka	IL	60970
Jackson Hospital and Clinic	1725 Pine Street	Montgomery	AL	36106
Jackson Madison General Hospital	708 West Forrest Avenue	Jackson	TN	38301
Jackson Memorial Hospital	1611 N.W. 12th Avenue	Miami	FL	33136
Jacobi Medical Center	1400 Pelham Parkway	Bronx	NY	10461-1101
Jamaica Hospital Medical Center	8900 VanWyck Expressway	Jamaica	NY	11418
Jane Phillips Memorial Medical Center	3500 Frank Phillips Boulevard	Bartlesville	OK	74006
Jeanes Hospital	7600 Central Avenue	Philadelphia	PA	19111
Jeff Anderson Regional Medical Center	2124 14th Street	Meridian	MS	39301
Jefferson Memorial Hospital	PO BOX 350	Crystal City	MO	63019
Jefferson Regional Medical Center	1600 West 40th Avenue	Pine Bluff	AR	71603
Jefferson Regional Medical Center	PO Box 18119 565 Coal Valley Road	Pittsburgh	PA	15236-0119
Jennie Edmundson Memorial Hospital	933 E. Pierce Street	Council Bluffs	IA	51503
Jersey City Medical Center	355 Grand Street	Neptune	NJ	07307
Jersey Shore University Medical Center	1945 State Route 33	Neptune	NJ	07753
Jewish Hospital	4777 East Galbraith Road	Cincinnati	OH	45236
Jewish Hospital	200 Abraham Flexner Way	Louisville	KY	40202
JFK Medical Center	5631 Glencrest Boulevard	Tampa	FL	33625-1008
John C. Lincoln Hospital - Deer Valley	19829 N. 27th Ave.	Phoenix	AZ	85027-4002
John C. Lincoln Hospital - North Mountain	250 E. Dunlap Avenue	Phoenix	AZ	85020-2871
John F. Kennedy Memorial Hospital	47-111 Monroe Street	Indio	CA	92201

John Muir Medical Center – Concord Campus	1601 Ygnacio Valley Road		Walnut Creek	CA	94550
John Muir – Walnut Creek	1601 Ygnacio Valley Road		Walnut Creek	CA	94550
Johns Hopkins Bayview Medical Center	4940 Eastern Avenue		Baltimore	MD	21224
Johns Hopkins Hospital	600 N. Wolfe Street		Baltimore	MD	21287
Johnson City Medical Center Hosp	400 N State of Franklin		Johnson City	TN	37604
Jordan Valley Hospital	3580 W. 9000 S		West Jordan	UT	84088
Kadlec Medical Center	888 Swift Boulevard		Richland	WA	99352
Kaiser Foundation Hospital	1526 Edgemont Street		Los Angeles	CA	90027
Kaiser Foundation Hospital	6600 Bruceville Road		Sacramento	CA	95823
Kaiser Permanente – Moanalua Medical Center	3288 Moanalua Road		Honolulu	HI	96819
Kaiser Permanente – Panorama City	13652 Cantara Street		Panoram City	CA	91402
Kaiser Permanente Medical Center	2350 Geary Boulevard	1st Floor – CV Surgery	San Francisco	CA	94115
Kaiser Permanente Medical Center – Santa Clara	710 Lawrence Expressway		Santa Clara	CA	95051
Kaiser Permanente Medical Center Health Sciences Library	9400 E. Rosecrans Avenue		Bellflower	CA	90706
Kaiser Sunnyside Medical Center	10180 SE Sunnyside Road		Clackamas	OR	97015
Kansas Heart Hospital	3601 N Webb Road		Wichita	KS	67226
Kansas Heart Hospital	3601 N Webb Road		Wichita	KS	67226
Kansas Medical Center	1124 West 21st Street		Andover	KS	67002
Kansas University Hospital Authority	3901 Rainbow Boulevard		Kansas City	KS	66160
Kapi'olani Medical Center Pali Momi	98-1079 Moanalua Road		Aiea	HI	96701
Katherine Shaw Bethea Hospital	403 E. First Street		Dixon	IL	61021
Kaweah Delta Hospital District	400 W. Mineral King Avenue		Visalia	CA	93291
Kendall Regional Medical Center	5631 Glencrest Boulevard		Tampa	FL	33625-1008
Kershaw County Medical Center	1315 Roberts Street		Camden	SC	29020
Kettering Medical Center	3535 Southern Boulevard		Kettering	OH	45429
Kingman Regional Medical Center	3269 Stockton Hill Road		Kingman	AZ	86401

Kings Daughters Hospital	1901 Southwest H.K. Dodgen Loop		Temple	TX	76502
Kings Daughters Medical Center	2201 Lexington Avenue		Ashland	KY	41101
Kingwood Medical Center	22999 Highway 59 N		Kingwood	TX	77339
Kishwaukee Community Hospital	One Kish Hospital Drive		Dekalb	IL	60115
Knox Community Hospital	1330 Coshocton Road		Mount Vernon	OH	43050
Kootenai Medical Center	2003 Lincoln Way		Coeur d' Alene	ID	83814
Kuakini Medical Center	347 North Kuakini Street	Cardiac Cath Lab	Honolulu	HI	96817
Lafayette General Medical Center	1214 Coolidge Avenue		Lafayette	LA	70505
LaGrange Memorial Hospital	120 North Oak Street		Hinsdale	IL	60521
Lahey Clinic	41 Mall Road		Burlington	MA	01805
Lake Charles Memorial Hospital	1701 Oak Park Boulevard		Lake Charles	LA	70601
Lake Hospital System	36000 Euclid Avenue		Willoughby	OH	44094
Lake Pointe Medical Center	6800 Scenic Drive		Rowlett	TX	75088
Lake Regional Health System	54 Hospital Drive		Osage Beach	MO	65065
Lakeland Hospital	1234 Napier Avenue		Saint Joseph	MI	49085-2112
Lakeland Regional Medical Center	1324 Lakeland Hills Boulevard		Lakeland	FL	33804

Lakeside Hospital	6901 N. 72nd Street Suite 3300		Omaha	NE	68122
Lakeview Regional Medical Center	95 East Fairway Drive		Covington	LA	70433-7500
Lakeway Regional Hospital	726 McFarland Street		Morristown	TN	37814
Lakewood Hospital	14519 Detroit Avenue		Lakewood	OH	44107
Lakewood Ranch Medical Center	8330 Lakewood Ranch Boulevard		Bradenton	FL	34202
Lakewood Regional Medical Center	3700 East South Street		Lakewood	CA	90712
Lancaster Community Hosp	43830 North 10th Street West		Lancaster	CA	93534
Lancaster General Hospital	555 N. Duke Street PO Box 3555		Lancaster	PA	17604-3555
Lancaster Regional Medical Center	250 College Avenue		Lancaster	PA	17604
Landmark Medical Center	115 Cass Avenue		Woonsocket	RI	02895
Lane Regional Medical Center	6300 Main Street		Zachary	LA	70791
Lankenau Hospital	Suite 557 Lankenau MOB East	100 Lancaster Avenue	Wynnewood	PA	19096
La Porte Hospital	1007 Lincolnway		La Porte	IN	46352
Laredo Medical Center	1720 Bustamante Street		Laredo	TX	78044
Largo Medical Center	201 14th Street SW		Largo	FL	33770
Las Colinas Medical Center	6800 North MacArthur Boulevard		Irving	TX	75039

Las Palmas Medical Center	1801 N. Oregon Street	El Paso	TX	79902	
Latrobe Hospital	One Mellon Way	Latrobe	PA	15601	
Lawnwood Medical Center	1700 S. 23rd Street	Fort Pierce	FL	34950	
Lawrence & Memorial Hospital	365 Montauk Avenue	New London	CT	06375	
Lawrence Hospital	55 Palmer Avenue	Broxville	NY	10708-3491	
Lee Memorial Health System-Cape Coral Hospital	276 Cleveland Avenue	Fort Myers	FL	33901	
Lee Memorial Health System-Health Park Med Center	276 Cleveland Avenue	Fort Myers	FL	33901	
Lee's Summit Medical Center	2100 SE Blue Parkway	Lee's Summit	MO	64063	
Leesburg Regional Medical Center	600 East Dixie Avenue	Leesburg	FL	34748	
Legacy Emanuel Hospital	1919 NW Lovejoy Street	Portland	OR	97209	
Legacy Good Samaritan Hospital	1919 NW Lovejoy Street	Portland	OR	97209	
Legacy Meridian Park Hospital	1919 NW Lovejoy Street	Portland	OR	97209	
Legacy Salmon Creek Hospital	1919 NW Lovejoy Street	Portland	OR	97209	
Lehigh Regional Medical Center	1500 Lee Boulevard	Lehigh Acres	FL	33963	

Lehigh Valley Hospital	1200 S. Cedar Crest Boulevard	Jaindl Pavilion 1st Floor	Allentown	PA	18103	
Lehigh Valley Hospital – Muhlenberg	2545 Schoenersville Road	Invasive Cardiology 3rd Floor	Bethlehem	PA	18017-7330	
Lenox Hill Heart and Vascular Institute of New York	100 East 77th Street		New York	NY	10021	
Lewis Gale Medical Center	1900 Electric Road		Salem	VA	24153	
Lexington Medical Center	2720 Sunset Boulevard		West Columbia	SC	29169	
Liberty Hospital	2525 Glenn Hendren Drive		Liberty	MO	64068	
Licking Memorial Hospital	1320 W. Main Street		Newark	OH	43055	
Lima Memorial Hospital	1001 Bellefontaine Avenue		Lima	OH	45804	
Little Company of Mary Hospital	4101 Torrance Boulevard		Torrance	CA	90503	
Little Company of Mary Hospital	2800 W. 95th Street		Evergreen Park	IL	60805	
Logan General Hospital, LLC	20 Hospital Drive		Logan	WV	25601	
Loma Linda University Medical Center	11234 Anderson Street Room 2431		Loma Linda	CA	92354	
Long Beach Memorial Medical Center	2801 Atlantic Avenue		Long Beach	CA	90806	

Long Island College Hospital	339 Hicks Street		Brooklyn	NY	11201
Long Island Jewish Medical Center	270-05 76th Avenue		New Hyde Park	NY	11040
Longmont United Hospital	1950 Moutain View Avenue		Longmont	CO	80501
Longview Regional Medical Center	PO Box 14000		Longview	TX	75607
Los Alamitos Medical Center	3751 Katella Avenue		Los Alamitos	CA	90720
Los Robles Hospital & Medical Center	215 W. Janss Road		Thousand Oaks	CA	91360-1899
Louisiana Medical Center and Heart Hospital	64030 Louisiana Highway 434		Lacombe	LA	70445
Lourdes Hospital	1530 Lone Oak Road		Paducah	KY	42003
Lowell General Hospital	295 Varnum Avenue		Lowell	MA	01854
Lower Bucks Hospital	501 Bath Road		Bristol	PA	19007
Lower Keys Medical Center	5900 College Road		Key West	FL	33040
Loyola University Medical Center	2160 S. First Avenue	Rm. 1318 Bldg. 104 Att: Mike	Maywood	IL	60153
Lubbock Heart Hospital	4810 N. Loop 289		Lubbock	LA	79416
Luther Hospital	1221 Whipple Street		Eau Claire	WI	54703
Lutheran Hospital of Indiana	7950 W. Jefferson Boulevard		Fort Wayne	IN	46804
Lutheran Medical Center	150 55th Street		Brooklyn	NY	11220
Lynchburg General Hospital	1901 Tate Springs Road	Cardiac Cath Lab	Lynchburg	VA	24501-1167
MacNeal Hospital	3249 S. Oak Park Avenue		Berwyn	IL	60402
Magnolia Regional Health Center	611 Alcorn Drive		Corinth	MS	38834
Maimonides Medical Center Division of Cardiology	Division of Cardiology	4802 10th Avenue	Brooklyn	NY	11219
Maine Medical Center	22 Bramhall Street		Portland	ME	04102
Mainland Medical Center	6801 Emmett F. Lowry Expressway		Texas City	TX	77591
Manatee Memorial Hospital	206 Second Street East		Bradenton	FL	34208
Marian Medical Center	1400 East Church Street		Santa Maria	CA	93454
Maricopa Integrated Health System	2601 E. Roosevelt Street		Phoenix	AZ	85008
Marin General Hospital	250 Bon Air Road		Greenbrae	CA	94904
Marion General Hospital	441 N. Wabash Avenue		Marion	IN	46952
Marion General Hospital	1000 McKinley Park Drive		Marion	OH	43302-6397

Marquette General Hospital System	580 W. College Avenue	Marquette	MI	49855
Marshall University School of Medicine	420 West Magnetic Street	Huntington	WV	25701
Martha Jefferson Hospital	459 Locust Avenue	Charlottesville	VA	22902
Martin Memorial Medical Center	PO Box 9010	Stuart	FL	34995
Mary Black Hospital	1700 Skylyn Drive	Spatanburg	SC	29307
Mary Greeley Medical Center	1111 Duff Avenue	Ames	IA	50010
Mary Hitchcock Memorial Hospital	One Medical Center Drive	Lebanon	NH	03756
Mary Immaculate Hospital	2 Bernadine Drive	Newport News	VA	23601
Mary Rutan Hospital	205 Palmer Avenue	Bellefontaine	OH	43311
Mary Washington Hospital	1001 Sam Perry Boulevard	Fredericksburg	VA	22401
Massachusetts General Hospital	55 Fruit Street	Boston	MA	02114
Mat-Su Regional Medical Center	2500 S. Woodworth Loop	Palmer	AR	99645
Maui Memorial Medical Center	221 Mahalani Street	Wailuku	HI	96793
Maury Regional Hospital	1224 Trotwood Avenue	Columbia	TN	38401
Mayo Clinic	4500 San Pablo Road	Jacksonville	FL	32216
Mayo Clinic Arizona	5777 E. Mayo Boulevard	Phoenix	AZ	85054
Mayo Clinic – St. Mary's Hospital	1216 2nd Street SW	Rochester	MN	55902
McAlester Regional Health Center	1 Clark Bass Boulevard	McAlester	OK	74501
McAllen Medical Center	301 W. Expressway 83	McAllen	TX	78503
MCG Health Inc.	1120 15th Street BBR-8521	Augusta	GA	30912
McKay-Dee Hospital Center	4401 Harrison Boulevard	Ogden	UT	84405
McKee Medical Center	2000 Boise Avenue	Loveland	CO	80538
McLeod Regional Medical Center	555 E. Chaves Street	Florence	SC	29501
Mease Countryside Hospital	300 Pinellas Street	Clearwater	FL	33756
Mease Dunedin Hospital	207 Jeffords Street MS 142	Clearwater	FL	33756
Med Central Mansfield	335 Glessner Avenue	Mansfield	OH	44903
Medcenter One	300 N. 7th Street	Bismarck	ND	58501
Medical Center at Bowling Green	250 Park Street	Bowling Green	KY	42101
Medical Center Hospital	500 W. 4th Street	Odessa	TX	79760
Medical Center of Aurora	1501 S. Potomac Street	Aurora	CO	80012

Medical Centerof Central Georgia	777 Hemlock Street HB 53		Macon	GA	31208
Medical Center of Louisiana at New Orleans	1541 Tulane Avenue Room #203 Butterworth Building		New Orleans	LA	70112
Medical Center of McKinney	4500 Medical Center Drive		McKinney	TX	75069
Medical Center of Plano	3901 W. 15th Street		Plano	TX	75075-7738
Medical Center of South Arkansas, LLC	700 West Grove Street		El Dorado	AR	71730
Medical Center of Southeastern Oklahoma	1800 University Boulevard		Durant	OK	74701
Medical Center of the Rockies	2500 Rocky Mountain Avenue		Loveland	CO	80538
Medical City Dallas Hospital	7777 Forest Lane		Dallas	TX	75230
Medical University of South Carolina	96 Jonathan Lucas Street		Charleston	SC	29425
Memorial Health System	1400 E. Boulder Street		Colorado Springs	CO	80909-5599
Memorial Health University Medical Center	Cardiac Cath Lab Memorial Health University Medical Center	4700 Waters Avenue	Savannah	GA	31404
Memorial Hermann Hospital	6411 Fannin Street		Houston	TX	77030
Memorial Hermann HVI South West	7787 Southwest Freeway		Houston	TX	77074
Memorial Hermann Memorial City Hospital	921 Gessner Road		Houston	TX	77024
Memorial Hermann Northeast	18951 Memorial North		Humble	TX	77338
Memorial Hermann Northwest Hospital	1635 North Loop West		Houston	TX	77008
Memorial Hermann The Woodlands Hospital	9250 Pinecroft Drive		Spring	TX	77380
Memorial Hospital	800 West 9th Street		Jasper	IN	47546
Memorial Hospital	2525 Desales Avenue		Chattanooga	TN	37404-1102
Memorial Hospital at Gulfport	4500 13th Street	PO Box 1810	Gulfport	MS	39502
Memorial Hospital Carbondale	405 W. Jackson Street		Carbondale	IL	65902
Memorial Hospital Miramar	1901 SW 172 Avenue		Miramar	FL	33029
Memorial Hospital of Martinsville	320 Hospital Drive		Martinsville	VA	24112
Memorial Hospital of Rhode Island Brown University	111 Brewster Street		Pawtucket	RI	02860
Memorial Hospital of South Bend	615 N. Michigan Street		South Bend	IN	46601-1033
Memorial Hospital Pembroke/ South Broward Hospital	7800 Sheridan Street		Pembroke Pines	FL	33024

Memorial Hospital West/South Broward Hospital District	703 North Flamingo Road	Pembroke Pines	FL	33028	
Memorial Hospital – Jacksonville	3625 University Boulevard South	Jacksonville	FL	32215	
Memorial Hospitals Association	1700 Coffee Road	Modesto	CA	95355	
Memorial Medical Center	701 N. First Street	Springfield	IL	62781	
Memorial Medical Center	2450 S. Telshor Boulevard	Las Cruces	NM	88011	
Memorial Medical Center	1086 Franklin Street	Johnstown	PA	15905-4398	
Memorial Regional Hospital/South Broward Hospital	3501 Johnson Street	Hollywood	FL	33021	
Memphis Hospital (Germantown Campus)	1265 Union Avenue	Memphis	TN	38104-3499	
Memphis Hospital (North Campus)	1265 Union Avenue	Memphis	TN	38104-3499	
Menifee Valley Medical Center	28400 McCell Boulevard	Sun City	CA	92585	
Menorah Medical Center	5721 West 119th Street	Overland Park	KS	66209	
Mercy Fitzgerald Hospital	1500 Lansdowne Avenue	Darby	PA	19023	
Mercy General Health Partners	1500 E. Sherman Boulevard	Muskegon	MI	49444	
Mercy General Hospital – Sacramento	3939 J Street	Suite 215	Sacramento	CA	95819
Mercy Gilbert Medical Center	3555 South Val Vista Drive	Attn.: Cardiac Cath Lab	Gilbert	AZ	85296
Mercy Health System of Northwestern Arkansas	2710 Rife Medical Lane		Rogers	AR	72756
Mercy Hospital	144 State Street		Portland	ME	04101
Mercy Hospital	2925 Chicago Avenue		Minneapolis	MN	55407
Mercy Hospital – Scranton	746 Jefferson Avenue		Scranton	PA	18501
Mercy Hospital & Medical Center	2525 South Michigan Avenue		Chicago	IL	60616-2477
Mercy Hospital Anderson	7500 State Road		Cincinnati	OH	45255
Mercy Hospital Attn.: Accounts Payable	3663 South Miami Avenue		Miami	FL	33133
Mercy Hospital of Buffalo	515 Abbott Road	Marion Building Suite 306	Buffalo	NY	14220
Mercy Hospital Attn: A/P	271 Carew Street PO Box 9012		Springfield	MA	01102
Mercy Iowa City	500 East Market Street		Iowa City	IA	52245
Mercy Medical Center	2700 Steward Parkway		Roseburg	OR	97470

Mercy Medical Center	801 5th Street		Sioux City	IA	51101
Mercy Medical Center	1111 6th Avenue		Des Moines	IA	51101
Mercy Medical Center	1320 Mercy Drive	Cardiology Management and Support 3C	Canton	OH	44708
Mercy Medical Center	301 St. Paul Place		Baltimore	MD	21202
Mercy Medical Center	2900 W. 9th Avenue	Suite 107	Oshkosh	WI	54904
Mercy Medical Center	701 10th Street SE		Cedar Rapids	IA	52403
Mercy Medical Center	1000 North Village Ave		Rockville Centre	NY	11571
Mercy Medical Center Merced	301 E. 13th Street		Merced	CA	95340
Mercy Medical Center Redding	2175 Rosaline Avenue	PO Box 496009	Redding	CA	96049-6009
Mercy Medical Center – North Iowa	1000 4th Street SW		Mason City	IA	50401
Mercy Regional Health Center	1823 College Avenue		Manhattah	KS	67218
Mercy Regional Medical Center	1010 Three Springs Boulevard		Durango	CO	81301
Mercy San Juan Hospital	3941 J Street	c/o Mercy General Hospital Administration	Sacramento	CA	95819
MeritCare Hospital	801 Broadway North		Fargo	ND	58122
Meriter Hospital	202 South Park Street	10 Tower – Heart Center	Madison	WI	53715

Methodist Charlton Medical Center (Methodist Health System)	3500 Wheatland Road	Dallas	TX	75237
Methodist Dallas Medical Center (Methodist Health System)	PO Box 655999	Dallas	TX	75203
Methodist Hospital	7700 Floyd Curl Drive	San Antonio	TX	78229
Methodist Hospital	6500 Excelsior Boulevard 2nd Floor HVC	St. Louis Park	MN	55426
Methodist Hospital of South CA	300 W Huntington Drive	Arcadia	CA	91007-3402
Methodist Lebonheur Health Care University Hospital (University Campus)	1265 Union Avenue	Memphis	TN	38104-3499
Methodist Medical Center	280 Fort Sanders Boulevard Building 4, Suite 218	Knoxville	TN	37922
Methodist Medical Center of Illinois	221 NE Glen Oak Avenue	Peoria	IL	61636
Methodist Speciality and Transplant Hospital	7700 Floyd Curl Drive	San Antonio	TX	78229
Methodist Sugar Land Hospital	16655 Southwest Freeway	Sugar Land	TX	77479
Methodist Willowbrook Hospital	18220 Tomball Parkway	Houston	TX	77070
Metro Health Hospital	5900 Byron Center Road	Wyoming	MI	49519

MetroHealth Medical Center	2500 MetroHealth Drive		Cleveland	OH	44109
Metroplex Hospital	2201 S. Clear Creek Road		Killeen	TN	76549
MetroSouth Medical Center	12935 Gregory Street		Blue Island	IL	60406-2470
MetroWest Medical Center	115 Lincoln Street	Cardiac Cath Lab	Framingham	MA	01702-6327
Miami Valley Hospital	One Wyoming Street		Dayton	OH	45409
Michael Reese Hospital	2929 S. Ellis Avenue		Chicago	IL	60616
Midland Memorial Hospital	2200 W. Illinois Avenue c/o Heart Institute		Midland	TX	79701
Midlands Community Hospital	6901 N. 72nd Street		Omaha	NE	68122
MidMichigan Medical Center-Midland	4005 Orchard Drive		Midland	MI	48670
Midwest Regional Medical Center	2825 Parklawn Drive		Midwest City	OK	73110
Milford Regional Medical Center	14 Prospect Street		Milford	MA	01568
Millard Fillmore Hospital	100 High Street		Buffalo	NY	14203
Millard Fillmore Suburban	100 High Street		Buffalo	Ny	14203
Mills-Peninsula Hospital	1783 Elcamino Real		Burlingame	CA	94010
Miriam Hospital	164 Summit Avenue		Providence	RI	02906

Mission Hospital Regional Medical Center	27700 Medical Center Road		Mission Viejo	CA	92691-6426
Mission Hospitals, Inc.	509 Biltmore Avenue		Asheville	NC	28801-4690
Mission Regional Medical Center	900 S. Bryan Road		Mission	TX	78572
Mississippi Baptist Medical Center	1225 N State Street		Jackson	MS	39202-2097
Missouri Baptist Medical Center	3015 N. Ballas Road	3105 North Ballas Road	Saint Louis	MO	63131-2374
Moberly Regional Medical Center	1515 Union Avenue		Moberly	MO	65270
Mobile Infirmary Medical Center	5 Mobile Infirmary Circle		Mobile	AL	36607
Monongalia General Hospital	1200 JD Anderson Drive		Morgantown	WV	26505
Monroe Hospital	4011 South Medical Park Boulevard		Bloomington	IN	47403
Montefiore Medical Center	111 East 210th Street		Bronx	NY	10467-2490
Montgomery General Hospital	18101 Prince Philip Drive		Olney	MD	20832
Morris Hospital	150 West High Street		Morris	IL	60450
Morristown Memorial Hospital	100 Madison Avenue		Morristown	NJ	07962
Morton Plant Hospital	300 Pinellas Street	MS 73	Clearwater	FL	33756
Morton Plant North Bay Hospital	6600 Madison Street		New Port Richey	FL	34652

Moses Cone Health System	1200 N. Elm Street		Greensboro	NC	27401
Mother Frances Hospital	800 E.Dawson Street		Tyler	TX	75701
Mount Auburn Hospital	330 Mount Auburn Street	South 2 – Administration	Cambridge	MA	02138
Mount Carmel East	6150 East Broad Street	Office EB 148	Columbus	OH	42313
Mount Carmel St. Ann's Hospital	6150 East Broad Street	Office EB 148	Columbus	OH	42313
Mount Carmel West	6150 East Broad Street	Office EB 148	Columbus	OH	42313
Mount Clemens Regional Medical Center	1060 Harrington Street		Mount Clemens	MI	48043-2992
Mountain View Regional Center	4311 E. Lohman Avenue		Las Cruces	NM	88011
Mountain Vista Medical Center	1301 S. Crismon Road		Mesa	AZ	85209
Mountainview Hospital	3100 N. Tenaya Way		Las Vegas	NV	89128
Munroe Regional Medical Center	1500 SW 1st Avenue PO Box 6000		Ocala	FL	34478
Munson Medical Center	1105 Sixth Street		Traverse City	MI	49684-2386
Nacogdoches Medical Center	4920 NE Stallings Drive		Nacogdoches	TX	75965
Naples Community Hospital	350 7th Street South		Naples	FL	34102
Nashoba Valley Medical Center	200 Groton Road		Ayer	MA	01432
National Park Medical Center	1910 Malvern Avenue		Hot Springs	AR	71901
NEA Baptist Memorial Hospital	3024 Stadium Boulevard		Jonesboro	AR	72401
Nebraska Heart Hospital	7500 South 91st Street		Lincoln	NE	68526
Nebraska Methodist Hospital	8303 Dodge Street		Omaha	NE	68114
New Hanover Regional Medical Center	2131 S. 17th Street		Wilmington	NC	28402
New Milford Hospital	21 Elm Street		New Milford	CT	06776
New York Community Hospital	2525 Kings Highway		Brooklyn	NY	11229
New York Hospital Medical Center of Queens Health Education Library	5645 Main Street	Floor 1	Flushing	NY	11355
New York Methodist Hospital	506 6th Street Brooklyn		New York City	NY	11215
New York Presbyterian Hospital	6220West 168th Street	PH-2	New York City	NY	10032
Newark Beth Israel Medical Center	201 Lyons Avenue at Osborne Terrace		Newark	NJ	07112

Niagara Falls Memorial Medical Center	621 Tenth Street		Niagara Falls	NY	14302
Nicholas H. Noyes Memorial Hospital	111 Clara Barton Street		Dansville	NY	14437
NIX Healthcare System	414 Navarro Street		San Antonio	TX	78205
Norman Regional Health System	PO Box 1308		Norman	OK	73070-1308
North Austin Medical Center	12221 MoPac Expressway North		Austin	TX	78758
North Bay Medical Center	1200 B. Gale Wilson Boulevard		Fairfield	CA	94533
North Broward Medical Center	201 E. Sample Road		Pompano Beach	FL	33064
North Carolina Baptist Hospital	Medical Center Boulevard		Winston-Salem	NC	27157
North Central Baptist Hospital	730 North Main Avenue	Suite 409	San Antonio	TX	78205
North Colorado Medical Center	1801 16th Street		Greeley	CO	80631
North Cypress Medical Center	21214 Northwest Freeway		Cypress	TX	77429
North Florida Regional Medical Center	6500 Newberry Road		Gainesville	FL	32605
North Hills Hospital	4401 Booth Calloway Road		North Richland Hills	TX	76180
North Kansas City Hospital	2800 Clay Edward Drive		North Kansas City	MO	64116
North Memorial Medical Center	3300 Oakdale Avenue, N		Robbinsdale	MN	55422
North Mississippi Medical Center	830 S. Gloster Street		Tupelo	MS	38801
North Oaks Medical Center	15790 Paul Vega MD Drive		Hammond	LA	70403
North Shore Medical Center	1100 NW 95th Street		Miami	FL	33150
North Shore Medical Center – Salem Hospital	81 Highland Avenue	Davenport 5	Salem	MA	01970
North Shore University Hospital	300 Community Drive		Manhasset	NY	11030
North Suburban Medical Center	9191 Grant Street		Denver	CO	80229
North Vista Hospital	1409 E. Lake Mead Boulevard		North Las vegas	NV	89030
Northeast Alabama Regional Medical Center	400 East 10th Street		Anniston	AL	36202
Northeast Baptist Hospital	730 Main Street	Suite 409	San Antonio	TX	78205
Northeast Georgia Medical Center	743 Spring Street		Gainesville	GA	30501
NorthEast Medical Center	920 Church Street North		Concord	NC	28025
Northeast Methodist Hospital	12412 Judson Road		Live Oak	TX	78233
Northern Illinois Medical Center	4201 Medical Center Drive		McHenry	IL	60050

Northern Michigan Regional Hospital	416 Connable Avenue		Petoskey	MI	49770
Northern Nevada Medical Center	2375 E. Prater Way		Sparks	NV	89434
Northlake Medical Center	1455 Montreal Road		Tucker	GA	30084
Northridge Hospital Medical Center	18300 Roscoe Avenue		Northridge	CA	91325
Northshore Regional Medical Center	100 Medical Center Drive		Slidell	LA	70461
Northside Hospital	1000 Johnson Ferry Road		Atlanta	GA	30342
Northside Hospital	6000 49th Street, N		Pinellas Park	FL	33709
Northside Hospital – Forsyth	1200 Northside Forsyth Drive		Cumming	GA	30041
Northwest Community Hospital	800 W. Central Road		Arlington Heights	IL	60005
Northwest Hospital	1550 North 115th Street		Seattle	WA	98113
Northwest Hospital Center	5401 Old Court Road		Randallstown	MD	21133
Northwest Medical Center	2801 N. State Road 7		Margate	FL	33063
Northwest Medical Center	Northwest Medical Center	6200 N. La Cholla Boulevard	Tucson	AZ	85741
Northwest Medical Center – Bentonville	3000 Medical Center Parkway		Bentonville	AR	72712
Northwest Arkansas Hospitals LLC, dba NMC	609 West Maple Street		Springdale	AR	72764
Northwest Mississippi Regional Medical Center	1970 Hospital Drive		Clarksdale	MS	38614
Northwestern Memorial Hospital	676 N. St. Clair Street, Suite 1700		Chicago	IL	60611
Norton Audubon	PO Box 35070		Louisville	KY	40232
Norton Hospital	PO Box 35070		Louisville	KY	40232
Norwalk Hospital	24 Stevens Street		Norwalk	CT	06856
NYU Medical Center	560 First Avenue		New York	NY	10016
Oak Hill Hospital	11375 Cortez Boulevard		Brooksville	FL	34613
Obici Hospital	2800 Godwin Boulevard		Suffolk	VA	23434
Ocala Regional Mecical Center	1431 SW First Avenue		Ocala	FL	34474
Ocean Springs Hospital	3109 Bienville Boulevard		Ocean Springs	MS	39564
Ochsner Medical Center - Baton Rouge	17000 Medical Center Drive		Baton Rouge	LA	70816
Ochsner Medical Center – West Bank	2500 Belle Chasse Highway		Gretna	LA	70056
Ochsner Medical Center – Kenner (Kenner Regional Medical Center)	180 West Esplanade Avenue		Kenner	LA	70065
Ochsner Medical Foundation	1514 Jefferson Highway		New Orleans	LA	70121
Oconee Regional Medical Center	812 N. Cobb Street		Milledgeville	GA	31061
O'Connor Hospital	2105 Forest Avenue		San Jose	CA	95128

Odessa Regional Hospital	520 East Sixth Street	Odessa	TX	79760
Ogden Regional Medical Center	5475 South 500 East	Ogden	UT	84403
Ohio Valley Medical Center	2000 Eoff Street	Wheeling	WV	26003
Oklahoma Heart Hospital	4050 W. Memorial Road	Oklahoma City	OK	73120
Oklahoma State University Medical Center	744 W. 9th Street	Tulsa	OK	74127
Olathe Medical Center	20333 W. 151st Street	Olathe	KS	66061-7211
Opelousas General Health System	539 E. Prudhomme Street	Opelousas	LA	70570
Orange Coast Memorial Medical Center	9920 Talbert Avenue	Fountain Valley	CA	92708
Orange Regional Medical Center	60 Prospect Avenue	Middletown	NY	10940
Oregon Health & Science University	3181 SW Sam Jackson Road	Portland	OR	97239
Orlando Regional Medical Center	1414 Kuhl Avenue	Orlando	FL	32806
Osceola Regional Medical Center	700 W. Oak Street	Kissimmee	FL	34745
OSF Saint Anthony Medical Center	5666 East State Street	Rockford	IL	61108
OSF Saint Joseph Medical Center	2200 E. Washington Street	Bloomington	IL	61701
OSF Saint Francis Medical Center	530 N.E. Glen Oak Avenue	Peoria	IL	61637
OU MEDICAL CENTER	700 NE 13th Street	Oklahoma City	OK	73104
Our Lady of Lourdes Medical Center	1600 Haddon Avenue	Camden	NJ	08103
Our Lady of Lourdes Regional Medical Center	611 Saint Landry Street PO Box 4027	Lafayette	LA	70506
Our Lady of The Lake Regional	5000 Hennessy Boulevard	Baton Rouge	LA	70808-4350
Our Lady of the Resurrection Medical Center	5645 W. Addison Street	Chicago	IL	60634
Overlake Hospital Medical Center	1035 116th Avenue NE	Bellevue	WA	98004
Overland Park Regional Medical Center/ Health Midwest	10500 Quivira Road	Overland Park	KS	66215
Ozarks Medical Center	Ozarks Medical Center PO Box 1100	West Plains	MO	65775
P and S Surgical Hospital	312 Grammont Street	Monroe	LA	71201
Palm Beach Gardens Medical Center	3360 Burns Road	Palm Beach Gardens	FL	33410
Palmetto General Hospital	2001 West 68th Street	Hialeah	FL	33016
Palmetto Health Heart Hospital	6 Richland Medical Park Drive Suite 4525	Columbia	SC	29203

Palomar Medical Center	555 East Valley Parkway		Escondido	CA	92025
Palos Community Hospital	12251 S. 80th Avenue	Cardiovascular Services	Palos Heights	IL	60463-0930
Paoli Hospital	557 Lankenau MOB East	100 Lancaster Avenue	Wynnewood	PA	19096
Paradise Valley Hospital	3929 E. Bell Road		Phoenix	AZ	85032
Paradise Valley Hospital	2400 E. Fourth Street		National City	CA	91950
Paris Regional Medical Center	865 DeShong Drive		Paris	TX	75462
Park Plaza Hospital	1313 Hermann Drive		Houston	TX	77004
Parkland Health and Hospital Systems	5201Harry Hines Boulevard		Dallas	TX	75235
Parkridge Medical Center	2333 McCallie Avenue		Chattanooga	TN	37404
Parkview Hospital	2200 Randallia Drive		Fort Wayne	IN	46805
Parkview Medical Center	400 W. 16th Street		Pueblo	CO	81003
Parkway Regional Medical Center	160 NW 170th Street		North Miami	FL	33169
Parkwest Medical Center	9352 Parkwest Boulevard		Knoxville	TN	37923
Parma Community General Hospital	7007 Powers Boulevard		Parma	OH	44129
Parrish Medical Center	951 N. Washington Avenue		Titusville	FL	32796
Pasco Regional Medical Center	13000 100 Fort King Road		Dade City	FL	33525
PBI Regional Medical Center	350 Boulevard		Passaic	NJ	07055
Peace River Regional Medical	2500 Harbor Boulevard		Port Charlotte	FL	33952
Peninsula Regional Medical Center	100 East Carroll Street		Salisbury	MD	21801
Penn Presbyterian Medical Center	39th & Market Streets		Philadelphia	PA	19104
Penn State Hershey Medical Center	PO Box 850 H139		Hershey	PA	17033
Pennsylvania Hospital	800 Spruce Street		Philadelphia	PA	19107-6192
Penrose - St. Francis Health Services	2222 North Nevada, #3000		Colorado Springs	CO	80907
Phelps County Regional Medical Center	1000 W. 10th Street		Rolla	MO	65401
Phoebe Putney Memorial Hospital	417 Third Avenue		Albany	GA	31701
Phoenix Baptist Hospital	2000 W. Bethany Home Road		Phoenix	AZ	85015
Phoenixville Hospital	140 Nutt Road		Phoenixville	PA	19460-3906
Piedmont Hospital	95 Collier Road Suite 2075		Atlanta	GA	30309
Piedmont Medical Center	222 S. Herlong Avenue		Rock Hill	SC	29732

Pikesville Medical Center	911 Bypass Road		Pikesville	KY	41501
Pinnicle Health Invasive Cardiology	111 South Front Street		Harrisburg	PA	17101-2099
Pioneer Valley Hospital	3590 West 9000 South, Suite 315		West Jordan	UT	84088
Pitt County Memorial Hospital	2100 Statonsburg Road	PCMH Heart Center	Greenville	NC	27835
Plantation General Hospital	401 NW 42nd Avenue		Plantation	FL	33317
Plaza Medical Center of Fort Worth	900 Eighth Avenue		Fort Worth	TX	76104
Pocono Medical Center	206 East Brown Street		East Stroudsburg	PA	18301
Pomona Valley Hospital Med Center	1798 N. Garey Avenue		Pomona	CA	91768
Pontiac Osteopathic Hospital	50 N. Perry Street		Pontiac	MI	48342
Poplar Bluff Regional Medical Center	2620 N. Westwood Boulevard		Poplar Bluff	MO	63901
Port Huron Hospital	1221 Pine Grove Avenue		Port Huron	MI	48060
Porter Adventist Hospital	2525 S. Downing Street		Denver	CO	80210-5817
Porter Valparaiso Hospital Campus	814 Laporte Avenue		Valparaiso	IN	46383
Portneuf Medical Center	651 Memorial Drive		Pocatello	ID	83201
Prairie Lakes Healthcare	401 9th Avenue		Watertown	SD	57201

Presbyterian Healthcare Services	PO Box 26666		Albuquerque	NM	87125
Presbyterian Hospital	200 Hawthorne Lane		Charlotte	NC	28233
Presbyterian Hospital – Denton	3000 I-35 N		Denton	TX	76201
Presbyterian Hospital – Dallas	Presbyterian Hospital	8200 Walnut Hill Lane	Dallas	TX	75231
Presbyterian Hospital – Plano	6200 West Parker Road		Plano	TX	75093-7914
Presbyterian Intercommunity Hospital	12401 Washington Boulevard		Whittier	CA	90602
Presbyterian/St.Luke's Medical Center	1719 E. 19th Avenue		Denver	CO	80218-1235
Prince George's Hospital Center	3001 Hospital Drive		Cheverly	MD	20785
Princeton Baptist Medical Center	Princeton BMC, Nursing Administration 701 Princeton Avenue, SW		Birmingham	AL	35211-1399
Proctor Hospital	5409 N. Knoxville Avenue		Peoria	IL	61614
Protestant Memorial Medical Center	4500 Memorial Drive		Belleville	IL	62226
Provena Covenant Medical Center	1400 West Park Street		Urbana	IL	61801-9901
Provena Mercy Medical Center	1325 North Highland Avenue		Aurora	IL	60506
Provena Saint Joseph Medical Center	333 North Madison Street		Joliet	IL	60435-6595

Providence St. Peter Hospital	413 N. Lilly Road		Olympia	WA	98506
Putnam Hospital Center	670 Stoneleigh Avenue		Carmel	NY	10512
Queen of the Valley Medical Center	1000 Trancas Street		Napa	CA	94558
Queens Medical Center	1301 Punchbowl Street		Honolulu	HI	96813
Rancho Spring Medical Center	25500 Medical Center Drive		Murrieta	CA	92562
Rankin Medical Center	350 Crossgates Boulevard		Brandon	MS	39042
Rapid City Regional Hospital	353 Fairmont Boulevard		Rapid City	SD	57702
Rapides Regional Medical Center	211 4th Street Box 30101		Alexandria	LA	71301
Rauleson Hospital (HCA)	1796 Highway 441 North		Okeechobee	LA	34972
Redmond Regional Medical Center	501 Redmond Road		Rome	GA	30165
Reedsburg Area Medical Center	2000 N. Dewey Avenue		Reedsburg	WI	53959
Regents of the University of Michigan	300 N. Ingalls Street 7A10		Ann Arbor	MI	48109
Regional Hospital of Jackson	367 Hospital Boulevard		Jackson	TN	38305
Regional Medical Center	225 N. Jackson Avenue		San Jose	CA	95116

Provena Saint Marys Hospital	500 West Court Street		Kankakee	IL	60901
Provena St. Joseph Hospital	77 N. Airlite Street		Elgin	IL	60123
Providence Alaska Medical Center	3200 Providence Drive		Anchorage	AK	99508-4662
Providence Everett Medical Center	1321 Coby Avenue	PO Box 1147	Everett	WA	98206-1147
Providence Health Center	6901 Medical Parkway		Waco	TX	76712
Providence Holy Cross Medical Center	501 South Buena Vista Street		Burbank	CA	91505
Providence Hospital	6801 Airport Boulevard		Mobile	AL	36608
Providence Hospital	2435 Forest Drive		Columbia	SC	29204
Providence Medford Medical	1111 Crater Lake Avenue		Medford	OR	97504
Providence Medical Center	8929 Parallel Parkway		Kansas City	KS	66112-1689
Providence Memorial Hospital	2001 North Oregon Street		El Paso	TX	79902
Providence Portland Medical Center	9205 SW Barnes Road	9205 South West. Barnes Road	Portland	OR	97225
Providence Saint Joseph Medical Center	501 South Buena Vista Street		Burbank	CA	91505
Providence Saint Vincent Medical Center	Regional Heart Data Services	9205 South West Barnes Road #33	Portland	OR	97225

Regional Medical Center	3000 St. Matthews Road		Orangeburg	SC	29118
Regional Medical Center	900 Hospital Drive		Madisonville	KY	42431-1644
Regional Medical Center Bayonet Point	14000 Fivay Road		Hudson	FL	34667
Regions Hospital	640 Jackson Street	Mail Stop 11102-M	St. Paul	MN	55101
Reid Hospital & Healthcare Services	1401 Chester Boulevard		Richmond	IN	47374
Renown Regional Medical Center	1155 Mill Street	R 11	Reno	NV	89502
Research Medical Center	2316 East Meyer Boulevard	Cardiology Services	Kansas City	MO	64132
Reston Hospital Center	1850 Town Center Parkway		Reston	VA	20190
Resurrection Medical Center	7435 Talcott Avenue		Chicago	IL	60631
Rex Hospital	4420 Lake Boone Trail		Raleigh	NC	27607
Rhode Island Hospital	593 Eddy Street		Providence	RI	02903
Richardson Regional Medical Center	401 W. Campbell Road		Richardson	TX	75080
Richmond University Medical Center	355 Bard Avenue		Staten Island	NY	10310
Riddle Memorial Hospital	1068 W. Baltimore Pike		Media	PA	19063-5177
Rideout Memorial Hospital	726 4th Street		Maryville	CA	95901
Ridgecrest Regional	1081 N. China Lake		Ridgecrest	CA	93555
Riley Hospital	1102 Constitution Avenue		Meridian	MS	39301
Rio Grande Regional Hospital	101 E. Ridge Road		McAllen	TX	78503
River Oaks Hospital	1030 River Oaks Drive		Flowood	MS	39232
River Region Medical Center	2100 Highway 61 North		Vicksburg	MS	39183
Riverside Community Hospital	4445 Magnolia Avenue		Riverside	CA	92501
Riverside Medical Center	350 N. Wall Street		Kankakee	IL	60901
Riverside Methodist Hospital	3535 Olentangy River Road		Columbus	OH	43214
Riverside Regional Medical Center	500 J Clyde Morris Boulevard		Newport News	VA	23601
Riverview Hospital	395 Westfield Road		Noblesville	IN	46060
Riverview Regional Medical Center	600 South Third Street	PO Box 268	Gadsden	AL	35901
Robert Packer Hospital	1 Guthrie Square		Gadsden	AL	18840
Robinson Memorial Hospital	6847 N. Chestnut Street		Ravenna	OH	44266
Rochester General Hospital	1425 Portland Avenue		Rochester	NY	14621
Rockford Memorial Hospital	2400 North Rockton Avenue		Rockford	IL	61103
Rogue Valley Medical Cent	2825 E. Barnett Road	Performance Improvement	Medford	OR	97504

		Dept.			
Roper Hospital	316 Calhoun Street		Charleston	SC	29401
Rose Medical Center	4567 E. 9th Avenue		Denver	CO	80220-3941
Round Rock Medical Center	2400 Round Rock Medical Center		Round Rock	TX	78681
Rush Hospital	1314 19th Avenue		Meridian	MS	39301
Rush University Medical Center	1653 West Congress Parkway		Chicago	IL	60612
Rush-Copley Medical Center Attn: Health Science Library	2000 Ogden Avenue		Alexander City	AL	60504
Russell Medical Center	3316 Highway 280 PO Box 939		Alexander City	AL	35011
Rutland Regional Medical Center	160 Allen Street		Rutland	VT	05701
Sacred Heart Hospital of Pensacola	5151 North 9th Avenue		Pensacola	FL	32504-8721
Sacred Heart Hospital Attn: A/P	900 W. Clairemont Avenue		Eau Claire	WI	54701
Sacred Heart Medical Center	770 E. 11th Avenue		Eugene	OR	97401
Sacred Heart Medical Center	101 W. Eighth Avenue		Spokane	WA	99204
Saddleback Memorial Medical Center	24451 Health Center Drive		Laguna Hills	CA	92653
Saint Agnes Medical Center	1303 E. Herndon Avenue		Fresno	CA	93720
Saint Anthony Medical Center	1201 S. Main Street		Crown Point	IN	46307
Saint Bernadine Medical Center	2101 N. Waterman Avenue	2101 N. Waterman Avenue	San Bernadino	CA	92404-4836
Saint Clare's Hospital	611 St. Joseph's Avenue		Marshfield	WI	54449
Saint Elizabeth Health Center	1044 Belmont Avenue		Youngstown	OH	44511
Saint Elizabeth Hospital	2700 W. 9th Avenue Suite 107		Oshkosh	WI	54904
Saint Elizabeth Medical Center-South	1 Medical Village Drive		Edgewood	KY	41017-3403
Saint Elizabeth Regional Medical Center	555 S. 70th Street		Lincoln	NE	68510-2462
Saint Elizabeth's Hospital	211 South 3rd Street		Belleville	IL	62220-1915
Saint Francis Hospital	2122 Manchester Expressway		Columbus	GA	31904
Saint Francis Hospital	5959 Park Avenue		Memphis	TN	38119
Saint Francis Hospital	6161 S. Yale Avenue		Tulsa	OK	74136
Saint Francis Hospital & Health Center	8111 S. Emerson Avenue		Indianapolis	IN	46237
Saint Francis Hospital & Medical Center	114 Woodland Street		Hartford	CT	06105
Saint Francis Hospital of Evanston	355 Ridge Avenue		Evanston	IL	60202
Saint John Hospital & Medical Center	22151 Moross Road	Professional Bldg #1, #126	Detroit	MI	48236-2148

Saint John Macomb-Oakland Hospital	11800 E. 12 Mile Road	Room # 2510	Warren	MI	48093
Saint Johns Mercy Medical Center	615 S. New Ballas Road		St. Louis	MO	63141
Saint Joseph – London	310 East 9th Street		London	KY	40741
Saint Joseph Hospital	2900 N. Lake Shore Drive		Chicago	IL	60657-6274
Saint Joseph Hospital	Saint Joseph Hospital & Medical Center	350 West Thomas Road	Phoenix	AZ	85013
Saint Joseph Hospital	1100 W. Steward Drive		Orange	CA	92868
Saint Joseph Hospital	2700 Dolbeer Street		Eureka	CA	95501
Saint Joseph Hospital	3001 W. Martin Luther King Boulevard		Tampa	FL	33607
Saint Joseph Regional Health Center	2801 Franciscan Street		Bryan	TX	77802-2544
Saint Joseph's Hospital	1824 Murdoch Avenue		Parkersburg	WV	26102-0327
Saint Josephs Hospital / Marshfield Clinic	611 St. Joseph Avenue		Marshfield	WI	54449-1832
Saint Joseph's Hospital of Atlanta	5665 Peachtree Dunwoody Road		Atlanta	GA	30342
Saint Louis University Hospital	3635 Vista at Grand		Saint Louis	MO	63110
Saint Luke's East – Lee's Summit	100 NE Saint Luke's Boulevard		Lee's Summit	MO	64086
Saint Luke's Hospital	1026 A Avenue, North East		Cedar Rapids	IA	52406-3026
Saint Luke's Hospital	4401 Wornall Road (MAHI 5th Floor)		Kansas City	MO	64111
Saint Luke's Northland	Saint Luke's Hospital	4401 Wornall Road	Kansas City	MO	64111
Saint Luke's Hospital	232 S. Woods Mill Road		Chesterfield	MO	63017-3417
Saint Luke's Regional Medical Center	190 E. Bannock Street		Boise	ID	83712-6241
Saint Margaret Mercy	5454 Hohman Avenue		Hammond	IN	46320
Saint Mary Corwin Medical Center	1008 Minnequa Avenue		Pueblo	CO	81004-3798
Saint Mary Mercy Hospital	36475 West Five Mile Road		Livonia	MI	48154
Saint Mary's Hospital	56 Franklin Street		Waterbury	CT	06706
Saint Mary's Hospital and Regional Medical Center	2635 N. 7th Street		Grand Junction	CO	81501-8209
Saint Mary's Medical Center	2900 First Avenue		Huntington	WV	25702
Saint Mary's Medical Center	3700 Washington Avenue		Evansville	IN	47750
Saint Mary's Regional Medical Center	235 W. Sixth Street		Reno	NV	89503
Saint Peter's Hospital	315 South Manning Boulevard		Albany	NY	12208
Saint Rita's Medical Center	730 West Market Street		Lima	OH	45801-4602
Saint Rose Dominican – Siena Campus	3001 St. Rose Parkway		Henderson	NV	89052

Saint Thomas Health Care Services	4220 Harding Road		Nashville	TN	37202-0380
Saint Vincent Health Center	252 West 25th Street		Erie	PA	16544
Saint Vincent Hospital	123 Summer Street	Suite 270	Worcester	MA	01608
Saint Vincent Hospital Manhattan	170 W. 12th Street		New York	NY	10011
Saint Vincent Medical Center/Health Center	2 St. Vincent Circle		Little Rock	AR	72205
Saint Vincent's Medical Center	2800 Main Street		Bridgeport	CT	06606
Salem Hospital (Regional Health Services)	665 Winter Street SE		Salem	OR	97301-3919
Salina Regional Health Center	400 S. Santa Fe Avenue		Salina	KS	67401
Salinas Valley Memorial Hospital	450 E. Romie Lane		Salinas	CA	93901-4098
Salt Lake Regional Medical Center	1050 E South Temple		Salt Lake City	UT	84102
San Antonio Community Hospital	999 San Bernardino Road		Upland	CA	91786
San Francisco Heart and Vascular Institute	1900 Sullivan Avenue		Daly City	CA	94015
San Jacinto Methodist Hospital	4401 Garth Road		Baytown	TX	77521
San Joaquin Community Hospital	2615 Eye Street		Bakersfield	CA	93301
San Joaquin General Hospital	500 W. Hospital Road		French Camp	CA	95231
San Juan Regional Medical Center	801 W. Maple Street		Farmington	NM	87401
San Ramon Regional Medical Center	6001 Norris Canyon Road		San Ramon	CA	94583
Sanford USD Medical Center	900 East 54th Street		Sioux Falls	SD	57104
Santa Barbara Cottage Hospital	PO Box 689		Santa Barbara	CA	93102-0689
Santa Rosa Memorial Hospital	1165 Montgomery Drive PO Box 522		Santa Rosa	CA	95402
Sarasota Memorial Hospital	1700 S. Tamiami Trail		Sarasota	FL	34239
Satilla Heart Center	410 Darling Avenue		Waycross	GA	31501
Savoy Medical Center	801 Poinciana Street		Mamou	LA	70554
Scott and White Hospital	2401 South 31st Street		Temple	TX	76508
Scottsdale Healthcare Osborn	7400 E. Osborn Road		Scottsdale	AZ	85260
Scottsdale Healthcare Shea	9003 E. Shea Boulevard - Administration		Scottsdale	AZ	85260
Scottsdale Healthcare Thompson Peak	7400 E. Osborn Road		Scottsdale	AZ	85251
Scripps Green Hospital - La Jolla	10666 North Torrey Pines Road		La Jolla	CA	92037
Scripps Memorial Hospital Encinitas	354 Santa Fe Drive		Encinitas	CA	92024
Scripps Memorial	9888 Genessee Avenue		La Jolla	CA	92037

Hospital – La Jolla					
Scripps Mercy Hospital – San Diego	4077 5th Avenue	MER 74	San Diego	CA	92103
Scripps Mercy Hospital – Chula Vista	435 H Street		Chula Vista	CA	91910
Sebastian River Medical Center	13695 US Highway 1		Sebastian	FL	32962
Self Regional Healthcare	1325 Spring Street		Greenwood	SC	29646
Sentara Norfolk General Hospital	600 Gresham Drive		Norfolk	VA	23507
Sentara Obici Hospital	2800 Goodwin Boulevard		Suffolk	VA	23434
Sentara Virginia Beach General Hospital	1060 First Colonial Road		Virginia Beach	VA	23454-0685
Sequoia Hospital	Whipple and Alameda Avenues	170 Alameda de Las Pulgas	Redwood City	CA	94062
Seton Medical Center	1201 W. 38th Street		Austin	TX	78705
Seton Medical Center Williamson	201 Seton Parkway		Round Rock	TX	78665
Shady Grove Adventist Hospital	9901 Medical Center Drive		Rockville	MD	20850
Shands at AGH	801 SW 2nd Avenue		Gainesville	FL	32601
Shands Jacksonville Medical Center	655 West 8th Street		Jacksonville	FL	32209
Sharon Regional Health System	740 E. State Street		Sharon	PA	16146
Sharp Chula Vista Medical Center	8695 Spectrum Center Court		San Diego	CA	92123
Sharp Grossmont	5555 Grossmont Center Drive		La Mesa	CA	91942
Sharp Memorial Hospital	7901 Frost Street		San Diego	CA	92123
Shasta Regional Medical Center	1100 Butte Street		Redding	CA	96001
Shawnee Mission Medical Center	9100 West 74th Street		Shawnee Mission	KS	66204-4004
Shelby Baptist Medical Center	1000 First Street North		Alabaster	AL	35007
Sherman Hospital	934 Center Street	Decision Support	Elgin	IL	60120
Shore Health System of Maryland	219 South Washington Street		Easton	MD	21601
Sierra Medical Center	1625 Medical Center Drive		El Paso	TX	79902
Sierra Providence East Medical Center	1625 Medical Center Drive		El Paso	TX	79902
Sierra Vista Regional Medical Center	1010 S. Murray Avenue		San Luis Obispo	CA	93405
Silver Cross Hospital	1200 Maple Road		Joliet	IL	60432
Simi Valley Hospital & Health Care Services	2975 North Sycamore Drive		Simi Valley	CA	93065
Sinai – Grace Hospital	6071 W. Outer Drive		Detroit	MI	48235

Sinai Hospital of Baltimore	2401 West Belvedere Avenue		Baltimore	MD	21215-5271
Singing River Hospital	3109 Bienville Boulevard		Ocean Springs	MS	39564
Skaggs Community Health Center	PO Box 650		Branson	MO	65615-0650
Skagit Valley Hospital Cardiac Cath Lab	1415 E. Kincaid Street		Mt. Vernon	WA	98273
Skokie Hospital	9600 Gross Point Road	Cardiac Cath Lab	Skokie	IL	60076-1214
Sky Ridge Medical Center	10101 Ridgegate Parkway		Lone Tree	CO	80124
Skyline Medical Center/ HTI Memorial Hospital Corp.	3441 Dickerson Pike		Nashville	TN	37207
Somerset Hospital	225 South Center Avenue		Somerset	PA	15501-2088
South Baldwin Regional Medical Center	1613 N. McKenzie Street		Foley	AL	36535
South Bay Hospital	4016 Sun City Center Boulevard		Sun City Center	FL	33570
South Fulton Medical Center	1170 Cleveland Avenue		East Point	GA	30344
South GA Medical Center	PO Box 1727		Valdosta	GA	31603-1727
South Miami Hospital	6200 SW 73rd Street		Miami	FL	33143
South Nassau Communities Hospital	One Healthy Way		Oceanside	NY	11572
South Shore Hospital	55 Fogg Road		South Weymouth	MA	02190-2432
Southeast Alabama Medical Center	1108 Ross Clark Circle		Dothan	AL	36301
Southeast Baptist Hospital	730 North Main Avenue	Suite 409	San Antonio	TX	78205
Southeast Missouri Hospital	1701 Lacey Street		Cape Girardeau	MO	63701
Southern Hills Hospital	9300 West Sunset Road		Las Vegas	NV	89148
Southern New Hampshire Medical Center	8 Prospect Street		Nashua	NH	03060
Southern Ohio Medical Center	1805 27th Street		Portsmouth	OH	45662
Southern Regional Medical Center	11 Upper Riverdale Road SW		Riverdale	GA	30274
Southside Hospital	301 East Main Street		Bayshore	NY	11706
SouthView Hospital	1997 Miamisburg-Centerville Road		Dayton	OH	45459
Southwest Florida Regional Medical Center	636 Del Prado Boulevard Suite 104		Cape Coral	FL	33990
Southwest General Health Center	18697 Bagley Road		Middleburg Heights	OH	44130-3417
Southwest General Hospital	7400 Barlite Boulevard		San Antonio	TX	78224
Southwest Medical Center	2810 Ambassador Caffrey Parkway		Lafayette	LA	70506

Southwest MS Regional Medical Center	303 Marion Avenue		McComb	MS	39648
Southwest Washington Medical Center	600 NE 92nd Avenue		Vancouver	WA	98664
Southwestern Medical Center	5602 SW Lee Boulevard		Lawton	OK	73505
Spalding Regional Medical Center	601 South 8th Street		Griffin	GA	30224
Sparks Regional Medical Center	1311 South I Street		Fort Smith	AR	72917-7006
Sparrow Health System	1215 East Michigan Avenue		Lansing	MI	48909-7980
Spartanburg Regional Medical Center	101 East Wood Street	Cardiac Cath Lab / 3rd Floor Heart Center	Spartanburg	SC	29303
Spectrum Health	100 Michigan Street NE	MC 037, Rm 3825A	Grand Rapids	MI	49503-2560
Spring Branch Medical Center	8850 Long Point Road		Houston	TX	77055
Spring Valley Hospital	5400 S. Rainbow Boulevard		Las Vegas	NV	89118
Springhill Memorial Hospital	3719 Dauphin Street		Mobile	AL	36608
SSM St. Joseph Health Center	300 First Capitol Drive		St. Charles	MO	63301
SSM St. Joseph Hospital of Kirkwood	525 Couch Avenue		Kirkwood	MO	63122
St. Anthony Central Hospital	4231 W. 16th Avenue		Denver	CO	80204-1335
St. Anthony North Hospital	4231 W. 16th Avenue		Denver	CO	80204
St. James Hospital and Health Centers	3800 West 203rd Street Suite 207		Olympia Fields	IL	60461
St. John's Hospital	69 W. Exchange Street		St. Paul	MN	55102
St. Joseph Hospital	700 Broadway		Fort Wayne	IN	46802
St. Joseph Hospital-Oakland	44405 Woodward Avenue		Pontiac	MI	48341-5023
St. Joseph Medical Center	1717 South J Street		Tacoma	WA	98405-4933
St. Josephs Hospital	69 W. Exchange Street		St Paul	MN	55102
St. Joseph Hospital Health Center	301 Prospect Avenue		Syracuse	NY	13203
St. Luke's Cornwall Hospital	70 DuBois Street		Newburgh	NY	12550
St. Mary's Health Care Systems	1230 Baxter Street		Athens	GA	30606
St. Mary's Hospital	400 North Pleasant		Centralia	IL	62801
St. Mary's Regional Medical Center	305 S. 5th Street		Enid	OK	73701
St. Vincent Mercy Medical Center	2213 Cherry Street		Toledo	OH	43608
St. Agnes Hospital	900 Caton Avenue		Baltimore	MD	21229
St. Agnes Hospital	430 E. Division Street		Fond du lac	WI	54935

St. Alexius Medical Center	1555 Barrington Road		Hoffman Estates	IL	60194-1018	
St. Alphonsus Regional Medical Center	1055 N. Curtis Road		Boise	ID	83706	
St. Anthony Memorial Health Centers	301 N. Homer Street	Cath Lab	Michigan City	IN	46360	
St. Anthony's Health Care	1200 7th Avenue North	MS 2019	St. Petersburg	FL	33705	
St. Anthony's Medical Center	10010 Kennerly Road		St. Loius	MO	63128-2106	
St. Barnabas Medical Center	94 Old Short Hills Road		Livingston	NJ	07039	
St. Bernards Medical Center	225 E. Jackson Avenue		Jonesboro	AR	72401	
St. Catherine Hospital East Chicago	1500 South Lake Park Avenue		Hobart	IN	46342	
St. Catherine of Siena	50 Route 25A		Smithtown	NY	11787	
St. Charles Hospital	200 Belle Terre Road		Port Jefferson	NY	11777	
St. Charles Medical Center	2500 North East Neff Road		Bend	OR	97701-6015	
St. Clair Hospital	St. Clair Hospital	1000 Bower Hill Road	Pittsburgh	PA	15243	
St. Cloud Regional Medical Center	2906 17th Street		St. Cloud	FL	34769	
St. David's Medical Center	919 East 32nd Street		Austin	TX	78765	
St. David's South Austin Hospital	901 W. Ben White Boulevard			Austin	TX	78704
St. Dominic-Jackson Memorial Hospital	969 Lakeland Drive			Jackson	MS	39216
St. Edwards Mercy Medical Center	7301 Rogers Avenue			Ft. Smith	AR	72917-7000
St. Elizabeth Hospital Medical Center	1501 Hartford Street			Lafayette	IN	47904
St. Elizabeth Medical Center	2209 Genesee Street			Utica	NY	13501
St. Francis Health Center	1700 SW 7th Street			Topeka	KS	66605
St. Francis Hospital	One St. Francis Drive			Greenville	SC	29601
St. Francis Hospital	7th &. Clayton Streets			Wilmington	DE	19805
St. Francis Hospital	333 Laidley Street		PO Box 44 Culloden, WV 25510	Charleston	WV	25322
St. Francis Hospital	100 Port Washington Boulevard			Roslyn	NY	11576
St. Francis Medical Centerq	211 Saint Francis Drive			Cape Girardeau	MO	63703-5049
St. Francis Medical Center	3630 Imperial Highway			Lynwood	CA	90265
St. Francis Medical Center	309 Jackson Street			Monroe	LA	71201
St. Francis Medical Center	601 Hamilton Avenue			Trenton	NJ	08629
St. Francis North Hospital	309 Jackson Street			Monroe	LA	71201

St. Helena Hospital	10 Woodland Road		St. Helena	CA	94574
St. James Health Care	400 South Clark Street		Butte	MT	59701
St. John Medical Center	1923 S. Utica Avenue	Heart Institute Education/ Research	Tulsa	OK	74104
St. John Medical Center	1615 Delaware Street		Longview	WA	98632
St. John Providence Hospital	16001 W. Nine Mile Road		Southfield	MI	48075
St. John West Shore Hospital	29000 Center Ridge Road		Westlake	OH	44145
St. John's Hospital	800 E. Carpenter Street		Springfield	IL	62769
St. John's Hospital	1235 East Cherokee Street		Springfield	MO	65804
St. Johns Regional Medical Center	2727 McClelland Boulevard		Joplin	MO	64804
St. Johns Regional Medical Center	1600 N. Rose Avenue		Oxnard	CA	93030-3722
St. Joseph Hospital	172 Kinsley Street		Nashua	NH	03060
St. Joseph Hospital	360 Broadway		Bangor	ME	04401
St. Joseph Hospital	1 Saint Joseph Drive		Lexington	KY	40504
St. Joseph Hospital	2901 Squalicum Parkway		Bellingham	WA	98225
St. Joseph Intercommunity Hospital	2605 Harlem Road		Cheektowaga	NY	14225
St. Joseph Medical Center	2200 E. Washington Street		Bloomington	IL	61701

St. Joseph Medical Center	12th & Walnut Streets		Reading	PA	19603
St. Joseph Medical Center	1401 St. Joseph Parkway		Houston	TX	77002
St. Joseph Medical Center	7601 Olser Drive		Towson	MD	21204
St. Joseph Mercy Hospital	5325 Elliot Drive		Ann Arbor	MI	48106
St. Joseph Reg. Medical Center	801 E. Lasalle Avenue		South Bend	IN	46617
St. Joseph Regional Medical Center	703 Main Street		Paterson	NJ	07503
St. Joseph's Hospital	11705 Mercy Boulevard		Savannah	GA	31419
St. Joseph's Hospital	350 N. Wilmot Road		Tucson	AZ	85711
St. Joseph's Medical Center	127 S. Broadway		Yonkers	NY	10701
St. Josephs Medical Center of Stockton	1805 North California Street Suite 303	Suite #303	Stockton	CA	95204
St. Josephs Mercy Health Center	300 Werner Drive		Hot Springs	AR	71913
St. Jude Medical Center	101 East Valencia Mesa		Fullerton	CA	92835
St. Luke Hospital East	85 N. Grand Avenue		Ft. Thomas	KY	41075
St. Luke Hospital West	7380 Turfway Road		Florence	KY	41042
St. Luke's Baptist Hospital	730 North Main Avenue	Suite 409	San Antonio	TX	78205

St. Luke's Community Medical Center (The Woodlands)	17200 St. Luke's Way		The Woodlands	TX	77384
St. Luke's Episcopal Hospital	3100 Main Street	MC5-313	Houston	TX	77030
St. Lukes Hospital	363 Highland Avenue		Falls River	MA	02720
St. Lukes Hospital	5901 Monclova Road		Maumee	OH	43537
St. Luke's Hospital	915 E. First Street		Duluth	MN	55805
St. Luke's Hospital & Health Network	801 Ostrum Street	St. Luke's Hospital & Health Network	Bethlehem	PA	18015
St. Luke's Hospital and Health Network (Allentown Campus)	1736 Hamilton Boulevard		Allentown	PA	18104
St. Luke's Medical Center	2901 West Oklahoma Avenue		Milwaukee	WI	53215-4330
St. Luke's Medical Center	1800 E. Van Buren Street		Phoenix	AZ	85006
St. Luke's Regional Medical Center	2720 Stone Park Boulevard		Sioux City	IA	51104
St. Luke's South Hospital	Saint Luke's Hospital	4401 Wornal Road	Kansas City	MO	64111
St. Luke's-Roosevelt Hospital Center	1111 Amsterdam Avenue		New York City	NY	10025
St. Mark's Hospital/ Northern Utah Healthcare Corporation	1200 East 3900 South		Salt Lake City	UT	84124
St. Mary Hospital	1201 Langhorne Newton Road		Langhorne	PA	19047
St. Mary Medical Center	18300 Highway 18		Appple Valley	CA	92307
St. Mary Medical Center	1050 Linden Avenue		Long Beach	CA	90813-3321
St. Mary Medical Center	1500 South Lake Park Avenue		Hobart	ID	46342
St. Mary of Nazareth Hospital Center	2233 W. Division Street		Chicago	IL	60622
St. Mary's Health Center	6420 Clayton Road		St. Louis	MO	63117
St. Mary's Hospital	707 S. Mills Street		Madison	WI	53715-1849
St. Mary's Medical Center	901 45th Street		West Palm Beach	FL	33407
St. Mary's Medical Center	450 Stanyan Street		San Francisco	CA	94117
St. Mary's Medical Center	900 E. Oak Hill Avenue		Knoxville	TN	37917
St. Mary's Medical Center	407 East Third Street		Duluth	MN	55805
St. Mary's of Michigan	800 S. Washington Avenue		Saginaw	MI	48601
St. Mary's Regional Medical Center	PO Box 291 Campus Avenue		Lewiston	ME	04243-0291
St. Michael's Medical Center	111 Central Avenue		Newark	NJ	07102

St. Patrick Hospital and Health Sciences Center	500 W. Broadway	Missoula	MT	59802
St. Rose Dominican – De Lima Campus	3001 Saint Rose Parkway	Henderson	NV	89052
St. Rose Dominican – San Martin	3001 Saint Rose Parkway	Henderson	NV	89052
St. Rose Hospital	27200 Calaroga Avenue	Hayward	CA	94539
St. Tammany Parish Hospital	1202 S. Tyler Street	Covington	LA	70433
St. Vincent Charity Hospital	2351 East 22nd Street	Cleveland	OH	44115
St. Vincent Healthcare	1233 N. 30th Street	Billings	MT	59101
St. Vincent Hospital	2660 10th Avenue South #738	Birmingham	AL	35205
St. Vincent Hospital	835 S. Van Buren Street	Green Bay	WI	54301
St. Vincent Medical Center	2131 W. 3rd Street	Los Angeles	CA	90703
St. Vincent's Medical Center	1800 Barrs Street	Jacksonville	FL	32204
St.Vincent's East	50 Medical Park East Drive	Birmingham	AL	35235-3499
Stamford Hospital Health Sciences Library	30 Shelbourne Road PO Box 9317	Stamford	CT	06904-9317
Stanford Hospital and Clinics	Falk Building 2nd Floor 300 Pasteur Drive	Stanford	CA	94305
Staten Island University Hospital	475 Seaview Avenue	Staten Island	NY	10305
Stony Brook University Medical Center	3 Technology Drive	East Setauket	NY	11733-4073
Stormont-Vail Regional Medical Center	929 SW Mulvane Street	Topeka	KS	66606
Straub Clinic & Hospital: Cath Lab	888 S. King Street	Honolulu	HI	96813
Stringfellow Memorial Hospital	301 East 18th Street	Anniston	AL	36202
Suburban Hospital	8600 Old Georgetown Road	Bethesda	MD	20814
Summerlin Hospital Medical Center	657 Town Center Drive	Las Vegas	NV	89144
Summit Healthcare Regional Medical Center	2200 East Show Low Lake Road	Show Low	AZ	85901
Summit Medical Center	5655 Frist Boulevard	Hermitage	TN	37076
Sunrise Hospital and Medical Center	3186 S. Maryland Parkway	Las Vegas	NV	89109
Sutter Delta Medical Center	3901 Lone Tree Way	Antioch	CA	94509
Sutter Medical Center – Sacramento	3528 Eisenhower Drive	Sacramento	CA	95826
Sutter Medical Center of Santa Rosa	3325 Chanate Road	Santa Rosa	CA	95404
Sutter Roseville Medical Center	One Medical Plaza	Roseville	CA	95661
Swedish American Hospital	1401 E. State Street	Rockford	IL	61104

Swedish Covenant Hospital	5145 N. California Avenue		Chicago	IL	60625
Swedish Health Services	500 17th Avenue #A85C		Seattle	WA	98104
Swedish Medical Center	501 East Hampden Avenue		Englewood	CO	80113
T. J. Samson Community Hospital	1301 North Race Street		Glasgow	KY	42141
Tacoma General Hospital	315 Martin Luther King, Jr. Way		Tacoma	WA	98415
Tahlequah City Hospital	1400 East Downing Street		Tahlequah	OK	74465-1008
Tallahassee Memorial Hospital	1300 Miccosukee Road	Attn: Performance Improvement	Tallahassee	FL	32308
Tampa General Hospital	1 Tampa General Circle		Tampa	FL	33601-1289
Temple University Hospital	3401 North Broad Street	1 PP Cardiology	Philadelphia	PA	19140
Terre Haute Regional Hospital	3901 South 7th Street		Terre Haute	IN	47802
Terrebonne General Medical Center	8166 Main Street		Houma	LA	70360
Texoma Medical Center	1000 Memorial Drive		Denison	TX	75020
TexSAn Heart Hospital	6700 IH-10 West		San Antonio	TX	78201-2009
The Christ Hospital	2139 Auburn Avenue		Cincinnati	OH	45219
The George Washington University Hospital	900 23rd Street, NW		Washington	DC	20037
The Good Samaritan Hospital	PO Box 1281	4th and Walnut Streets	Lebanon	PA	17042
The Heart Hospital at Deaconess Gateway, LLC	600 Mary Street		Evansville	IN	47747
The Heart Hospital Baylor Plano	1100 Allied Drive		Plano	TX	75093
The Heart Hospital of Northwest Texas	1501 S. Coulter Street	PO Box 1110	Amarillo	TX	79175
The Hospital at Westlake Medical Center	5656 Bee Caves Road M-302		Austin	TX	78746
The Hospital of West Central Connecticut	100 Grand Street PO Box 100		New Britain	CT	06050
The Indiana Heart Hospital	8075 North Shadeland Avenue		Indianapolis	IN	46250
The Medical Center (TMC)	1000 Dutch Ridge Road		Beaver	PA	15009
The Medical Center of Southeast Texas	2555 Jimmy Johnson Boulevard		Port Arthur	TX	77640
The Methodist DeBakey Heart Center	6565 Fannin Street		Houston	TX	77030
The Monroe Clinic	515 22nd Avenue		Monroe	WI	53566

The Mount Sinai Medical Center	The Mount Sinai Medical Center		New York	NY	10029
The Nebraska Medical Center	987551 Nebraska Medical Center		Omaha	NE	68198-7551
The Ohio State University Medical Center	410 W. 10th Avenue	142 Doan Hall	Columbus	OH	43210
The Reading Hospital and Medical Center	Sixth Avenue and Spruce Street		West Reading	PA	19611
The Toledo Hospital	2142 North Cove Boulevard	Jobst Tower Suite 200	Toledo	OH	43606
The Valley Hospital	223 North Van Dien Avenue		Ridgewood	NJ	07450
The Village Regional Hospital				AR	
The Washington Hospital	155 Wilson Avenue		Washington	PA	15301-3398
The Western Pennsylvania Hospital	4800 Friendship Avenue	CVI	Pittsburgh	PA	15224
The Wisconsin Heart Hospital, Inc.	WFH Clinical Data Management and Analysis	5000 West Chambers, M229	Milwaukee	WI	53210
Thomas Hospital	750 Morphy Avenue		Fairhope	AL	36532
Thomas Jefferson University Hospital	TJUH	111 S. 11th Street Gibbon Building	Philadelphia	PA	19107
Tift Regional Medical Center	PO Box 747	901 E. 18th Street	Tifton	GA	31794
Timpanogos Regional Hospital	750 W. 800 S.		Orem	UT	84057
Tobey Hospital	363 Highland Avenue		Fall River	MA	
Tomball Regional Hospital	605 Holderrieth Boulevard		Tomball	TX	77375
Torrance Memorial Medical Center	3330 Lomita Boulevard		Torrance	CA	90505
Trident Regional Medical Center	9330 Medical Plaza Drive		Charleston	SC	29406
Trinity Hospitals	PO Box 5020		Minot	ND	58702
Trinity Medical Center	Attn: Cardio Vascular Services	800 Montclair Road	Birmingham	AL	35213
Trinity Medical Center	2701 17th Street	3rd Floor	Rock Island	IL	61201
Trinity Medical Center	4343 Josey Lane		Carrollton	TX	75010
Trinity Medical Center West	4000 Johnson Road		Steubenville	OH	43952
Trinity Regional Medical Center	802 Kenyon Road		Fort Dodge	IA	50501
Trinity Regional Medical Center	2701 17th Street	3rd Floor	Rock Island	IL	61201
Truman Medical Centers	2301 Holmes Street		Kansas City	MO	64108
Tucson Heart Hospital	4888 North Stone Avenue		Tucson	AZ	85704
Tucson Medical Center	5301 E. Grant Road		Tucson	AZ	85712
Tufts Medical Center	750 Washington Street		Boston	MA	02111

Tulane Medical Center	1415 Tulane Avenue		New Orleans	LA	70112
Tuomey Healthcare System Tuomey Regional Medical Center	129 N. Washington Street		Sumter	SC	29150
UC San Diego Medical Center	200 W. Arbor Drive		San Diego	CA	92103
UMASS Memorial Medical Center	55 Lake Ave North		Worcester	MA	01655-0002
Union Hospital	1606 N. 7th Street		Terre Haute	IN	47804
Union Memorial Hospital	201 E. University Parkway		Baltimore	MD	21218-2891
United Health Services Hospitals/Wilson Regional Medical Center	33 – 57 Harrison Street	Decker 4 Lobby	Johnson City	NY	13790
United Hospital	333 N. Smith Avenue		St. Paul	MN	55102
United Hospital Center, Inc.	PO Box 1680		Clarksburg	WV	53143
United Hospital System	6308 8th Avenue		Kenosha	WI	53143
United Regional Healthcare System	1600 11th Street		Wichita Falls	TX	76301
Unity Health Center	1102 West MacArthur		Shawnee	OK	74804
Unity Hospital	550 Osbourne Road NE		Minneapolis	MN	55432
Unity Hospital	1555 Long Pond Road		Rochester	NY	14626
University Community Hospital	3100 East Fletcher Avenue		Tampa	FL	33613
University Community Hospital Carrollwood Campus	3100 East Fletcher Avenue		Tampa	FL	33613
University of Alabama Hospital	620 19th Street South		Birmingham	AL	35249
University Hospital	234 Goodman Street		Cincinnati	OH	45219
University Hospital	1350 Walton Way		Augusta	GA	30901
University Hospitals Bedford Medical Center	44 Blaine Avenue		Bedford	OH	44146
University Hospitals Case Medical Center	11100 Euclid Avenue		Cleveland	OH	44106
University Hospitals Richmond Medical Center	27100 Chardon Road		Richmond Heights	OH	44143
University Hospital UMDNJ	150 Bergen Street		Newark	NJ	07101
University Medical Center	1501 N. Campbell Avenue		Tucson	AZ	85724
University Medical Center	1411 Baddour Parkway		Lebanon	TN	37087
University Medical Center	602 Indiana Avenue		Lubbock	TX	79410
University Medical Center LSU	2390 W. Congress Street		Lafayette	IA	70506
University Medical Center Southern Nevada	1800 W. Charleston Boulevard		Las Vegas	NV	89102

University of Arkansas Medical Sciences	4301 West Markham Street Suite 532		Little Rock	AR	72205
University of California, Irvine Division of Cardiology	101 The City Drive		Orange	CA	92868
University of California (UCLA)	757 Westwood Boulevard Rm. 2412		Los Angeles	CA	90095
University Of California Davis Medical Center	2315 Stockton Boulevard Main Hospital, Rm 6312		Sacramento	CA	95817
University of California San Francisco Medical Center	505 Parnassus Avenue L-523 Box 0210		San Francisco	CA	94143-0210
University of Chicago Hospitals	5841 S. Maryland Avenue		Chicago	IL	60637
University of Colorado Hospital Authority	16205 E. 16th Avenue	Box 132	Aurora	CO	80045
University of CT Health Center/John Dempsey Hospital	263 Farmington Avenue		Farmington	CT	06030
University of Florida (Shands)/College of Medicine	1600 SW Archer Road		Gainesville	FL	32610
University of Illinois Medical Center at Chicago	1740 W. Taylor Street	Bldg 949 Rm 2181	Chicago	IL	60610
University of Iowa Hospitals and Clinics	200 Hawkins Drive		Iowa City	IA	52242
University of Kentucky	800 Rose Street		Lexington	KY	40536
University of Louisville Hospital	530 S. Jackson Street		Louisville	KY	40202
University of Maryland Medical Center Cardiology	22 S. Greene Street		Baltimore	MD	21201-1544
University of Miami	1400 NW 12th Street		Miami	FL	33136
University of Minnesota Medical Center Fairview	420 Delaware Street SE MMC 815		Minneapolis	MN	55455
University of Mississippi Medical Center	2500 N. State Street		Jackson	MS	39216
University of Missouri Hospital and Clinics	1 Hospital Drive		Columbia	MO	65212
University of New Mexico Hospital	2211 Lomas Boulevard		Albuquerque	NM	87106
University of North Carolina Hospitals	UNC Hospitals	101 Manning Drive CB#7075	Chapel Hill	NC	27514
University of Rochester Medical Center	601 Elmwood Avenue		Rochester	NY	14642

University of South Alabama Cardiology Department	2451 Fillingim Street		Mobile	AL	36617
University of Tennessee Medical Center	1924 Alcoa Highway		Knoxville	TN	37920-6999
University of Texas Medical Branch at Galveston	301 University Boulevard		Galveston	TX	77555-0294
University of Texas Southwestern-University Hospital	5323 Harry Hines Boulevard		Dallas	TX	75390-9013
University of Toledo Medical Center	3065 Arlington Avenue	DH2261	Toledo	OH	43614
University of Utah Hospitals and Clinics	50 North Medical Drive		Salt Lake City	UT	84132
University of Virginia Medical Center	2441 Barringer West Complex	PO Box 800679	Charlottesville	VA	22908-0679
University of Washington Medical Center	1959 NE Pacific Street		Seattle	WA	98195-6422
University of Wisconsin Hospital & Clinics	600 Highland Avenue MC 3204		Madison	WI	53792
UPMC Mercy	1400 Locust Street		Pittsburgh	PA	15219
UPMC Passavant Hospital	9100 Babcock Boulevard		Pittsburgh	PA	15237
UPMC Presbyterian Hospital	5230 Centre Avenue		Pittsburgh	PA	15232
UPMC Shadyside Hospital	5230 Centre Avenue		Pittsburgh	PA	15232
Upper Chesapeake Medical Center, Inc.	500 Upper Chesapeake Drive		Bel Air	MD	21014
Upstate Medical University (SUNY)	750 East Adams Street		Syracuse	NY	13120
USC University Hospital	1500 San Pablo Street		Los Angeles	CA	90033
Utah Valley Regional Medical Center	1034 S. 500 W		Provo	UT	84605
Val Verde Regional Medical Center	801 Bedell Avenue		Del Rio	TX	78840
Valley Baptist Medical Center	2101 Pease Street		Harlingen	TX	78550
Valley Care Medical Center	1111 East Stanley Boulevard		Livermore	CA	94550
Valley Hospital Medical Center	620 Shadow Lane		Las Vegas	NV	89106
Valley Medical Center	400 South 43rd Street		Renton	WA	98058
Valley Presbyterian Hospital	15107 Vanowen Street		Van Nuys	CA	91405
Valley Regional Medical Center	Valley Regional Medical Center	100A East Alton Gloor Building	Brownsville	TX	78526
Vanderbilt Heart Institute	1215 21st Avenue	MCE 5th floor	Nashville	TN	37232
Vassar Brothers Medical Center	45 Reade Place		Poughkeepsie	NY	12601

Vaughan Regional Medical Center	1015 Medical Center Parkway	Selma	AL	36701	
VCU – Medical College of Virginia	PO Box 980036	Richmond	VA	23298	
Venice Regional Medical Center	540 The Rialto	Venice	FL	34285	
Verde Valley Medical Center	269 South Candy Lane	Cottonwood	AZ	86326	
Via Christi Wichita Health Network	929 N. St. Francis Street	Wichita	KS	67214	
Ville Platte Medical Center	800 East Main Street	Ville Platte	LA	70586	
Virginia Hospital Center	1701 N. George Mason Drive	Arlington	VA	22205-3698	
Virginia Mason Medical Center	1100 Ninth Avenue	Seattle	WA	98111	X3-CVL
WakeMed Cary Hospital	3000 New Bern Avenue	Raleigh	NC	27610	
WakeMed Raleigh Campus	3000 New Bern Avenue	Raleigh	NC	27610	
Walker Regional Medical Center	3400 Highway 78 E	Jasper	AL	35501	
Washington Adventist Hospital	7600 Carroll Avenue	Takoma Park	MD	20912	
Washington County Hospital	251 East Antietam Street	Hagerstown	MD	21740	
Washington Hospital	2000 Mowry Avenue	Fremont	CA	94538	
Washington Hospital Center	110 Irving Street NW Rm 5A14	Washington	DC	20010	
Washington Regional Medical Center	1125 N College Avenue	Fayetteville	AR	72703-1994	
Waterbury Hospital	PO Box 2153	Waterbury	CT	06722-2153	
Waukesha Memorial Hospital	N-17 W24100 Riverwood Drive	Waukesha	Wi	53188-1187	
Wayne Memorial Hospital	PO Box 8001	Goldsboro	NC	27533	
Weatherford Regional Medical Center	713 East Anderson Street	Weatherford	TX	76086	
Weiss Memorial Hospital	4646 N. Marine Drive	Chicago	IL	60640	
Wellmont Holston Valley Medical Center	130 W Ravine Road	Kingsport	TN	37660	
Wellstar Cobb Hospital	677 Church Street	Marietta	GA	30066	
Wellstar Kennestone Hospital	677 Church Street	Marietta	GA	30066	
Wesley Medical Center	550 N. Hillside Street	Wichita	KS	67214	
Wesley Medical Center	5001 Hardy Street	Hattiesburg	MS	39402	
West Anaheim Medical Center	3033 West Orange Avenue	Anaheim	CA	92084	
West Florida Hospital	8383 North Davis Highway	Pensacola	FL	32514	
West Georgia Medical Center	1514 Vernon Road	LaGrange	GA	30240	
West Hills Hospital	7300 Medical Center Drive	West Hills	CA	91307	
West Houston Medical Center	12141Richmond Avenue	Houston	TX	77082	

West Jefferson Medical Center	1101 Medical Center Boulevard		Marrero	LA	70072
West Penn Hospital Forbes Regional Campus	2570 Haymaker Road		Monroeville	PA	15146
West Suburban Medical Center	3 Erie Court		Oak Park	Il	60302
West Valley Hospital	13677 W. McDowell Road		Goodyear	AZ	85338
West Virginia University Hospitals, Inc.	PO Box 8003	Medical Center Drive	Morgantown	WV	26506-8003
Westchester County Medical Center	95 Grasslands Road Suite 114		Valhalla	NY	10595
Western Baptist Hospital	2501 Kentucky Avenue		Paducah	KY	42003
Western Cardiology	9191 Grant Street		Denver	CO	80229
Western Medical Center Santa Ana	1001 North Tustin Avenue		Santa Ana	CA	92705
Western Plains Medical Center	3001 Avenue A		Dodge City	KS	67801
Westside Regional Medical Center	8201 West Broward Boulevard		Plantation	FL	33324
Wheaton Franciscan Healthcare-All Saints, Inc.	WFHC Clinical Data Management and Analysis	5000 West Chambers, M229	Milwaukee	WI	53210
Wheaton Franciscan Healthcare-St. Francis, Inc.	WFHC Clinical Data Management and Analysis	5000 West Chambers, M229	Milwaukee	WI	53210
Wheaton Franciscan Healthcare-St. Joseph, Inc.	WFH Clinical Data Management and Analysis	5000 West Chambers, M229	Milwaukee	WI	53210
Wheeling Hospital	1 Medical Park		Wheeling	WV	26003
White County Medical Center	3214 E. Race Avenue		Searcy	AR	72143-4810
White Memorial Medical Center	1720 Cesar E. Chavez Avenue		Los Angeles	CA	90033
White River Medical Center	1710 Harrison Street		Batesville	AR	72501
William Beaumont Hospital	54373 Samara Drive		Macomb	MI	48073-2213
William Beaumont Hospita – Troy	44201 Dequindre Road		Troy	MI	48085
William W. Backus Hospital	326 Washington Street		Norwich	CT	06360
Willis-Knighton Pierremont	2600 Greenwood Road		Shreveport	LA	71103
Willis-Knighton Medical Center	2600 Greenwood Road		Shreveport	LA	71103
Wilson Memorial Hospital	915 West Michigan Street		Sidney	OH	45365
Wilson N. Jones Medical Center	500 N Highland Avenue		Sherman	TX	75092
Winchester Medical Center Inc.	220 Campus Boulevard	Suite 313	Winchester	VA	22601
Winter Haven Hospital	20005 Avenue F Northeast		Winter Haven	Fl.	33881
Winthrop University Hospital	19600 E. 39th Street		Independence	MO	64057

Wise Regional Health System	609 Medical Center Drive		Decatur	TX	76234
Wishard Health Services Attn: A/P	1001 W. 10th Street		Indianapolis	IN	46202
Woman's Christian Association Hospital	207 Foote Avenue		Jamestown	NY	14701
Woodland Heights Medical Center	505 S. John Redditt Drive		Lufkin	TX	75904
Wooster Community Hospital	1761 Beall Avenue		Wooster	OH	44691
Wuesthoff Health System	110 Longwood Avenue		Rockledge	FL	32956-5002
Wyckoff Heights Medical Center	374 Stockholm Street	Division of Cardiology - 3rd Floor	Brooklyn	NY	11237
Wyoming Medical Center	1233 East 2nd Street		Casper	WY	82601-2988
Wyoming Valley Health Care System	575 North River Street		Wilkes-Barre	PA	18764
Yakima Regional Medical Center/Cardiac Center	110 S. 9th Avenue		Yakima	WA	98902
Yakima Valley Memorial Hospital	2811 Tieton Drive		Yakima	WA	98902
Yale New Haven Hospital	20 York Street		New Haven	CT	06510
Yavapai Regional Medical Center	1003 Willow Creek Road		Prescott	AZ	86301

York Hospital	15 Hospital Drive		York	ME	03909
York Hospital	1001 South George Street		York	PA	17405
Yuma Regional Medical Center	2400 S. Avenue A		Yuma	AZ	85364

Addendum X
Active CMS Coverage-Related Guidance Documents
[January Through March 2009]

On September 24, 2004, we published a notice in the **Federal Register** (69 FR 57325), in which we explained how we would develop coverage-related guidance documents. These guidance documents are required under section 731 of the MMA. In our notice, we committed to the public that, "At regular intervals, we will update a list of all guidance documents in the **Federal Register**."

Addendum X includes a list of active CMS guidance documents as of the ending date of the period covered by this notice. To obtain full-text copies of these documents, visit the CMS Coverage Web site at http://www.cms.hhs.gov/mcd/index_list.asp?list_type=mcd_1.

Document Name: Factors CMS Considers in Commissioning External Technology Assessments
Date of Issuance: April 11, 2006

Document Name: Factors CMS Considers in Opening a National Coverage Determination
Date of Issuance: April 11, 2006

Document Name: (Draft) Factors CMS Considers in Referring Topics to the Medicare Coverage Advisory Committee
Date of Issuance: March 9, 2005

Document Name: National Coverage Determinations with Data Collection as a Condition of Coverage: Coverage With Evidence Development
Date of Issuance: July 12, 2006

Addendum XI
List of Special One-Time Notices Regarding National Coverage Provisions
[January Through March 2009]

As medical technologies, the contexts under which they are delivered, and the health needs of Medicare beneficiaries grow increasingly complex, our national coverage determination (NCD) process must adapt to accommodate these complexities. As part of this adaptation, our national coverage decisions often include multi-faceted coverage determinations, which may place conditions on the patient populations eligible for coverage of a particular item or service, the providers who deliver a particular service, or the methods in which data are collected to supplement the delivery of the item or service (such as participation in a clinical trial).

We outline these conditions as we release new or revised NCDs. However, details surrounding these conditions may need to be shared with the public as "one-time notices" in the **Federal Register**. For example, we may require that a particular medical service may be delivered only in the context of a CMS-recognized clinical research study, which was not named in the NCD itself. We would then use Addendum XI of this notice, along with our coverage Web site at http://www.cms.hhs.gov/coverage, to provide the public with information about the clinical research study that it ultimately recognizes.

Addendum XI includes any additional information we may need to share about the conditions under which an NCD was issued as of the ending date of the period covered by this notice.

There were no Special One-Time Notices Regarding National Coverage Provisions published this quarter.

Addendum XII-National Oncologic PET Registry (NOPR)

In January 2005, we issued our decision memorandum on **positron emission tomography** (PET) scans, which stated that CMS would cover PET scans for particular oncologic indications, as long as they were performed in the context of a clinical study. We have since recognized the National Oncologic PET Registry as one of these clinical studies. Therefore, in order for a beneficiary to receive a Medicare-covered PET scan, the beneficiary must receive the scan in a facility that participates in the Registry. The following facilities have met the CMS's requirements for performing PET scans under National Coverage Determination CAG-00181N.

Facility Name	Provider Number	Date Approved	State	Other Information
Barnes-Jewish Hospital Barnes-Jewish Plaza Mailstop # 90-72-374 St. Louis, MO 63110	E40080o	03/07/2006	MO	
Duke University Medical Center PET Facility Room 0402 Duke So. Durham, NC 27710	34003	03/07/2006	NC	Yellow Zone Box 3949
VCU Health System-Molecular Imaging Center Dept of Nuclear Medicine - North Hospital 7th Floor Richmond, VA 23298	490032	03/07/2006	VA	1300 East Marshall-PO Box 980001
Acadiana Oncologic Imaging 2311 Kaliste Saloom Lafayette, LA 70508	5CA64	03/06/2006	LA	

Adler Institute for Advanced Imaging 261 Old York Road Suite 106 Jenkintown, PA 19046		03/07/2006	PA		
Advanced Medical Imaging San Saba 215 N San Saba Suite 107 San Antonio, TX 78207	00BC90	03/07/2006	TX		
Advanced Medical Imaging Stone Oak 540 Oak Centre Suite 100 San Antonio, TX 78258	00BC90	03/07/2006	TX		
Advanced Radiological PET Imaging, PC 2334 30th Avenue Astoria, NY 11102	05677	03/07/2006	NY	Lower Level	
Akron Regional PET Scan, LLC 3009 Smith Road Suite 350 Akron, OH 44333	AKID01691	03/07/2006	OH		
American Radiology Services-Owings Mills 21 Crossroads Drive, Suite 100 Owings Mills, MD 21117	434L	03/07/2006	MD		
American Radiology Services-Bethesda 6430 Rockledge Drive, Suite 100 Bethesda, MD 20817	G00000	03/07/2006	MD		
American Radiology Services-Waldorf 3510 Old Washington Road Suite 101 Waldorf, MD 20602	435L	03/07/2006	MD		
American Radiology Services-Columbia 8820 Columbia Parkway 100 Columbia, MD 21045	434L	03/07/2006	MD		
American Radiology Services-Frederick 141 Thomas Johnson Drive Suite 170 Frederick, MD 21702	435L	03/07/2006	MD		
American Radiology Services-Timonium 2080 York Road Suite 160 Timonium, MD 21093	434L	03/07/2006	MD		
Angel Williamson Imaging Center- Ft. Walton Beach 1013-D Mar-Walt Drive Ft. Walton Beach, FL 32547	39953A	03/07/2006	FL		

Angel Williamson Imaging Center-Pensacola 5120 Bayou Boulevard Suite 9 Pensacola, FL 32503	39953	03/07/2006	FL	
Edison Imaging Center 3900 Park Avenue Suite 107 Edison, NJ 08820	AS008835	03/07/2006	NJ	
Avon Medical Diagnostic Center 1480 Center Road Suite C Avon, OH 44011	MC4039571	03/07/2006	OH	
Baltimore Imaging Centers 3708 Mountain Road Pasadena, MD 21122	H476	03/07/2006	MD	
Baptist Hospital PET/CT 1000 West Moreno Street Pensacola, FL 32501	100093	03/07/2006	FL	
Bethesda Health City 2623 S Seacrest Boulevard Boynton Beach, FL 33435	40237	03/07/2006	FL	
PET/CT Imaging at White Marsh 9900 Franklin Square Drive Suite D Nottingham, MD 21236	FMNX01	03/07/2006	MD	
Biomedical Research Foundation PET Imaging Center 1505 Kings Highway Shreveport, LA 71103	5D914	03/07/2006	LA	
BodyScan of Louisville LLC 807 Shelbyville Road Suite 201 Louisville, KY 40222	9372701	03/07/2006	KY	
Bradley Regional PET Imaging Cleveland, TN 37311	3373976	03/07/2006	TN	2305 Chambliss Ave NW
PET Imaging Institute of NJ 1608 Rte 88 West Suite 302 Brick, NJ 08724	070684	03/07/2006	NJ	
Broward PET Imaging Center, LLC 4850 W. Oakland Park Boulevard Suite A Fort Lauderdale, FL 33313	E5709	03/07/2006	FL	
Camelback Imaging 15215 S. 48th Street, #110 Phoenix, AZ 85044	100488	03/07/2006	AZ	
California Imaging and Treatment Center 3000 Oak Road, #111 Walnut Creek, CA 95497	ZZZZ7175Z	03/07/2006	CA	
Cancer Care Centers of Brevard 1430 S Pine Street Melbourne, FL 32901	39835	03/07/2006	FL	
Center for Medical Imaging-Florida Hospital. 1922 Salk Avenue Tavares, FL 32778	100057	03/07/2006	FL	

Cancer Center of Colorado Springs 320 E. Fontanero Suite 200 Colorado Springs, CO 80907	79804	03/07/2006	CO	
Centro Sononuclear de Rio Piedras 1028 Los Angeles Street. San Juan, PR 00926	83910	03/07/2006	PR	
Chattanooga Imaging East 1710 Gunbarrel Road Chattanooga, TN 37421	3716643	03/07/2006	TN	
Chester County PET Associates 701 East Chester Marshall Street West Chester, PA 19380	085698	03/07/2006	PA	
Cincinnati PET Scan, LLC-Kenwood 7730 Montgomery Road Suite 120 Cincinnati, OH 45236	311754291	03/07/2006	OH	
Cincinnati PET Scan, LLC Monfort Heights 5575 Cheviot Road Cincinnati, OH 45247	311754291	03/07/2006	OH	
Clinical PET of Hernando 4003 Mariner Boulevard Spring Hill, FL 34609	L13228	03/07/2006	FL	
Clinical PET of Citrus 6140 W Corporate Oaks Drive Crystal River, FL 34429	U0121	03/07/2006	FL	
Clinical PET of Lake City 484 SW Commerce Drive Suite 145 Lake City, FL 32025	V2683	03/07/2006	FL	
Clinical PET of Ocala 3143 SW 32nd Avenue, Suite 100 Ocala, FL 34474	E7179	03/07/2006	FL	
Columbus Regional Hospital 2400 East 17th Street Columbus, IN 47201	150112	03/07/2006	IN	
Concord Imaging 18802 Meisner Drive San Antonio, TX 78258	00126Z	03/07/2006	TX	
Dartmouth Hitchcock Medical Center One Medical Center Drive. Lebanon, NH 03756		03/07/2006	NH	
Dedicated PET Imaging 2315 Sunset Boulevard, Suite E Steubenville, OH 43952	01181	03/07/2006	OH	
Diablo Valley Oncology & Hematology Medical Group 3000 Oak Road, #111 Walnut Creek, CA 94597	ZZZZ26796Z	03/07/2006	CA	
Diagnostic Imaging at Baywalk 129 1st Avenue N St. Petersburg, FL 33701	00022	03/07/2006	FL	
DMS Imaging 2101 N. University Drive Fargo, ND 58109		03/07/2006	ND	PO Box 8070

Doylestown PET Associates 599 W. State Street Doylestown, PA 18901	059536	03/07/2006	PA	Suite 202
East Bay Medical Oncology-Hematology Assoc., Inc 3000 Oak Road, #111 Walnut Creek, CA 94597	ZZZ267792	03/07/2006	CA	
East River Medical Imaging 519 East 72 Street Suite 103 New York, NY 10021	W11781	03/07/2006	NY	
El Camino Imaging Center 8020 Constitution Place NE Albequerque, NM 87110	237150	03/07/2006	NM	
Elite Imaging, LLC 2845 Aventura Boulevard Suite 145 Aventura, FL 33180	K3535	03/07/2006	FL	
EPIC Imaging Center 233 NE 102nd Avenue Portland, OR 97220	0000WCGNQ	03/07/2006	OR	
Evergreen Radia 11521 NE 128th Street Kirkland, WA 98034	GAB39931	03/07/2006	WA	
Excel Diagnostics Imaging Clinics 9701 Richmond Avenue, Suite 122 Houston, TX 77042	FTA109	03/07/2006	TX	
First Imaging of the Carolinas 30 Memorial Drive Pinehurst, NC 29374	2346997	03/07/2006	NC	
Florida Hospital Advanced Nuclear Imaging PET 328 Spruce Street Orlando, FL 32804	100007	03/07/2006	FL	
Fort Jesse Imaging Center, LLC 2200 Fort Jesse Road Suite 120 Normal, IL 61761	209824	03/07/2006	IL	
Fox Chase Cancer Center 333 Cotman Avenue Philadelphia, PA 19111	390196	03/07/2006	PA	
Frederick Imaging Centers 46B Thomas Johnson Drive Frederick, MD 21702	H476	03/07/2006	MD	
Fusion Diagnostic Group, LLC 1700 California Street Suite 260 San Francisco, CA 94109	00G366470	03/07/2006	CA	
Fusion Imaging Institute 2419 E. Commercial Boulevard Suite 101 Ft. Lauderdale, FL 33308	18281	03/07/2006	FL	
Future Diagnostics Group 254 N. Republic Avenue Joliet, IL 60435	200825	03/07/2006	IL	
Greater Niagra PET, LLC 1 Columbia Drive Suite 3 Niagra Falls, NY 14305	BA0213	03/07/2006	NY	Witmer Park Medical Center
Hematology Oncology Associates of Baton Rouge 4950 Essen Lane Baton Rouge, LA 70809	5C696	03/07/2006	LA	

Gulf Coast Cancer & Diagnostic of Southeast 12811 Beamer Road Houston, TX 77089	149949301	03/07/2006	TX		
Henry Ford, Department of Radiology 2799 W. Grand Boulevard Detroit, MI 48202	230053	03/07/2006	MI		
High Point Regional Health System 601 N. Elm Street High Point, NC 27262	3400040	03/07/2006	NC		
Highlands Oncology Group 3232 N. North Hills Boulevard Fayetteville, AR 27203	5B823	03/07/2006	AR		
Holy Name Hospital 718 Teaneck Road Teaneck, NJ 07666	310008	03/07/2006	NJ	PET/CT Center	
Holy Family Memorial Medical Center PO Box 1450 Manitowoc, WI 54221	520107	03/07/2006	WI	2300 Western Ave	
Hospital of Saint Raphael 1450 Chapel Street New Haven, CT 05611	070001	03/07/2006	CT		
San Patricio MRI & CT Center 1508 Roosevelt Avenue, Suite 103 San Juan, PR 00920	84997	03/07/2006	PR		
Imaging Center of Hartford Hospital 80 Seymour Street PO Box 5037 Hartford, CT 06102	070025	03/07/2006	CT		
Indian Wells PET/CT Center 74785 Highway 111, #101 Indian Wells, CA 92210	1264523891	03/07/2006	CA		
Imaging Technology Associates 3800 Reservoir Road NW Washington, DC 20007	FDNCX1	03/07/2006	DC	Gorman 2043, PET Scan	
San Francisco Magnetic Resonance Center 1180 Post Street San Francisco, CA 94109	ZZZZ27498Z	03/07/2006	CA		
Intermountain Medical Imaging 2929 E Magic View Drive Meridian, ID 83642	82-05144-22	03/07/2006	ID		
Jefferson Center City Imaging 850 Walnut Street Philadelphia, PA 19107	66277	03/07/2006	PA		
Kansas City Cancer Center-Kansas 12200 W. 110th Street Overland Park, KS 66210	5650000D	03/07/2006	KS		
Kansas City Cancer Center-Missouri 4881 Goodview Circle Lee's Summit, MO 66064	5650000E	03/07/2006	MO		
Kreitchman PET Center 180 Ft. Washington Avenue, HP3-315 New York, NY 10032	WEM661	03/07/2006	NY		

LakePointe PET 10914 Hefner Pointe Drive Suite 100 Oklahoma City, OK 73120	700522143	03/07/2006	OK	
Lakeshore PET Imaging, LLC 4932 W 95th Street Oak Lawn, IL 60453	200108	03/07/2006	IL	
Larchmont Imaging Associates, LLC 210 Ark Road Mt. Laurel, NJ 08054	517216	03/07/2006	NJ	
Las Cruces PET/CT Imaging 1121 Mall Drive Suite D Las Cruces, NM 88011	300521065	03/07/2006	NM	
Lehigh Valley Diagnostic Imaging PET/CT 1230 S. Cedar Crest Boulevard Suite 104 Allentown, PA 18103	563802	03/07/2006	PA	
LifeScan Louisville, LLC 4046 Dutchmans Lane Louisville, KY 40207	9365601	03/07/2006	KY	
Limerick PET Associates 420 W. Linfield-Trappe Road Limerick, PA 19468	075015	03/07/2006	PA	Suite 3400, Third Floor, Rear
LifeScan Minnesota 6525 France Avenue S Suite 225 Edina, MN 55435	470000014	03/07/2006	MN	
Louisiana PET Imaging of Alexandra, LLC 5419 A Jackson Street Exit Alexandria, LA 71303	5C743	03/07/2006	LA	
LMR PET 12600 Creekside Lane Ft. Meyers, FL 33919	E5725	03/07/2006	FL	
Louisiana PET Imaging of Lake Charles, LLC 1750 Ryan Street Lake Charles, LA 70601	5C905	03/07/2006	LA	
Insight Diagnostic Center-Forest Lane 11617 N. Central Expressway, #132 Dallas, TX 75243	FTA016	03/07/2006	TX	
MDI of Thousand Oaks 300 Lombard Street Thousand Oaks, CA 91360	W14186	03/07/2006	CA	
Meadowbrook PET Associates 1695 Huntington Pike Meadowbrook, PA 19046	064866	03/08/2006	PA	
Medical Imaging of Baltimore 6715 N. Charles Street Baltimore, MD 21204	258L	03/08/2006	MD	
Metabolic Imaging of Laredo 2344 Laguna Del Mar Suites 5 & 6 Laredo, TX 78045	FTN029	03/08/2006	TX	
Methodist Hospital PET Imaging Center 301 W. Huntington Drive Suite 120 Arcadia, CA 91007	9511643336	03/08/2006	CA	
Metro Region PET Center at Chevy Chase 5454 Wisconsin Avenue Suite 810 Chevy Chase, MD 20815	724811	03/08/2006	MD	
Clinical PET of St. Charles County 1475 Kisker Road St. Charles, MO 63304	0000047047	03/08/2006	MO	

Metro Region PET Center at Woodburn Nuclear Medicine 3289 Woodburn Road Annandale, VA 22003	724811	03/08/2006	VA	
Michiana Hematology-Oncology, PC 100 Navarre Place Suite 5550 South Bend, IN 46601	216950	03/08/2006	IN	
Michigan State University-Radiology 184 Radiology Building East Lansing, MI 48824	OC36350	03/08/2006	MI	
Clinical PET of West County 450 N. New Ballas Road Creve Coeur, MO 63141	000093043	03/08/2006	MO	
Modality Integration Services, Inc. 1854 SW Greenway Circle West Linn, OR 97068		03/08/2006	OR	
Molecular Imaging Center 1733 Curie Drive Suite 305 El Paso, TX 79912	00315U	03/08/2006	TX	
Molecular Imaging of Suburban Chicago, LLC 908 N. Elm Street Suite 110 Hinsdale, IL 60521	212300	03/08/2006	IL	
Montclair Road Imaging LLC 924 Montclair Road Suite 108 Birmingham, AL 35213	000056277	03/08/2006	AL	
Montefiore Medical Center 1695A Eastchester Road Bronx, NY 10461	W06552	03/08/2006	NY	
Neurodiagnostics, PSC 1725 Harrodsburg Road Suite 100 Lexington, KY 40504	0406	03/08/2006	KY	
New Century Imaging 555 Kinderkamack Road Oradel, NJ 07649	085146	03/08/2006	NJ	
Newport Diagnostic Center 1605 Avocado Avenue Newport Beach, CA 92660	W13396	03/08/2006	CA	
Next Generation Radiology PET/CT 560 Northern Boulevard Suite 111 Great Neck, NY 11021	WR6091	03/08/2006	NY	
North Valley MRI and CT 1638 Esplanade Chico, CA 95926	ZZZ247802	03/08/2006	CA	
Northwest Alabama Cancer Center Radiology Services 302 W. Dr. Hicks Boulevard Florence, AL 35630	051552219	03/08/2006	AL	
Northern Kentucky PET Scan, LLC 651 Centre View Boulevard Crestview Hills, KY 41017	311754291	03/08/2006	KY	
Northwest Cancer Center 17323 Red Oak Drive Houston, TX 77090	00D29C	03/08/2006	TX	
Northwestern Memorial Hospital 251 East Huron Street Chicago, IL 60611	140281	03/08/2006	IL	Galter 8-113
Northern Shared Medical Services-Atlantic, IA 1501 East Tenth Street Atlantic, IA 50022	116068	03/08/2006	IA	Cass County Memorial Hospital

Northern Shared Medical Services-Audubon, IA 515 Pacific Street Audubon, Iowa 50025	I16068	03/08/2006	IA	Audobon County Memorial Hospital
Northern Shared Medical Services- Beloit, KS 400 West Eighth Beloit, KS 67420	130618	03/10/2006	KS	Mitchell County Hospital
Northern Shared Medical Services-Bloomfield, IA 507 North Madison Street Bloomfield, IA 52537	I16068	03/10/2006	KS	Davis County Hospital
Northern Shared Medical Services-Carrollton, MO 1502 North Jefferson Carrollton, MO 64633	000047013	03/10/2006	MO	Carroll County Memorial Hospital
Northern Shared Medical Services-Centerville, IA 1st St. Joseph Drive Centerville, IA 52544	I16068	03/10/2006	IA	Mercy Medical Center
Northern Shared Medical Services-Carthage, IL 160 S. Adams Street Carthage, IL 62321	208196	03/10/2006	IL	Memorial Hospital
Northern Shared Medical Services-Clarinda, IA 823 S. 17th Street Clarinda, IA 51632	I16068	03/10/2006	IA	Clarinda Regional Health Center
Northern Shared Medical Services-Chanute, KS 629 South Plummer Chanute, KS 66720	130618	03/10/2006	KS	Neosho Memorial Regional Medical Center
Northern Shared Medical Services-Edwardsville, IL 1121 University Drive Edwardsville, IL 62025	208196	03/10/2006	IL	Edwardsville Health Center
Northern Shared Medical Services- El Dorado, AR 700 West Grove Street El Dorado, AR 71730	5F168	03/10/2006	AR	Medical Center of South Arkansas
Northern Shared Medical Services-Farmington, MO 1212 Weber Road Farmington, MO 63640	000047013	03/10/2006	MO	Mineral Area Regional Medical Center
Northern Shared Medical Services-Janesville, WI 1321 Creston Park Drive Janesville, WI 53545	000092420	03/10/2006	WI	Janesville Occupational Health & Medical Center
Northern Shared Medical Services-Hiawatha, KS 300 Utah Street Hiawatha, KS 66434	130618	03/10/2006	KS	Hiawatha Community Hospital
Northern Shared Medical Services-Keokuk, IA 1600 Morgan Street Keokuk, IA 52632	I16068	03/10/2006	IA	Keokuk Area Hospital
Northern Shared Medical Services-Macomb, IL 525 East Grant Street Macomb, IL 61455	208196	03/10/2006	IL	McDonough District Hospital
Northern Shared Medical Services-Mexico, MO 620 East Monroe Street Mexico, MO 65265	000047013	03/10/2006	MO	Audrain Medical Center
Northern Shared Medical Services-Moberly, MO 1515 Union Avenue Moberly, MO 65270	000047013	03/10/2006	MO	Moberly Regional Medical Center

Northern Shared Medical Services-Mountain Home, AR 899 Burnett Drive Mountain Home, AR 72653	5F168	03/10/2006	AR	Cogburn Cancer Clinic
Northern Shared Medical Services- Poplar Bluff, MO 221 Physicians Park Drive Poplar Bluff, MO 63901	000047013	03/10/2006	MO	Poplar Bluff Medical Partners
Northern Shared Medical Services-Perryville, MO 434 North West Street Perryville, MO 63775	000047013	03/10/2006	MO	Perry County Memorial Hospital
Northern Shared Medical Services- Rolla, MO 1000 West Tenth Street Rolla, MO 65401	000047013	03/10/2006	MO	Phelps Co Regional Medical Center
Northern Shared Medical Services-Virginia, MN 901 Ninth Street North Virginia, MN 55792	470000057	03/10/2006	MN	Virginia Regional Medical Center
Northern Shared Medical Services-Russellville, AR 2504 West Main Street Russellville, AR 72801	5F168	03/10/2006	AR	Russellville Land Co
Northern Shared Medical Services- West Plains, MO 1100 Kentucky Avenue West Plains, MO 65775	000047013	03/10/2006	MO	Ozarks Medical Center
Oakwood Hospital Medical Center 18101 Oakwood Boulevard Dearborn, MI 48124	230020	03/10/2006	MI	
Oakwood Southshore Medical Center 5450 Fort Street Trenton, MI 48183	230176	03/10/2006	MI	
Ocean Medical Imaging Center 21 Stockton Drive Toms River, NJ 08755	158432	03/10/2006	NJ	
Orange County Regional PET Center, LLC 16300 Sand Canyon Avenue Suite 103 Irvine, CA 92618	TP018	03/10/2006	CA	
Orange Advanced Imaging Center 230 Main Street, #101 Orange, CA 92868	TP016A	03/10/2006	CA	
Pacific Coast Imaging-Irvine 250 E Yale Loop Suite A Irvine, CA 92604	WG87478B	03/10/2006	CA	
Pacific Coast Imaging-Newport 3300 West Coast Highway Newport Beach, CA 92663	WG87478	03/10/2006	CA	
Pacific Imaging and Treatment Center 5395 Ruffin Road Suite 202 San Diego, CA 92123	TP126	03/10/2006	CA	
Palm Beach Cancer Institute 1395 State Road 7 Suite 310 Wellington, FL 33414	34754	03/10/2006	FL	
Pennsylvania PET Associates 800 Spruce Street Philadelphia, PA 19107	066282	03/10/2006	PA	Second Floor, Widener Building
PET Center of Western NY 127 North Street Batavia, NY 14020	187140	03/10/2006	NY	

Pet Imaging at CDR 7600 N 15th Street, Suite 102 Phoenix, AZ 85020	WCFDG	03/10/2006	AZ	
PET Imaging at the Lake 5000 Hennessy Boulevard Baton Rouge, LA 70809	5C868	03/10/2006	LA	
PET Imaging Center at Harford County 602 S Atwood Road Suite 201 Bel Air, MD 21014	FMN006	03/10/2006	MD	
PET Imaging Institute of South Florida- East 150 N 35th Avenue, 665 Hollywood, FL 33021	E3783	03/10/2006	FL	
PET Imaging Institute of South Florida-West 603 N Flamingo Road S-155 Pembroke Pines, FL 33028	E3783	03/10/2006	FL	
PET Scan Arizona-Peoria 13460 N 94th Drive Suite J1 Peoria, AZ 85381	75400	03/10/2006	AZ	
PET Scan Arizona-Phoenix 6036 N 19th Avenue Suite 305 Phoenix, AZ 85015	66860	03/10/2006	AZ	
PET/CT Diagnostic Medical Imaging, PC 1200 Waters Place Suite M108 Bronx, NY 10461	W31091	03/10/2006	NY	
Precision Imaging 4416 East West Highway Suite 410 Bethesda, MD 20814	FMN005	03/10/2006	MD	
Preferred PET Imaging of Kansas, LLC 928 N. St. Francis Street Wichita, KS 67214	110693	03/10/2006	KS	
Premium Diagnostics Center 5319 Hoag Drive Suite 130 Elyria, OH 44035	ID01851	03/10/2006	OH	
PET Center Ft. Worth 800 W. Magnolia Avenue Fort Worth, TX 76104	0J062	03/10/2006	TX	Suite 100
Radiology Associates, LLP 6001 S. Staples Street Corpus Christi, TX 78413	00E816	03/10/2006	TX	

S. Arlington Imaging Center 4601 Matlock Road Arlington, TX 76018	0J062	03/10/2006	TX		
Radiology Group Imaging Center, LLC 1970 E. 53rd Street Davenport, IA 52807	16031	03/10/2006	IA		
PET/CT Scan Center Pembroke 11325 Pembroke Square Suite 116 Waldorf, MD 20603	521454775	03/10/2006	MD		
New York MedScan 751 Second Avenue New York, NY 10017	978701	03/10/2006	NY		
Rex Healthcare 4420 Lake Boone Trail Raleigh, NC 27607	340114	03/10/2006	NC		
San Fernando Regional PET Center 6855 Noble Avenue Van Nuys, CA 91405	TP078	03/10/2006	CA		
PET/CT Imaging Center of Northwest Florida 5149 North 9th Avenue Suite 124 Pensacola, FL 32504	U4696	03/10/2006	FL		
Saint Joseph's Hospital-Nuclear Medicine 611 St. Joseph Avenue Marshfield, WI 54449	520037	03/10/2006	WI		
Shared PET Imaging, LLC-Brooklyn NY 6300 Eight Avenue Brooklyn, NY 11220	97Z661	03/10/2006	NY		
SC Cancer Specialists 25 Hospital Center Boulevard #301 Hilton Head Island, SC 29926	1285633289	03/10/2006	SC		
Shared PET Imaging, LLC-Granger IN 6901 N. Main Street Granger, IN 46530	232800	03/10/2006	IN		
University Hospital-Cincinnati Eden Avenue & Albert Sabin Way Cincinnati, OH 45219		03/10/2006	OH		
Shared PET Imaging, LLC - Marion OH 1050 Delaware Avenue Marion, OH 43302	ID01511	03/10/2006	OH		
Shared PET Imaging, LLC-Terre Haute IN 3702 South Fourth Street Terre Haute, IN 47802	201320	03/10/2006	IN		
South Jersey Radiology Associates, PA 100 Carnie Boulevard Suite B5 Voorhees, NJ 08043	S0429966	03/10/2006	NJ		
Southwest PET/CT Institute-Tucson 3503 N. Campbell Suite 155 Tucson, AZ 85719	1396736922	03/10/2006	AZ		

Southwest PET/CT Institute-Yuma 1951 W. 25th Street Suite G Yuma, AZ 85364	106077	03/10/2006	AZ		
St. Francis Health Center 1700 SW 7th Street Topeka, KS 66606	17-0016	03/10/2006	KS		
Southwoods PET Scan, LLC 250 Debartolo Place Building B Youngstown, OH 44512	PCN05210036	03/10/2006	OH		
St. Louis PET Centers, LLC 12637 Olive Boulevard Creve Coeur, MO 63376	1861470734	03/10/2006	MO		
St. Vincent's PET Center, LLC 2660 10th Avenue S, POBI Suite 104 Birmingham, AL 35205	051555054	03/10/2006	AL		
Sun Molecular Imaging -Peoria 13090 N. 94th Drive #103 Peoria, AZ 85381	71585	03/10/2006	AZ		
Sun Molecular Imaging -Sun City West 13909 W Camino Del Sol, #101 Sun City West, AZ 85375	71585	03/10/2006	AZ		
Tarzana Advanced Imaging 5536 Reseda Boulevard Tarzana, CA 91356	TP051A	03/10/2006	CA		
The Methodist Hospital PET Center 6565 Fannin Street MBI-066 Houston, TX 77030	450358	03/10/2006	TX		
Texarkana PET Imaging Institute, LP 1929 Moores Lane Texarkana, TX 75503	FTN008	03/10/2006	TX		
The PET/CT Center of North Florida 5742 Booth Road Jacksonville, FL 32207	K7038P	03/10/2006	FL		
The Washington Hospital 155 Wilson Ave Washington, PA 15301	390042	03/10/2006	PA		
The PET/CT Scanning Center 235 18th Street, SE Hickory, NC 28602	2881788	03/10/2006	NC		
Thompson Cancer Survival Center PET Imaging Center 9711 Sherrill Boulevard Knoxville, TN 37923	3791106	03/10/2006	TN		
Thunderbird MRI and PET Center 6591 W. Thunderbird Road Suite A-1 Glendale, AZ 85306	79467	03/10/2006	AZ		

Tower Imaging Roxsan 465 N. Roxbury Drive Suite 101 Beverly Hills, CA 90210	TP114	03/10/2006	CA	
Tower Hematology Oncology Medical Group 9090 Wilshire Boulevard Suite 200 Beverly Hills, CA 90211	W11793	03/10/2006	CA	
TRA Medical Imaging 2202 S Cedar Suite 200 Tacoma, WA 98405	001055600	03/10/2006	WA	
Trident PET of Fayette 1275 Highway 54 West Suite 102 Fayetteville, GA 30214	47BBBJJ	03/10/2006	GA	
Trident PET of Gwinnett 545 Old Norcross Road Lawrenceville, GA 30045	47BBBGX	03/10/2006	GA	Suite 200
Trident PET of Savannah 7135 Hodgson Memorial Drive Savannah, GA 31406	47BBBKP	03/10/2006	GA	Suite 10A
Tristan Associates 4520 Union Deposit Road Harrisburg, PA 17111	112344	03/10/2006	PA	
Union Square Diagnostic Imaging 144 Fourth Avenue New York, NY 10003	WR7502	03/10/2006	NY	
UCLA-Dept. of Molecular & Medical Pharmacology 10833 Le Conte Avenue Los Angeles, CA 90095	HW13029	03/10/2006	CA	AR-115-CHS
UCLA-Dept. of Molecular & Medical Pharmacology 10833 Le Conte Avenue Los Angeles, CA 90095	HW13029	03/10/2006	CA	AR-115-CHS
University Nuclear Medicine, Inc. 105 Parker Hall Buffalo, NY 14214	14414A	03/10/2006	NY	3435 Main St
University Radiology Group 75 Veronica Avenue Suite 102 Somerset, NJ 08873	425699	03/10/2006	NJ	
Anne Arundel Medical Center 2001 Medical Parkway Annapolis, MD 21401	210023	03/10/2006	MD	
US Imaging Center Corp., LLC 842 Sunset Lake Boulevard Suite 301 Venice, FL 34292	U0331	03/10/2006	FL	
USC PET Imaging Science Center 1510 San Pablo Street Suite 350 Los Angeles, CA 90033	W11874	03/10/2006	CA	
Rolling Oaks Radiology 415 Rolling Oak Drive, Suite 160 Thousand Oaks, CA 91361	W10746	03/10/2006	CA	

Vero Radiology Associates, Inc. 777 37th Street Suite A-103 Vero Beach, FL 32960	97445	03/10/2006	FL		
Ventura Coast Imaging Center 4601 Telephone Road Suite 101 Ventura, CA 93003	W11335	03/10/2006	CA		
Washington Imaging Services, LLC 1135-116th Avenue, NE Bellevue, WA 98004	GAB23386	03/10/2006	WA		
Washington Hospital Center 110 Irving Street, NW Washington, DC 20010	090011	03/10/2006	DC		
Washoe Med Imaging Services at 75 Kirman 75 Kirman Avenue Reno, NV 89502	WCHBB	03/10/2006	NV		
Wesley Long Hospital-Moses Cone Health System 501 North Elam Avenue Greensboro, NC 27403	34-0091	03/10/2006	NC		
Westcoast Radiology 36463 US Highway, 19 N. Palm Harbor, FL 34684	E4187	03/10/2006	FL		
Western Washington Oncology 4525 3rd Avenue SE Lacey, WA 98503	1497749642	03/10/2006	WA		
Windber Medical Center 600 Somerset Avenue Windber, PA 15963	390112	03/10/2006	PA		
Wyoming Valley PET Associates 190 Welles Street Forty Fort, PA 18704	045012	03/10/2006	PA		
Youngstown Regional PET Scan 850 McKay Court Youngstown, OH 44512	Y0ID0174	03/10/2006	OH		
X-RAY Associates at Santa Fe 490 A West Zia Road Suite 130 Santa Fe, NM 87505	2258263	03/10/2006	NM		
Sibley Memorial Hospital 5255 Loughboro Road, NW Washington, DC 20016	090005	03/10/2006	DC		
Lerman Diagnostic Imaging 6511 Fort Hamilton Parkway Brooklyn, NY 11215	16H771	03/10/2006	NY		
XRC Medical Imaging 53940 Carmichael Drive South Bend, IN 46635	187390	03/10/2006	IN		
St. Luke's Hospital 1026 A. Avenue N.E. Cedar Rapids, IA 52406-3026	160045	03/10/2006	IA	P.O. Box 3026	
University Imaging at Science Park 110 Science Parkway Suite 100 Rochester, NY 14620	16624A	03/10/2006	NY		
Kadlec Medical Center/Nuclear Medicine Dept. 945 Goethals Street Richland, WA 99352	1972507580	03/10/2006	WA		
Central Georgia PET, LLC 1650 Hardmon Macon, GA 31201	47BBBKC	03/10/2006	GA		

PET/CT Imaging at Swedish Cancer Institute 1221 Madison Street First Floor Seattle, WA 98104	8857387	03/10/2006	WA	
National PET Scan Duval, LLC 425 North Lee Street Jacksonville, FL 32204	E7348	03/10/2006	FL	
National PET Scan Pinellas, LLC 805 Executive Center Drive W St. Petersburg, FL 33702	E7503	03/10/2006	FL	
National PET Scan Dade, LLC 7867 North Kendall Drive Suite 121 Miami, FL 33156	E5427	03/10/2006	FL	
National PET Scan Broward, LLC 6290 North Federal Highway Fort Lauderdale, FL 33308	E5432	03/10/2006	FL	
Scottsdale Medical Imaging, Ltd. 7624 E. Indian School Road Suite 109-1 Scottsdale, AZ 85251	WCFKX	03/10/2006	AZ	
Lakes Regional General Hospital 80 Highland Street Laconia, NH 03246	300005	03/10/2006	NH	
Northern California PET Imaging Center 3195 Folsom Boulevard Sacramento, CA 95816	ZZZ15725Z	03/10/2006	CA	
Northern California PET Imaging Center-Mobile 3195 Folsom Boulevard Sacramento, CA 95816	ZZZ25157Z	03/10/2006	CA	
Northern California PET Imaging Center-VAPA 3801 Miranda Avenue Palo Alto, CA 94304	ZZZ21308Z	03/10/2006	CA	
Advanced Medical Imaging 3548 Route 9 South Old Bridge, NJ 08857	595865	03/10/2006	NJ	
St. Vincent Infirmary Medical Center PET/CT Center 2 St. Vincent Circle Little Rock, AR 72205-5499	04-0007	03/10/2006	AR	
Lincoln Trail Diagnostics 1111 Woodland Drive Elizabethtown, KY 42701	470001408	03/10/2006	KY	
LifeScan Imaging 607 Clifty Street Somerset, KY 42503	7614	03/10/2006	KY	
St. John's Hospital Springfield Nuclear Medicine 1235 E. Cherokee Street Springfield, MO 65804	26-0065	03/10/2006	MO	
City of Hope 1500 E. Duarte Road Duarte, CA 91010	050146	03/10/2006	CA	Dept. of Nuclear Medicine
Hackettstown Regional Medical Center 651 Willow Grove Street Hackettstown, NJ 07840	310115	03/10/2006	NJ	

Imaging Alliance-Nashville PET, LLC 52 White Bridge Road. Nashville, TN 37205	3791068	03/10/2006	TN		
Molecular Imaging of Bradenton 2301 60th Street Court West Suite A Bradenton, FL 34209	U1334	03/10/2006	FL		
Molecular Imaging of Charlotte County 4130 Tamiami Trail Port Charlotte, FL 33952	U1934	03/10/2006	FL		
Imaging For Life 3830 Bee Ridge Road Suite A Sarasota, FL 34233	E6704	03/10/2006	FL		
Seattle Nuclear Medicine/Ultrasound Associates 1229 Madison Street Suite 1050 Seattle, WA 98104	G000158400	03/10/2006	WA		
Columbus Circle Imaging 1790 Broadway, 9th Floor Yonkers, NY10704	W00691	03/10/2006	NY		
Bryn Mawr Imaging Center-PET 100 Lancaster Avenue Wynnewood, PA 19096	473120	03/10/2006	PA		
Beth Israel Deaconess Medical Center 330 Brookline Avenue Boston, MA 02215	220086	03/10/2006	MA		
Boca Raton Community Hospital 800 Meadows Road Boca Raton, FL 33486	100168	03/10/2006	FL		
Centro Tomograficio de PR, Inc. 1409 Ashford Avenue San Juan, PR 00907	0087834	03/10/2006	PR		
Comprehensive Cancer Centers of Nevada 3730 S. Easton Las Vegas, NV 89109	WCHCX	03/10/2006	NV		
Grossman Imaging Center of CMH 2151 E. Gonzales Road Suite 101 Oxnard, CA 93036	W17252	03/10/2006	CA		
Cookeville Regional Medical Center 142 W. 5th Street Cookeville, TN 38501	440059	03/10/2006	TN		
Instituto Central de Diagnostico, Inc. 1er. Floor Oncologic Hospital San Juan, PR 00928	007835	03/10/2006	PR	PR Medical Center	
Mercy Medical Center-Cedar Rapids 701 Tenth Street SE Cedar Rapids, IA 52403	16-0079	03/10/2006	IA		
Midwest Radiologic Imaging-1144217241 4087 Gateway Boulevard Newburgh, IN 47630	1144217241	03/10/2006	IN		
Miami Valley Hospital 1 Wyoming Street Dayton, OH 45409	360051	03/10/2006	OH		

Midwest Radiologic Imaging-214790 4087 Gateway Boulevard Newburgh, IN 47630	214790	03/10/2006	IN	
Midwest Regional PET/CT Center 6001 S. Sharon Avenue Suite #2 Sioux Falls, SD 57108	41406	03/10/2006	SD	
Mission Hospital PET Center 222 Asheland Avenue Asheville, NC 28801	3400002	03/10/2006	NC	
Mobile Molecular Imaging, LLC 100 Memorial Hospital Drive Suite 1E Mobile, AL 36608	1003804345	03/10/2006	AL	
Nebraska Health Imaging 7819 Dodge Street Omaha, NE 68114	098975	03/13/2006	NE	
Montgomery Metabolic & Memory Imaging Center 7100 University Ct. Montgomery, AL 36117	057554625	03/13/2006	AL	
Orange County Diagnostic Radiology, Inc. 17150 Euclid Street Suite 101 Fountain Valley, CA 92708	TD057	03/13/2006	CA	
Northwest PET Imaging 265 N. Broadway Portland, OR 97227	105512	03/13/2006	OR	
Nevada Cancer Institute Medical Group One Breakthrough Way, 10441 W. Twain Avenue Las Vegas, NV 89135	100505	03/13/2006	NV	
Positron Emission Tomography Institute at Hampton 5357 Henneman Drive Norfolk, VA 23513	FVN001	03/13/2006	VA	
Positron Imaging Facility 1311 Record Crossing Road Mail Code 9140 Dallas, TX 75235	UT000F626	03/13/2006	TX	
Premier Diagnostic Imaging 10019 Forest Green Boulevard Louisville, KY 40299	9375201	03/13/2006	KY	
Positron PET/CT of the Southern Tier 169 Riverside Drive Binghamton, NY 13905	AA1047	03/13/2006	NY	
Radiology Regional Center, PA, Inc.-Naples 700 Goodlette Road Naples, FL 34102	77185	03/13/2006	FL	
Somascan Plaza, Inc. Suite 405 Torre de Plaza Plaza Las Americas San Juan, PR 00917	0089178	03/13/2006	PR	
Somascan, Inc. Jose Marti #56 San Juan, PR 00917	0082435	03/13/2006	PR	
Southern Indiana Radiological Associates 500 Landmark Avenue Bloomington, IN 47403	214160	03/13/2006	IN	
Southern Illinois Cancer Center 10286 Fleming Road Carterville, IL 62918	643740	03/13/2006	IL	
South Nassau PET One Healthy Way Oceanside, NY 11572	97z851	03/13/2003	NY	

Southwest Diagnostic Center for Molecular Imaging 8440 Walnut Hill Lane Suite 100 Dallas, TX 75231	FTN-015	03/13/2006	TX	
St. Mary's Health Systems 900 E. Oakhill Avenue Knoxville, TN 37917	440120	03/13/2006	TN	
Tower Diagnostic Center 4719 N. Habana Avenue Tampa, FL 33614	00169	03/13/2003	FL	
Torrance Morial Medical Center 3330 Lomita Boulevard Torrance, CA 90505	050351	03/13/2006	CA	
University of Colorado Hospital (AOP) 1635 N. Ursula Street Aurora, CO 80045	06-0024	03/13/2006	CO	
William Beaumont Hospital-Royal Oak 3601 West 13 Mile Road Royal Oak, MI 48073-6769	23030	03/13/2006	MI	
Esther Quijoy Catalya, M.D. 3000 Oak Road #111 Walnut Creek, CA 94597	00A449120	03/13/2006	CA	
Valley PET Institute 311 S. Ham Lane Lodi, CA 95242	00C283720	03/13/2006	CA	
Dan Ben-Zeev, M.D. 3000 Oak Road #111 Walnut Creek, CA 94597	00G129831	03/13/2006	CA	
Midwest Center for Advanced Imaging 1307 Macom Drive Naperville, IL 60564	L72461	03/13/2006	IL	
Crittenton Hospital Medical Center 1101 W. University Drive Rochester, MI 48307	230054	03/13/2006	MI	
Medical Specialists of Palm Beaches, Inc. 5700 Lake Worth Road Suite 204 Lake Worth, FL 33463	33941A	03/13/2006	FL	
PET Medical Imaging Center 3264 North Evergreen Drive Grand Rapids, MI 49525	0P02650	03/13/2006	MI	
Radiology Regional Center, PA, Inc.-RPET 6100 Winkler Road Suite A Fort Myers, FL 33919	77185	03/13/2006	FL	
Good Samaritan Hospital 520 S. 7th Street Vincennes, IN 47591	150042	03/13/2006	IN	
Central Indiana Cancer Center 6845 Rama Drive Indianapolis, IN 46219	065910	03/13/2006	IN	
Decatur PET Imaging 2774 W. Decatur Road Decatur, GA 30033	47BBBLP	03/13/2006	GA	
Community Memorial Hospital, Medical Imaging 855 S. Main Street Oconto Falls, WI 54154	00439MPN	03/13/2006	WI	
Olympic Radiology 2700 Clare Avenue Bremerton, WA 98310	000242100	03/13/2006	WA	
Capitol Imaging 3161 L Street Sacramento, CA 95816	1285615294	03/13/2006	CA	

National Medical Imaging-Bryn Mawr 574 W. Lancaster Avenue Bryn Mawr, PA 19010	024513	03/13/2006	PA	
National Medical Imaging-Langhorne 2 Doublewoods Road Suite B Langhorne, PA 19047	024513	03/13/2006	PA	
National Medical Imaging-Philadelphia 1903-05 South Broad Street Philadelphia, PA 19148	024513	03/13/2006	PA	
University of VA Health System, Radiology 1215 Lee Street Charlottesville, VA 22908	490009	03/13/2006	VA	
Florida Institute for Advanced Diagnostic Imaging 9238 US 19 Port Richey, FL 34668	59-3475930	03/13/2006	FL	
Roseville PET & Nuclear Medicine Imaging 2241 Douglas Boulevard #110 Roseville, CA 95661	1194706689	03/13/2006	CA	
Memorial Sloan Kettering Cancer Center 1275 York Avenue New York, NY 10021	330154	03/13/2006	NY	
Northeast PET Imaging Center 8400 Roosevelt Boulevard Suite 208 Philadelphia, PA 19152	083723	03/13/2006	PA	Medical Arts Center at Parte Ridge
UAMS PET Center 4301 West Markham Street Little Rock, AR 72205	50528	03/13/2006	AR	
Joliet Oncology-Hematology Assoc., Ltd. 1600 W. Route 6 Morris, IL 60450	205474	03/13/2006	IL	
Saint Luke's Hospital 4323 Wornall Road Kansas City, MO 64111	26-0138	03/13/2006	MO	AH Peet Center
Mercy Medical Center 1320 Mercy Drive Canton, OH 44708	360070	03/13/2006	OH	
Dayton Medical Imaging Center 7901 Schatz Pointe Drive Dayton, OH 45459	US1D00231	03/13/2006	OH	
Community Radiology of Virginia 2000 Leatherwood Lane Bluefield, VA 24605	FVA002	03/13/2006	VA	
Bab Radiology-Huntington 75 East Main Street Huntington, NY 11743	W1L612	03/13/2006	NY	
Bab Radiology-Hauppauge 521 Route 111 Suite 312 Hauppauge, NY 11788	W1L601	03/13/2006	NY	
Center for Diagnostic Imaging-37 5775 Wayzata Boulevard #190 St. Louis Park, MN 55416	470000037	03/13/2006	MN	
Center for Diagnostic Imaging 5775 Wayzata Boulevard Suite 190 St. Louis Park, MN 55416	C01307	03/13/2006	MN	
Center for Diagnostic Imaging-Mendota Heights 910 Sibley Memorial Highway Mendota Heights, MN 55118	470000038	03/13/2006	MN	

Huntsville Hospital Imaging Center 1963 Memorial Parkway Huntsville, AL 35801	010039	03/13/2006	AL				
Long Beach PET Imaging Center 2888 Long Beach Boulevard Suite 110 Long Beach, CA 90806	TG167	03/13/2006	CA				
Highway Imaging Associates, LLP 2095 Flatbush Avenue Brooklyn, NY 11234	W10671	03/13/2006	NY				
St. Vincent Hospital PO Box 13508 Green Bay, WI 54307	520075	03/13/2006	WI				
Park South Imaging Center 6215 21st Avenue West #A Bradenton, FL 34209	E1858	03/13/2006	FL				
Mary Bird Perkins Cancer Center 4950 Essen Lane Baton Rouge, LA 70809	57290	03/13/2006	LA				
Boston Diagnostic Imaging 398 Altamonte Drive Altamonte Springs, FL 32701	E3510	03/13/2006	FL				
Sioux Valley Hospital Medical Center 1305 W. 18th Street Sioux Falls, SD 57117	430027	03/13/2000	SD				
Indianapolis Regional PET Scan, LLC 3830 Shore Drive Indianapolis, IN 46254	207260	03/13/2006	IN				
St. Joseph's PET Center 1 Mercy Lane Suite 105 Hot Springs, AR 71913	5C739	03/13/2006	AR				
Hinsdale PET Scan, LLC 812 Ogden Avenue Westmont, IL 60559	206271	03/13/2006	IL				
Del Amo PET Imaging Center 3531 Fashion Way Torrance, CA 90501	TP120	03/13/2006	CA				
North Shore PET Imaging Center 85 Herrick Street Beverly, MA 1915	327110	03/13/2006	MA	Beverly Hospital			
Robert D. Russo & Associates Radiology, PC PO Box 6128 Bridgeport, CT 06606	C02013	03/13/2006	CT				
Advanced Medical Specialties 9035 Sunset Drive Suite 102 Miami, FL 33173	K7806	05/03/2006	FL				
Baptist M & S Imaging Center-Downtown 215 E. Quincy Street #100 San Antonio, TX 78215	FTA078	05/03/2006	TX				
Community Cancer Center 545 W. Umpqua Street Roseburg, OR 97470	R116571	05/03/2006	OR				
Baptist M & S Imaging Center 7888 Fredericksburg Road San Antonio, TX 78228	FTA078	05/03/2006	TX				

Evanston Northwestern Healthcare-Highland Park 757 Park Avenue West Highland Park, IL 60035	14-0010	05/03/2006	IL	
Grenada Diagnostic Radiology 1300 Sunset Drive Suite U Grenada, MS 38901	470000034	05/03/2006	MS	
Huntsman Cancer Hospital 2000 Circle of Hope Suite 2121 Salt Lake City, UT 84112-5550	460009	05/03/2006	UT	
High Tech Medical Park 11800 Southwest Highway Palos Heights, IL 60463	0703070	05/03/2006	IL	
Cyrus Diagnostic Imaging, Inc. 165 Waymont Court Lake Mary, FL 32746	40586	05/03/2006	FL	
Indiana Regional PET Imaging 7891 Broadway Suite A Merrillville, IN 46410	229400	05/03/2006	IN	
Lancaster PET Imaging 2100 Harrisburg Pike Lancaster, PA 17601	054504	05/03/2006	PA	
James PET/CT Imaging Center 236 Doan Hall Columbus, OH 43210	360242	05/03/2006	OH	410 w. 10th Ave
Mary Lanning Memorial Hospital 715 N. St. Joseph Avenue Hastings, NE 68901	280032	05/03/2006	NE	
Maplewood Cancer Center-MOHPA 1580 Beam Avenue Maplewood, MN 55109	C01828	05/03/2006	MN	
Titusville Area Hospital 406 W. Oak Street Titusville, PA 16354	390122	05/03/2006	PA	
Memorial Hospital 325 S. Belmont Street York, PA 17403	390101	05/03/2006	PA	
Mercy Regional Health Center 1823 College Avenue Manhattan, KS 66502	17-0142	05/03/2006	KS	
Northshore Regional PET Scan, LLC 1464 Waukegan Road Glenview, IL 60025	206272	05/03/2006	IL	
Northwest Indiana PET/CT Center 1505 S. Calument Road Suites 7 & 8 Chesterton, IN 46304	229810	05/03/2006	AL	
Parkway Ventures, Inc. 9000 Franklin Square Drive Baltimore, MD 21237	FMN002	05/03/2006	MD	Franklin Square Hospital
PET Fusion Imaging 3707 New Vision Drive Fort Wayne, IN 46845	190320	05/03/2006	IN	
River Oaks Imaging & Diagnostics PO Box 4346 Houston, TX 77210	FTA059	05/03/2006	TX	Dept 848
Regional PET Scan, LLC-Beachwood 2000 Auburn Road Beachwood, OH 44122	REID02211	05/03/2006	OH	

Regional PET Scan, LLC-Fairview 20455 Lorain Road Fairview Park, OH 44126	REID02211	05/03/2006	OH	
Regional PET Scan, LLC-Ridgepark 7575 Northcliff Avenue Brooklyn, OH 44144	REID02211	05/03/2006	OH	
Saint Francis Hospital 114 Woodland Street Hartford, CT 06105	07-0002	05/03/2006	CT	
St Nicholas Hospital 3100 Superior Avenue Sheboygan, WI 53081	520044	05/03/2006	WI	
Swedish Medical Center 501 E. Hampton Avenue Englewood, CO 80113	060034	05/03/2006	CO	
St Bernards PET Center 225 E. Jackson Avenue Jonesboro, AR 72401	5C658	05/03/2006	AR	
Toledo Regional PET Scan, LLC 3442 Granite Circle Toledo, OH 43617	T0ID01881	05/03/2006	OH	
University MRI 3848 F.A.U. Boulevard Suite 200 Boca Raton, FL 33431	E1765	05/03/2006	FL	
Tucson PET Imaging 5355 E. Erickson Drive Tucson, AZ 85712	WCBBM	05/03/2006	AZ	
Via Christi Oklahoma Regional Medical Center 1900 N. 14th Street Ponca City, OK 74601	370006	05/03/2006	OK	
Christian Hospital 11133 Dunn Road St Louis, MO 63136	260180	05/03/2006	MO	
DRA Imaging PC 1 Columbia Street Poughkeepsie, NY 12601	W18691	05/03/2006	NY	
Cleveland Clinic Star Imaging 921 Jasonway Avenue Columbus, OH 43214	34-1932969	05/03/2006	OH	
Norman PET Associates, LLC 3750 W. Robinson Street Suite 130 Norman, OK 73072	900522224	05/03/2006	OK	
Rhode Island PET Services–St. Josephs 200 High Service Avenue N Providence, RI 02904	479003556	05/03/2006	RI	
Rhode Island PET Services-South County Hospital 100 Kenyon Avenue Wakefield, RI 02879	479003556	05/03/2006	RI	
Rhode Island PET Services-Roger Williams 825 Chalkstone Avenue Providence, RI 02908	479003556	05/03/2006	RI	
Rhode Island PET Services-Landmark 115 Cass Avenue Woonsocket, RI 02895	479003556	05/03/2006	RI	
Forest City Diagnostic Imaging 735 Perryville Road Rockford, IL 61107	546450	05/03/2006	IL	Lower Level 2

New England Molecular Imaging-York 15 Hospital Drive York, ME 03909	479003556	05/03/2006	ME	
Pavilion Imaging 750 Wellington Avenue Grand Junction, CO 81502	060023	05/03/2006	CO	
Lifescan Chicago 2242 W. Harrison Street Chicago, IL 600612	470000014	05/03/2006	IL	
Southeast Medical Imaging 300 Evergreen Drive Suite 210 Glen Mills, PA 19342	092801	05/03/2006	PA	
The Western Pennsylvania Hospital 4800 Friendship Avenue Pittsburgh, PA 15224	390090	05/03/2006	PA	
Southtowns PET/CT 550 Orchard Park Road West Seneca, NY 14224	14422A	05/03/2006	NY	
Main Street Radiology-Bayside 44-01 Francis Lewis Boulevard Bayside, NY 11361	04217	05/03/2006	NY	
Main Street Radiology-Bayside 44-01 Francis Lewis Boulevard Bayside, NY 11361	04217A	05/03/2006	NY	
West VA University Center for Advanced Imaging 1 Medical Center Drive Morgantown, WV 26506	9121131	05/03/2006	WV	PO Box 9236, Health Center South
Twin Lakes Medical Specialist, PA 228 Bucher Drive Mountain Home, AR 72653	5B019	05/03/2006	AR	
Valley Metabolic Imaging, LLC 6121 N Thesta Street Fresno, CA 93710	ZZZ23924Z	05/03/2006	CA	Suite 207
Johnson City Medical Center 400 North State of Franklin Johnson City, TN 37642	440063	05/03/2006	TN	
St Louis University Hospital 3665 Vista Avenue St Louis, MO 63110	000050109	05/03/2006	MO	
Margaret R. Pardee Memorial Hospital 800 North Justice Street Hendersonville, NC 28791	340017A	05/03/2006	NC	
Valley Imaging Partnership 1401 W. Merced Avenue #103 West Covina, CA 91790	TP035	05/03/2006	CA	
Sierra Imaging 155 Calle Portal Sierra Vista, AZ 85635	Z68496	05/03/2006	AZ	
Aspirus Wausau Hospital 333 Pine Ridge Boulevard Wausau, WI 54401	520030A	05/03/2006	WI	
Cancer Care Northwest PET Center 910 W 5th Spokane, WA 99204	1922072081	05/03/2006	WA	Suite 130

PET/CT Imaging of North Texas 2900 North I-35 Denton, TX 76201	00088Y	05/03/2006	TX	Suite 119
Loyola University Health System 2160 S. First Avenue Maywood, IL 60153	140276	05/03/2006	IL	
St. Elizabeth Medical Center One Medical Village Drive Edgewood, KY 41017	180035	05/03/2006	KY	
Cleveland Clinic 9500 Euclid Ave Cleveland, OH 44195	9925511	05/03/2006	OH	
Ingalls Family Care Center 6701 159th Street Tinley Park, IL 60477	14-0191	05/03/2006	IL	
PET Fusion Center 4204 Houma Boulevard Metairie, LA 70006	5CB31	05/03/2006	LA	
United Regional Medical Center 1001 McArthur Drive Manchester, TN 37355	440007	05/03/2006	TN	
Joel Bernstein, MD 5395 Ruffin Road Suite 202 San Diego, CA 92123	W18972	05/03/2006	CA	
Hasnat Ahmed, MD 5395 Ruffin Road Suite 202 San Diego, CA 92123	W18370	05/03/2006	CA	
Meridian North Imaging Center 12188 N. Meridian Street Carmel, IN 46280	026010	05/03/2006	IN	Suite 100
Cancer Center Oncology Medical Group 5395 Ruffin Road Suite 202 San Diego, CA 92123	W12245A	05/06/2006	CA	
Firelands Regional Medical Center 1101 Decatur Street Sandusky, OH 44870	360025	05/03/2006	OH	
United Radiology-Greenbelt PO Box 34979 West Bethesda, MD 20827	FMN007	05/03/2006	MD	
Richard Just, MD 5395 Ruffin Road Suite 202 San Diego, CA 92123	W16197	05/03/2006	CA	
Michael Kipper, MD 5395 Ruffin Road Suite 202 San Diego, CA 92123	A24091	05/03/2006	CA	
McLaren Regional Medical Center 401 S. Ballenger Highway Flint, MI 48532	230141	05/03/2006	MI	
United Radiology-Silver Spring PO Box 34979 West Bethesda, MD 20827	FMN007	05/03/2006	MD	

United Radiology-Rockville PO Box 34979 West Bethesda, MD 20827	FMN007	05/03/2006	MD	
St Mary's Health Center 6420 Clayton Road St Louis, MO 63117	260091	05/03/2006	MO	
Bay Regional Medical Center 1900 Columbus Avenue Bay City, MI 48708	230041	05/03/2006	MI	
Lapeer Regional Medical Center 1375 N. Main Street Lapeer, MI 48446	230193	05/03/2006	MI	
Scottsdale Medical Imaging, Ltd.- SW Diagnostics 9003 E. Shea Boulevard Scottsdale, AZ 85260	1902896236	05/03/2006	AZ	
Valley Medical Oncology Consultants, Inc. 3000 Oak Road #111 Walnut Creek, CA 94597	ZZZ29659Z	05/03/2006	CA	
Northwest Community Hospital 800 W Central Road Arlington Heights, IL 60005	36-2340313	05/03/2006	IL	
PET Imaging of Dallas 8333 Douglas Avenue C-20 Dallas, TX 75225	FTN017	05/03/2006	TX	
PET Imaging of Dallas-Northeast 1250 R Northwest Highway Garland, TX 75041	FTN028	05/03/2006	TX	
St Joseph's Regional Medical Center 703 Main Street Paterson, NJ 07503	310019	05/03/2006	NJ	
PET Imaging of Houston 2493-A South Braeswood Houston, TX 77030	FTN010	05/03/2006	TX	
Goshen General Hospital 200 High Park Avenue Goshen, IN 46526	150026	05/03/2006	IN	
PET Imaging of ELMC 8550 West 38th Avenue Suite 102 Wheat Ridge, CO 80033	800665	05/03/2006	CO	
PET Imaging of Houston-Southeast 6021 Fairmont Parkway Suite 120 Pasadena, TX 77505	FTN030	05/03/2006	TX	
Peninsula Imaging, LLC 560 Riverside Drive Suite A104 Salisbury, MD 21801	481L	05/03/2006	AL	
Zwanger-Pesiri 126 Hicksville Road Massapequa, NY 11758	W13931	05/03/2006	NY	
Las Calinas PET Imaging, LLP 1110 Cottonwood Lane Irving, TX 75038	FTN019	05/03/2006	TX	Suite 220
Mt Carmel Regional Medical Center 1102 East Centennial Pittsburg, KS 66762	014041	05/03/2006	KS	
Iowa Blood & Cancer Care, PLC 855 A. Avenue NE Cedar Rapids, IA 52402	I6672	05/03/2006	IA	Medical Office Plaza, LL4
Hackensack University Medical Center 30 Prospect Avenue Hackensack, NJ 07601	310001	05/03/2006	NJ	

McLeod PET Imaging Center 800 East Cheves Street Florence, SC 29501	570370242001	05/03/2006	SC	Suite 170	
St Alexius Medical Center 900 E. Broadway Avenue Bismarck, ND 58506	35-0002	05/03/2006	ND	PO Box 5510	
Center for Diagnostic Imaging 1295 Orange Avenue Winter Park, FL 32789	K0097	05/03/2006	FL		
Charleston Radiologists, PA 9313 Medical Plaza Drive Charleston, SC 29406	1709	05/03/2006	SC	Suite 302	
PET Imaging of Houston-West 9525 Katy Freeway Suite 102 Houston, TX 77024	FTN023	05/03/2006	TX		
University Hospitals of Cleveland 11100 Euclid Avenue Cleveland, OH 44106	36-0137	05/03/2006	OH	Mailstop BSHB5056	
PET Imaging of Sugar Land 17320 W Grand Parkway S. Suite A Sugar Land, TX 77479	FTN027	05/03/2006	TX		
PET Imaging of Oklahoma City 1000 N. Lincoln Boulevard Suite 250 Oklahoma City, OK 73104	800522283	05/03/2006	OK		
PET Imaging of Tulsa 6711 S. Yale, #104 Tulsa, OK 74136	400522320	05/03/2006	OK		
PET Imaging of The Woodlands 3091 College Park Drive Suite 340 The Woodlands, TX 77384	FTN021	05/03/2006	TX		
Tarrant Diagnostic Imaging 1121 8th Avenue Fort Worth, TX 76104	FTN012	05/03/2006	TX		
Wyandot Memorial Hospital 85 North Sandusky Avenue Upper Sandusky, OH 43351	361329	05/03/2006	OH		
Oregon Health & Science University 3181 SW Sam Jackson Park Road Portland, OR 97229	380009	05/03/2006	OR		
Saint John's Health System 2015 Jackson Street Anderson, IN 46016	150088	05/03/2006	IN		
Hudson Valley PET Imaging, LLC 160 North Midland Avenue Nyack, NY 10960	W1L903	05/03/2006	NY		
Kingston Diagnostic Center 167 Schwenk Drive Kingston, NY 12401	W1L921	05/03/2006	NY		
Appleton Medical Center 1818 N. Meade Street Appleton, WI 54911	520160	05/03/2006	WI		
St. Elizabeth Health Center 1044 Belmont Avenue Youngstown, OH 44501	360064	05/03/2006	OH		
Sinai Hospital of Baltimore 2401 West Belvedere Avenue Baltimore, MD 21215	210012	05/03/2006	MD		

Associates in Radiology of Plattsburgh, NY 762 Route 3 Suite 14 Plattsburgh, NY 12901	33572A	05/03/2006	NY					
Affiliated PET Systems- Rockville 9711 Medical Center Drive Rockville, MD 20850	FDNX01	05/03/2006	MD					
Lake Medical Imaging & Breast Center 1400 US Highway 441 North Suite 510 The Villages, FL 32159	59-3522082	05/03/2006	FL					
Affiliated PET Systems-Silver Spring 1400 Forest Glen Road Silver Spring, MD 20910	FDNX01	05/03/2006	MD	Suite 430				
North Texas Clinical PET Institute 3535 Worth Street Suite 150 Dallas, TX 75246	99R339	05/03/2006	TX					
Lake Imaging Center 801 E. Dixie Avenue Suite 104 Leesburg, FL 34748	59-3635297	05/06/2006	FL					
Edwards Comprehensive Cancer Center 1400 Hal Greer Boulevard Huntington, WV 25701	510055	05/03/2006	WV					
Allison Cancer Center 301 North N Street Midland, TX 79701	140414744	05/03/2006	TX					
Clinical PET of Leesburg 8525 US Highway 441 Leesburg, FL 34748	E7179A	05/03/2006	FL					
Greene Medical Imaging, PC 159 Jefferson Heights D-106 Catskill, NY 12414	W25021	05/03/2006	NY					
Caritas PET Imaging, LLC- Norwood Hosp 70 Walnut Street Foxboro, MA 02035	32-7092	05/03/2006	MA	Caritas Norwood Hospital - Foxboro Campus				
Caritas PET Imaging, LLC-New England Medical Center 750 Washington Street Boston, MA 02111	32-7092	05/03/2006	MA	Tufts - New England Medical Center				
Austin, Radiological Assn.-San Marcos 1348 B Highway 123 South San Marcos, TX 78666	74-1597116	05/03/2006	TX					
ARA Imaging-Rock Creek 2120 N Mays, #220 Round Rock, TX 78664	20-1651590	05/03/2006	TX					
ARA Imaging-Southwood 1701 W. Ben White Boulevard, #170 Austin, TX 78704	20-1651590	05/03/2006	TX					

Elkhart General Hospital 600 East Boulevard Elkhart, IN 46514	15-0018	05/03/2006	IN		
Austin, Radiological Assn.-Midtown 1301 W. 38th Street Suite 100 Austin, TX 78705	74-1597116	05/03/2006	TX		
Caritas PET Imaging, LLC-St. Elizabeth's 736 Cambridge Street Boston, MA 02135	32-7092	05/03/2006	MA	St. Elizabeth's Medical Center	
Global PET Imaging, LLC 1800 Hollister Drive Suite G-10 Libertyville, IL 60048	309590	05/03/2006	IL	Grand Oaks Health Center	
Caritas PET Imaging, LLC-Carney Hospital 2100 Dorchester Avenue Dorchester, MA 02124	32-7092	05/03/2006	MA	Caritas Carney Hospital	
Caritas PET Imaging, LLC-Milton Hospital 92 Highland Street Milton, MA 02186	32-7092	05/03/2006	MA		
Caritas PET Imaging, LLC–St. Anne's Hospital 795 Middle Street Fall River, MA 02721	32-7087	05/03/2006	MA	St. Anne's Hospital	
Caritas PET Imaging, LLC-Good Samaritan 235 North Pearl Street Brockton, MA 02301	32-7087	05/03/2006	MA	Caritas Good Samaritan Medical Center	
Panhandle PET Imaging 6700 W. 9th Avenue Amarillo, TX 79106	TFN0007	05/03/2006	TX		
PET Imaging of San Francisco 1700 California Street Suite 480 San Francisco, CA 94109	ZZZ-223-782	05/03/2006	CA		
PET/CT Imaging of Berkeley 2855 Telegraph Avenue Suite 100 Berkeley, CA 94705	ZZZ-288-837	05/03/2006	CA		
Western Maryland Health System-Sacred Heart Campus 902 Seton Drive Cumberland, MD 21502	210027	05/03/2006	MD	Western Maryland Health System-Sacred Heart Campus	
Desert PET Imaging, LLC 1180 N. Indian Cyn Drive Palm Springs, CA 92262	ZZZ28648Z	05/03/2006	CA		
First PET of Stockton 4744 Quail Lake Drive Stockton, CA 95207	00A484230	05/03/2006	CA		
Utah Cancer Specialist 3838 South 700 East Salt Lake City, UT 84106	57172	05/03/2006	UT	Suite 100	
Washington Radiology Associates, PC 2121 K Street, NW Washington, DC 20006	WA409885	05/03/2006	DC	Suite T-120	
New Rochelle Radiology Associates, PC 175 Memorial Highway New Rochelle, NY 10801	W05571	05/03/2006	NY		
North Little Rock PET Associates, LLC 3500 Springhill Drive North Little Rock, AR 72117	5F437	05/03/2006	AR	Suite 100	

Advanced Imaging Concepts, PL 13063 Cortez Boulevard Brooksville, FL 34613	94774	05/03/2006	FL	
Mansfield Imaging Center 536 S. Trimble Road Mansfield, OH 44906	MAD10921	05/03/2006	OH	
West Tennessee Imaging Center 300 Coatsland Drive Jackson, TN 38305	44-0002	05/03/2006	TN	
Imaging Center of North Central Indiana, Inc. 2201 W. Boulevard Kokomo, IN 46902	224110	05/03/2006	IN	
University of Kansas Hospital 3901 Rainbow Boulevard Kansas City, KS 66160	17-00040	05/03/2006	KS	Division of Nuclear Medicine
PET Imaging of SWLA, LLC 600 Bayou Pines East Lake Charles, LA 70601	5CK63	05/03/2006	LA	Suite A
Community Imaging Partners of Frederick 67 Thomas Johnson Drive Frederick, MD 21702	980M	05/03/2006	MD	
Community Imaging Partners of Olney 18111 Prince Phillip Drive #T-20 Olney, MD 20832	409410	05/03/2006	MD	Community Imaging Partners
The West Clinic, PC 100 N. Humphreys Boulevard Memphis, TN 38120	3704066	05/03/2006	TN	
Imaging Central LLC 7111 W. Central Avenue Toledo, OH 43617	IMID01641	05/03/2006	OH	
Advanced Radiology-Dixon 291 Stoner Avenue Westminster, MD 21157	527L	05/03/2006	MD	
Advanced Radiology-Harford Imaging 104 Plumtree Road Bel Air, MD 21015	527L	05/03/2006	MD	Suite 106
Advanced Radiology-Cross Roads 4801 Dorsey Hall Road Ellicott City, MD 21042	527L	05/03/2006	MD	Suite 101
Advanced Radiology-PET Imaging of MD 1700 Reisterstown Road Baltimore, MD 21208	527L	05/03/2006	MD	Suite 119
Cancer & Blood Disease Center 521 N. Lecanto Highway Lecanto, FL 34461	72840	05/03/2006	FL	
Huntington Outpatient Imaging Center, Inc. 800 S. Fairmount Avenue Pasadena, CA 91105	W1575B	05/03/2006	CA	Suite 120
Universal Imaging, Inc. 4600 Investment Drive Troy, MI 48083	ON69130	05/03/2006	MI	
Berger Health System 1170 North Court Street Circleville, OH 43113	360710	05/03/2006	OH	
Contemporary Imaging-Trenton 1676 Fort Street Trenton, MI 48183	0P23200	05/03/2006	MI	
South Tulsa PET, LLC 7712 S. Yale Avenue Tulsa, OK 74136	800522360	05/03/2006	OK	Ste 100

Cancer Center of the Carolinas 200 Andrews Street Greenville, SC 29601	6526	05/03/2006	SC	Suite 100
OSF Saint Francis Medical Center 530 NE Glen Oak Avenue Peoria, IL 61637	14-0067	05/03/2006	IL	
Sacred Heart-St. Mary's Hospitals, Inc. 2251 Northshore Drive Rhinelander, WI 54501	1100700	05/03/2006	WI	
Capital Region Radiation Therapy & Imaging 3400 W. Truman Boulevard Jefferson City, MO 65109	260047	05/03/2006	MO	PO 150832
University PET/CT Imaging 19 Bradhurst Avenue Hawthorne, NY 10532	W2Y371	05/03/2006	NY	Suite 1200
Aztech Radiology-Apache Trail 1840 W. Apache Trail Apache Junction, AZ 85222	Z72398	05/03/2006	AZ	
Aztech Radiology-Casa Grande 1669 E McMurray Boulevard Casa Grande, AZ 85222	Z25341	05/03/2006	AZ	
Missouri Cancer Associates 105 N. Keene Street Columbia, MO 65201	000012700	05/03/2006	MO	Suite 100
White River Medical Center 1710 Harrison Street Batesville, AR 72501	040119	05/03/2006	AR	
Englewood Hospital & Medical Center 350 Engle Street Englewood, NJ 07631	310045	05/03/2006	NJ	
Regional Imaging & Therapeutic Radiology Services 360 Bard Avenue Staten Island, NY 10310	1023095445	05/03/2006	NY	
Rocky Mountain Cancer Centers-South 7951 E. Maplewood Avenue Suite 300 Greenwood Village, CO 80111	204508	05/03/2006	CO	
Rocky Mountain Cancer Centers-North 7951 E. Maplewood Avenue Suite 300 Greenwood Village, CO 80111	204508	05/03/2006	CO	
Molecular Imaging of Hamilton County-Bethesda 4197 Fulton Road NW, Suite C Canton, OH 44718	MOID01221	05/03/2006	OH	
Molecular Imaging of Hamilton County-Good Sam 4197 Fulton Road NW, Suite C Canton, OH 44718	MOID01221	05/03/2006	OH	
Kettering Medical Center 3535 Southern Boulevard Kettering, OH 45429	360079	05/03/2006	OH	
St. Mary's Hospital 5801 Bremo Road Richmond, VA 23226	540793767	05/03/2006	VA	

Columbus Medical Institute of NY 97-85 Queens Boulevard Rego Park, NY 11374	05679	05/03/2006	NY	
Meadville Medical Center 1034 Grove Street Meadville, PA 16335	39-0113	05/03/2006	PA	
Chambersburg Hospital-Radiology 112 North Seventh Street Chambersburg, PA 17201	390151	05/03/2006	PA	
Oregon Advanced Imaging 881 O'Hare Parkway Medford, OR 97504	R114546	05/03/2006	OR	
Singing River Hospital 2809 Denny Avenue Pascagoula, MS 39581	250040	05/03/2006	MS	
East Texas Medical Center-Tyler 1000 S. Beckham Avenue Tyler, TX 75701	4500833	05/03/2006	TX	
Columbia, St. Mary's Hospital 2025 E. Newport Avenue, Columbia Campus Milwaukee, WI 53211	520051	05/03/2006	WI	
Sharon Regional Health System 740 East State Street Sharon, PA 16146	390211	05/03/2006	PA	
Northern Ohio Imaging Center 1900 West River Road Elyria, OH 44035	36-0172	05/03/2006	OH	
Oxford Valley Diagnostic Center 940 Town Center Drive Langhorne, PA 19047	232745550	05/03/2006	PA	Suite F50>
The Emory Clinic 1365 Clifton Road Building C Room Court 048 Atlanta, GA 30322	582030692	05/03/2006	GA	
Alegent Health Bergan Mercy Medical Center 7500 Mercy Road Omaha, NE 68124	280060	05/03/2006	NE	
University Center Imaging 1065 Delaware Avenue Marion, OH 43302	20-3873307	05/03/2006	OH	
Elk Regional Health Center 763 Johnsonburg Road St Mary's, PA 15857	39-0154	05/03/2006	PA	
Health Park Hospital 1636 Higdon Ferry Road Hot Springs, AR 71913	04-0142	05/03/2006	AR	
Johnsonburg Health Center 81 Clarion Road Johnsonburg, PA 15845	39-0104	05/03/2006	PA	
Jane Phillips Medical Center 3500 E. Frank Phillips Boulevard Bartlesville, OK 74006	370015	05/03/2006	OK	
North Main Imaging Center 7650 First Place Suite B Oakwood Village, OH 44146	NEID01521	05/03/2006	OH	
PET Imaging Center of Delaware County-DCMH 501 North Lansdowne Avenue Drexel Hill, PA 19026	390081	05/03/2006	PA	

NEO-PET CRC Imaging 7650 First Place Suite B Oakwood Village, OH 44146	NEID01521	05/03/2006	OH		
PET Imaging Center of Delaware County-Springfield 190 West Sproul Road. Springfield, PA 19064	381080	05/03/2006	PA		
Harper University Hospital 3990 John R Street Detroit, MI 48201	230104	05/03/2006	MI		
Sinai-Grace Hospital 6071 W. Outer Drive Detroit, MI 48235	23-0024	05/03/2006	MI		
Seattle Radiologists APC 1229 Madison Street Seattle, WA 98104	G0001589600	05/03/2006	WA	#900	
Huron Valley-Sinai Hospital 1 William Carl Drive Commerce, MI 48382	23-0277	05/03/2006	MI		
East Memphis PET Imaging 6005 Park Avenue Memphis, TN 38119	3374526	05/03/2006	TN	Suite 101B	
UPMC-PET Imaging Facility 200 Lothrop Street Pittsburgh, PA 15213	390164	05/03/2006	PA	9th Floor B-Wing PUH	
UPMC-PET Imaging Facility 300 Halket Street Pittsburgh, PA 15213	390114	05/03/2006	PA		
Rhode Island Hospital 593 Eddy Street Providence, RI 02903	05-025-8954	05/03/2006	RI		
David C. Pratt Cancer Center 607 South New Bulbs Road St Louis, MO 63141	260020	05/03/2006	MO		
Lewistown Hospital 400 Highland Avenue Lewistown, PA 17044	390048	05/03/2006	PA		
Lawrence Memorial Hospital 325 Maine Street Lawrence, KS 66044	170137	05/03/2006	KS		
Jameson Hospital 1211 Wilmington Avenue New Castle, PA 16105	39-0016	05/03/2006	PA		
Diagnostic Clinic of Houston 1200 Binz Street Houston, TX 77004	76-0203506	05/03/2006	TX		
Arlington Heights Radiology Center, LLC 121 South Wilke Road Arlington Heights, IL 60005	212301	05/03/2006	IL		
Oregon Imaging Center 1200 Hilyard Street Eugene, OR 97401	R0000WCPGH	05/03/2006	OR	#330	
Arlington Heights Radiology Center, LLC 121 South Wilke Road Arlington Heights, IL 60005	212301	05/03/2006	IL		
Indiana Univ Radiology Assoc PET Imaging Center 950 W. Walnut Street Room E124 Indianapolis, IN 46202	959090	05/03/2006	IN		
Morristown Memorial Hospital 100 Madison Avenue Morristown, NJ 07962	310015	05/03/2006	NJ		
Baton Rouge Radiology Group 5422 Dijon Drive Baton Rouge, LA 70808	5B039	05/03/2006	LA		

North Texas PET Imaging 3720 South I-35E Denton, TX 76210	752131429	05/03/2006	TX		
Children's Hospital of Michigan PET Center 3901 Beaubien Street Detroit, MI 48201	23-3300	05/03/2006	MI		
Winchester Medical Center 1840 Amherst Street Winchester, VA 22601	490005	05/03/2006	VA		
Decatur Health Imaging, LLC 1123 16th Avenue SE Decatur, AL 35601	051555161	05/03/2006	AL		
Health Imaging Services, LLC 1760 Warnke Circle NE Cullman, AL 35058	051553273HEA	05/03/2006	AL		
PET/CT Imaging of the Mainline 21 Industrial Boulevard Suite 103 Paoli, PA 19301	097715	05/03/2006	PA		
PET Imaging of Brevard 1430 Pine Street Melbourne, FL 32901	39254	05/03/2006	FL		
North Carolina Baptist Hospital Medical Center Boulevard Winston Salem, NC 27157	34-0047	05/03/2006	NC		
St Francis Hospital 34515 9th Avenue S Federal Way, WA 98003	500108	05/03/2006	WA		
Saint Barnabas Outpatient Center 200 S. Orange Avenue Livingston, NJ 07039	440149	05/03/2006	NJ		
PET/CT Imaging of Ramapa Radiology 972 Route 45 Suite 106 Pomona, NY 10970	W21711	05/03/2006	NY		
Medical University of South Carolina PET/CT 169 Ashley Avenue Charleston, SC 29425	420004	05/03/2006	SC		
Akron General Medical Center 300 Wabash Avenue Akron, OH 44307	36-0027	05/03/2006	OH		
New England Molecular Imaging-Mercy Hospital 144 State Road Portland, ME 04103	NE327075	05/03/2006	ME		
New England Molecular Imaging-Penobscot Bay 6 Glenn Cove Drive Rockport, ME 04856	NE327076	05/03/2006	ME		
Center for Outpatient Services- St. Joseph 3900 Hollywood Road St. Joseph, MI 49085	23-0021	05/03/2006	MI		
New England Molecular Imaging-Central Maine 12 High Street Lewiston, ME 04240	NE327076	05/03/2006	ME		

Imaging Consultants, Inc.-Berkshire 8 Conte Drive Pittsfield, MA 01210	327085	05/03/2006	MA	
Imaging Consultants, Inc.-Boston Medical 840 Harrison Avenue Boston, MA 02118	327083	05/03/2006	MA	
Imaging Consultants, Inc.-Boston PET One Brookline, Place Brookline, MA 02445	327083	05/03/2006	MA	
Baptist Memorial Hospital PET Center 6027 Walnut Grove Road Memphis, TN 38120	44-0048	05/03/2006	TN	
Southern Oklahoma PET/CT Imaging 701 E. Robinson Street Norman, OK 73071	90015477	05/03/2006	OK	
Ann G. Fetters Diagnostic Imaging Center 2151 N. Harbor Boulevard Fullerton, CA 92835	050168	05/03/2006	CA	
Pitt County Memorial Hospital 2100 Stantonsburg Road Greenville, NC 27835	56-0585243	05/03/2006	NC	
Inland Imaging, LLC 105 W. 8th Avenue Spokane, WA 99202	AB01749	05/03/2006	WA	Suite 100C
University of Chicago Hospitals 5758 S. Maryland Avenue Chicago, IL 60637	140088	05/03/2006	IL	Room #0150
Birch Medical Imaging Center 20162 SW Birch Street Newport Beach, CA 92660	W19353	05/03/2006	CA	
Tennessee Oncology PET Services 2018 Murphy Avenue Nashville, TN 37203	3709319	05/03/2006	TN	Suite 200
Tennessee PET Scan 1020 N. Highland Avenue Murfreesboro, TN 37130	3791187	05/03/2006	TN	Suite A
Texas Oncology-Harris Center HEB 1615 Hospital Parkway Bedford, TX 76022	00R66C	05/03/2006	TX	Suite 300
Greater Dayton Cancer Center 3120 Governor's Place Boulevard Kettering, OH 45409	9295791	05/03/2006	OH	
Martha Jefferson Hospital 459 Locust Avenue Charlottesville, VA 22902	490077	05/03/2006	VA	
Modern Diagnostic Imaging 600 S. Dobson Road Chandler, AZ 85224	107628	05/03/2006	AZ	Suite B-16
Christiana Care Nuclear Medicine/PET 4755 Ogletown-Stanton Road Newark, DE 19718	080001	05/03/2006	DE	

Advanced Imaging of Port Charlotte, LLC 2625 Tamiami Trail Port Charlotte, FL 33952	K6802	05/03/2006	FL	Suite 1
St. Joseph's Diagnostic Center-MLK 3003 Martin Luther King, Jr. Boulevard Tampa, FL 33067	97779	05/03/2006	FL	
South Carolina Oncology Associates 166 Stoneridge Drive Columbia, SC 29210	6275	05/03/2006	SC	
South Carolina Oncology Associates 166 Stoneridge Drive Columbia, SC 29210	6276	05/03/2006	SC	
Access Health Imaging 5257 Highway 82, East Lake Village, AR 71653	5M809	05/03/2006	AR	
PET/CT Services of Florida-Beverly Hills 3404 N. Lecanto Highway Beverly Hills, FL 34465	V0103	05/03/2006	FL	Beverly Hills Medical Park
PET/CT Services of Florida-Ocala 1541 SW 1st Avenue Ocala, FL 34474	V0103	05/03/2006	FL	Suite 101B
Blanchard Valley Regional Health Center 145 W. Wallace Street Findlay, OH 45840	360095	05/03/2006	OH	
Papastavros Associates Medical Imaging 1701 Augustine Cut-Off Wilmington, DE 19803	108361556	05/03/2006	DE	
PET Imaging of Willowbrook 13300 Hargrave Road Houston, TX 77070	FTN032	05/03/2006	TX	Suite 130
PET Imaging of Northern Colorado 1915 Wilmington Drive Ft Collins, CO 80528	804621	05/03/2006	CO	Suite 101
Temecula Valley Advanced Imaging 25395 Hancock Avenue Murrieta, CA 92592	ZZZ-150752	05/03/2006	CA	Suite 110
Saint Anthony Memorial Health Center 301 West Homer Street Michigan City, IN 46360	A150015	05/03/2006	IN	
Salina Regional Health Center 400 S. Santa Fe Avenue Salina, KS 67401	170012	05/03/2006	KS	PO Box 5080
Cancer Center of Kansas 818 N. Emporia Street Wichita, KS 67214	110217	05/03/2006	KS	Suite 100
Clinton Crossings Imaging 995 Senator Keating Boulevard Rochester, NY 14618	14439A	05/03/2006	NY	
NSMS-Shelby County 4253 Argosy Court Madison, WI 53714	I16068	05/03/2006	WI	
Verrazano Radiology, PC 256A Mason Avenue Staten Island, NY 10305	200011201	05/03/2006	NY	

Imaging Consultants, Inc.- Brockton Hospital 680 Centre Street Brockton, MA 02301	327085	05/03/2006	MA	
Imaging Consultants, Inc.-Cape Cod 252 Long Pond Drive Harwich, MA 02645	327085	05/03/2006	MA	Fontain Medical Center
Imaging Consultants Inc - Falmouth 100 Ter Hewn Drive Falmouth, MA 02540	327085	05/03/2006	MA	
Imaging Consultants, Inc.- Jordan 275 Sandwich Street Plymouth, MA 02360	327085	05/03/2006	MA	
Imaging Consultants, Inc.- Holyoke 575 Beech Street Holyoke, MA 01040	327085	05/03/2006	MA	
Imaging Consultants, Inc.-Mercy Medical 271 Carew Street Springfield, MA 01089	327085	05/03/2006	MA	
Imaging Consultants, Inc.- Lawrence Memorial 170 Governors Avenue Medford, MA 02155	327083	05/03/2006	MA	
Imaging Consultants, Inc.-Metro West 115 Lincoln Street Framingham, MA 01701	327083	05/03/2006	MA	
Imaging Consultants, Inc.- Milford 14 Prospect Street Milford, MA 01757	327085	05/03/2006	MA	
Imaging Consultants, Inc.- Quincy 114 Whitwell Street Quincy, MA 02196	327083	05/03/2006	MA	
Imaging Consultants, Inc.-Saints Memorial 2 Hospital Drive Lowell, MA 01852	327083	05/03/2006	MA	
Imaging Consultants, Inc.- Truesdale 1030 Presidents Avenue Fall River, MA 02720	327085	05/03/2006	MA	
Imaging Consultants, Inc.-Twin City 76 Summer Street Fitenburg, MA 01420	N/A	05/03/2006	MA	
Imaging Consultants, Inc.- Worcester 20 Worcester Center Boulevard Worcester, MA 01608	327085	05/03/2006	MA	
Sentara Mobile PET/CT- Careplex 5900 Lake Wright Drive Suite B Norfolk, VA 23502	250605	05/04/2006	VA	
Sentara Mobile PET/CT-Lake Wright 5900 Lake Wright Drive Suite B Norfolk, VA 23502	250605	05/04/2006	VA	
Sentara Mobile PET/CT- Princess Anne 5900 Lake Wright Drive Suite B Norfolk, VA 23502	250605	05/04/2006	VA	

Sentara Mobile PET/CT-Williamsburg 5900 Lake Wright Drive Suite B Norfolk, VA 23502	250605	05/04/2006	VA	
Memorial Hospital of South Bend 615 N. Michigan Street South Bend, IN 46601	150058	05/04/2006	IN	
NSMS-Belleville, IL 4253 Argosy Court Madison, WI 53714	208196	05/04/2006	WI	
NSMS-Flora, IL 4253 Argosy Court Madison, WI 53714	208196	05/04/2006	WI	
NSMS-Breese, IL 4253 Argosy Court Madison, WI 53714	208196	05/04/2006	WI	
SSM DePaul Health Center 12303 DePaul Drive St Louis, MO 63044	260104	05/04/2006	MO	
Lutheran Hospital 7950 W. Jefferson Boulevard Fort Wayne, IN 46804	150017	05/11/2006	IN	
Memorial MRI and Diagnostic 1346 Campbell Road Houston, TX 77055	00941U	05/11/2006	TX	
Shields Imaging of Eastern Mass 55 Fogg Road Weymouth, MA 2190	327088	05/11/2006	MA	
Baystate MRI and Imaging Center 3300 Main Street Springfield, MA 1107	327039	05/11/2006	MA	
Advanced Imaging Center 16110 Jog Road, 200 Delray Beach, FL 33446	U2049	05/11/2006	FL	
UMASS Memorial MRI and Imaging Center 214 Shrewsburg Street Worcester, MA 1604	327040	05/11/2006	MA	
RCOA Imaging Services 1108 Minnequa Avenue Pueblo, CO 81004	475748	05/11/2006	CO	
Adventist Health PET/CT-Hanford 450 N. Greenfield Avenue Hanford, CA 93230	ZZZ318852	05/11/2006	CA	
Adventist Health PET/CT-Feather River 5974 Pertz Road Paradise, CA 95969	ZZZ318852	05/11/2006	CA	
Adventist Health PET/CT-Sonora 1000 Greenley Road Sonora, CA 95370	ZZZ318852	05/11/2006	CA	
Sarasota Memorial PET 5350 University Parkway Sarasota, FL 34238	U1775	05/11/2006	FL	
Adventist Health PET/CT-Redbud 18th Ave. at Highway 53 PO Box 6710 Clear Lake, CA 95422	ZZZ318852	05/11/2006	CA	
Adventist Health PET/CT-St. Helena 10 Woodland Road St. Helena, CA 94574	ZZZ318852	05/11/2006	CA	
Adventist Health PET/CT-Ukiah 275 Hospital Drive Ukiah, CA 95482	ZZZ318852	05/11/2006	CA	

Mease Outpatient Imaging 1840 Mease Drive Safety Harbor, FL 34685	100265	05/11/2006	FL		Yagnesh Oza, MD 4117 Velerous Memorial Drive Mt Vernon, IL 62864	212702	05/12/2006	IL	
Bardmoor Outpatient Center 8787 Bryan Dairy Road Largo, FL 33777	00594C	05/11/2006	FL		Moffitt Cancer Center 12902 Magnolia Drive Tampa, FL 33612	100271	05/12/2006	FL	
Trinity Outpatient Center 2102 Trinity Oaks Boulevard New Port Richey, FL 34655	00594D	05/11/2006	FL		PrimeMed Imaging 5 Morgan Highway Suite 7 Scranton, PA18505	260	05/12/2006	PA	Morgan Medical Complex
Walnut Creek Imaging Center 114 La Casa Via, #200 Walnut Creek, CA 94598	ZZZ13902Z	05/11/2006	CA		Rockville PET Imaging, PC 119 North Park Avenue Rockville Centre, NY 11570	WTC601	05/12/2006	NY	Suite 101
Carlisle Imaging Center 1240 S. Ft. Harrison Clearwater, FL 33756	594	05/11/2006	FL		Porter Adventist Hospital 2525 South Downing Street Denver, CO 80210	60064	05/12/2006	CO	
Valley Radiology Imaging at Samaritan 2581 Samaritan Drive, #100 San Jose, CA 95124	ZZZ1398851Z	05/11/2006	CA		Rapid City Regional Hospital Medical Imaging Services 353 Fairmont Boulevard Rapid City, SD 57701	43007	05/12/2006	SD	
Forest Hills PET Imaging 102-02 Queens Boulevard Forest Hills, NY 11375	06998G	05/11/2006	NY		Advanced Radiolgy Consultants 56 Quarry Road Trumbull, CT 06611	C02747	05/12/2006	CT	
Roper LowCountry PET Imaging Center 316 Calhoun Street Charleston, SC 29401	Q326280001	05/11/2006	SC		Northeastern PA Imaging Center 2601 Stafford Avenue Scranton, PA 18505-0305	475385	05/12/2006	PA	PO BOX 3305
Premier PET Imaging of NJ 119 Cherry Hill Road Parsippany, NJ 07054	68433	05/11/2006	NJ	Suite 100	Billings MRI Center 1041 North 29th Street Billings, MT 59101-1075	81030	05/12/2006	MT	
Methodist Medical Center of Illinois 221 NE Glen Oak Avenue Peoria, IL 61636	370661223	05/11/2006	IL		Aurora St. Luke's Medical Center 2900 W. Oklahoma Avenue Milwaukee, WI 53215	520138	05/12/2006	WI	Nuclear Medicine Department
Medical Imaging of Baltimore 6715 N. Charles Street Baltimore, MD 21204	258L	05/12/2006	MD						

Memorial & St. Elizabeth's Healthcare Services, LLC 4000 N. Illinois Lane Swansea, IL 62226	201339	05/12/2006	IL	PET/CT Imaging Center
Palm Beach Cancer Institute- West Palm Beach 1309 North Flagler Drive West Palm Beach, FL 33401- 2710	34754	05/12/2006	FL	
Overlook Hospital 99 Beauvoir Avenue Summit, NJ 07902	8772966189	05/12/2006	NJ	
Ashland Bellefonte Cancer Center 122 Saint Christopher Drive Ashland, KY 41101	2150	05/12/2006	KY	
Bryn Mawr Imaging Center 101 S. Bryn Mawr Avenue Bryn Mawr, PA 19010	473120	05/12/2006	PA	
Oncology Alliance 1055 N. Mayfair Road Suite 100 Wauwatosa, WI 53220	32836000	05/12/2006	WI	
Shared PET Maimonides 6300 Eighth Avenue Brooklyn, NY 11220	97Z661	05/12/2006	NY	
Hoboken Radiology, LLC 79 Hudson Street Suite 100 Hoboken, NJ 07030	80395	05/12/2006	NJ	
Akron City Hospital 525 E. Main Street Akron, OH 44309	360020	05/12/2006	OH	
Park Avenue Radiologists, PC 525 E. Main Street Rome, GA 30165	W21771	05/12/2006	NY	
Comprehensive Blood & Cancer Center 6501 Truxtun Avenue Bakersfield, CA 93309	zzz238732	05/12/2006	CA	
Rome Imaging Center 309 West 10th Street Rome, GA 30165	GRP1221	05/12/2006	GA	
Hawaii PET Imaging 2230 Liliha Street Honolulu, HI 96817	54537	05/12/2006	HI	
Imaging Consultants, Inc. at Henry Heywood Hospital 242 Green Street Gardner, MA 01440	327085	05/12/2006	MA	
Imaging Consultants, Inc. at Nashoba Valley Medical Center 200 Groton School Road Ayer, MA 01432	327085	05/12/2006	MA	
Rhode Island PET Services at Memorial Hospital 111 Brewster Street Pawtucket, RI 2860	479003556	05/12/2006	RI	
Osceola Cancer Center 737 W. Oak Street Kissimmee, FL 34741	1629034202	05/12/2006	FL	
Valley Radiologists, Ltd.-Paseo II Office 5605 W. Eugie Avenue Suite 110 Glendale, AZ 85304	1902896236	06/13/2006	AZ	
Southeast GYN, Oncology PET 5210 Belfort Road Suite 130 Jacksonville, FL 32256	45542	06/13/2006	FL	

The Johns Hopkins PET Center 600 N. Wolfe Street Baltimore, MD 21287	210009	06/13/2006	MD	Nelson Basement
Maklansky, Grunter, Kurzban, Cohen, Zimmer, Hyman 165 East 84th Street New York, NY 10028	W20393	06/13/2006	NY	
Methodist Medical Center of Illinois 112 Crescent Avenue Peoria, IL 61636	370661223	06/13/2006	IL	
Phoebe Putney Memorial Hospital 417 Third Avenue PO Box 1828 Albany, GA 31702-1828	110007	06/13/2006	GA	
Eiber Radiology/PET Premier Imaging 21 West 49th Street Hialeah, FL 33012	k3166	06/13/2006	FL	
Botsford Hospital 28050 Grand River Avenue Farmington Hills, MI 48336	230151	06/13/2006	MI	
Middletown Regional Hospital 105 McKnight Drive Middletown, OH 45044	360076	06/13/2006	OH	
Waukesha Memorial Hospital 725 American Avenue Waukesha, WI 53188	390910727	06/13/2006	WI	
Battle Creek Health System 300 North Avenue Battle Creek, MI 49016	230075	06/13/2006	MI	
Orlando Regional Medical Center 1414 Kuhl Avenue Orlando, FL 32806	100006	06/13/2006	FL	
NorthEast Medical Center 1065 NorthEast Gateway Court NE Concord, NC 28025	340001	06/13/2006	NC	
Premier Medical Imaging 7651 Stagers Loop Delaware, OH 43015	9912921	06/13/2006	OH	
Advanced Radiolgy Consultants 15 Corporate Drive Trumbull, CT 6611	C02747	06/13/2006	CT	
Advance PET Imaging 23 Technology Drive East Setauket, NY 11733	46a401	06/13/2006	NY	
Premier PET Imaging of Wichita 500 S. Main Street Suite B Wichita, KS 67202	110682	06/13/2006	KS	
Health Center Northwest 320 Sunnyview Lane Kalispell, MT 59901	270087	06/13/2006	MT	
Olympic Medical Center 844 N. 5th Avenue Sequim, WA 98382	500072	06/13/2006	WA	
Premier PET Imaging of Jacksonville 5210 Belfort Road Suite 130 Jacksonville, FL 32256	K3166	06/13/2006	FL	
PET/CT Imaging of San Jose 2211 Moorpark Avenue Suite 220 San Jose, CA 95128	ZZZ19866Z	06/13/2006	CA	

The Reading Hospital and Medical Center 6th and Spruce Streets West Reading, PA 19611	390044	06/13/2006	PA	
Julia Rackley Perry Memorial Hospital 530 Park Avenue East Princeton, IL 61356	141337	06/13/2006	IL	
Ashland Bellefonte Cancer Center 122 Saint Christopher Drive Ashland, KY 41101	2150	06/13/2006	KY	
Tower Imaging BBD 14231 Bruce B Down Boulevard Tampa, FL 33613	169	06/13/2006	FL	
VyMed Diagnostic Imaging Tampa, LLC 10010 N. Dale Mabry Suite 160 Tampa, FL 33618	U4068	06/13/2006	FL	
Texas Oncology Cancer Center Sugar Land 1350 First Colony Boulevard Sugar Land, TX 77479	00073F	06/13/2006	TX	
Samaritan North Health Center 9000 N. Main Street Dayton, OH 45415	360052	06/13/2006	OH	
The PET Center of Oxford 1612 US Highway 78 East Suite 102 Oxford, AL 36203	51554888	06/13/2006	AL	
Shared PET Mem Lighthouse 6901 N. Main Street Granger, IN 46530	232800	06/13/2006	IN	
Shared PET Hope Cancer Center 3702 South Fourth Street Terre Haute, IN 47802	201320	06/13/2006	IN	
Athens Regional Medical Center 1199 Prince Avenue Athens, GA 30606	110074	06/13/2006	GA	
Muskogee PET & Nuclear Imaging 3300 Chandler Road Suite #106 Muskogee, OK 74403	400522529	06/13/2006	OK	
Lubbock Imaging Center 4011 19th Street Lubbock, TX 79410	00027K	06/13/2006	TX	
Memorial Medical Center 701 N. First Street Springfield, IL 62781	140148	06/13/2006	IL	
Hamamatsu/Queen's PET Imaging Center 1301 Punchbowl Street Honolulu, HI 96813		06/13/2006	HI	
Aurora BayCare Medical Center 2845 Greenbrier Road Green Bay, WI 54308	520193	06/13/2006	WI	
Medical Center of Plano 3901 W. 15th Street Plano, TX 75002	450651	06/13/2006	TX	
Carolinas Medical Center 1000 Blythe Boulevard Charlotte, NC 28203	340113	06/13/2006	NC	
Redwood Regional Medical Group d.b.a. Santa Rosa Radiology 121 Sotoyome Street Santa Rosa, CA 95405	680344865	06/13/2006	CA	
Boone Hospital Center 1600 East Broadway Columbia, MO 65201	260068	06/13/2006	MO	

River Radiology 45 Pine Grove Avenue Kingston, NY 12401	W30681	06/13/2006	NY	
University of Washington Medical Center 1959 NE Pacific Street Seattle, WA 98195	142700	06/13/2006	WA	
Mid American Imaging-Salem 1987 E. 4th Street Salem, OH 44460	ID00804	06/13/2006	OH	
Piedmont Medical Center 222 S. Herlong Avenue Rock Hill, SC 29732	420002	06/13/2006	SC	
Alliance Imaging-Sparks 1311 South I Street Fort Smith, AR 72817	5F463	06/13/2006	AR	
Radiology Imaging Associates 1825 SE Tiffany Avenue Suite 104 Port St. Lucie, FL 34952	52	06/13/2006	FL	
Mount Sinai Medical Center One Gustave L. Levy Place New York, NY 10029	H23620	06/13/2006	NY	
NSMS-Ottawa, IL 4253 Argosy Court Madison, WI 53714	208196	06/13/2006	WI	
Center for Diagnostic Imaging 1550 E. Chestnut Avenue Vineland, NJ 08360	53290	06/13/2006	NJ	Bldg 4 Suite A
St. Mary Mercy Hospital-Livonia 36475 Five Mile Road Livonia, MI 48154	230002	06/13/2006	MI	
Harold Leever Regional Cancer 1075 Chase Parkway Waterbury, CT 06708	470000025	06/13/2006	CT	
Kentucky Metabolic Imaging 2425 Regency Road Suite B Lexington, KY 40503	9366001	06/13/2006	KY	
Western Baptist Hospital 2501 Kentucky Avenue Paducah, KY 42001	180104	06/13/2006	KY	
St. Anthony Regional Hospital 311 South Clark Street Box 628 Carroll, IA 51401	1720067127	06/13/2006	IA	
Alliance Imaging-Sequoia Hospital 170 Alameda De Las Pulgas Redwood City, CA 94062	ZZZZ28890Z	06/13/2006	CA	
Craven Regional Medical Center 2000 Neuse Boulevard New Bern, NC 28560	340131	06/13/2006	NC	
Alliance Imaging-Tri City Medical Center 4002 Vista Way Oceanside, CA 92056	TG281C	06/13/2006	CA	
Alliance Imaging-Yavapai Del Webb Outpatient Center Prescott Valley, AZ 86314	76103	06/13/2006	AZ	3262 Windsong Drive
Saint Vincent's Comprehensive Cancer Center 325 West 15th Street New York, NY 10011	330290	06/13/2006	NY	
Alliance Imaging-Southwest Medical Imaging 3104 Stockton Hill Road Kingman, AR 86401	76103	06/13/2006	AZ	
Alliance Imaging-North Idaho Imaging 700 Ironwood Drive Coeur d'Alene, ID 93814	1790291	06/13/2006	ID	

Froedtert Hospital 9200 W. Wisconsin Avenue Milwaukee, WI 53226	520177	06/13/2006	WI	
Alliance Imaging-Flagstaff Medical Center 1200 N. Beaver Street Flagstaff, AZ 86001	71855	06/13/2006	AZ	
South Florida Oncology and Hematology Consultants 4850 W. Oakland Park Boulevard Lauderdale Lakes, FL 33313	33873	06/13/2006	FL	Suite A
Alliance Imaging-Sierra Vista 300 El Camino Real Sierra Vista, AZ 85635	71855	06/13/2006	AZ	
Alliance Imaging-St. Joseph Eureka 2700 Dolbeer Street. Eureka, CA 95501	zzz23046z	06/13/2006	CA	
Alliance Imaging-Corvallis Clinic 3680 NW Samaritan Drive Corvallis, OR 97330	132104	06/13/2006	OR	
Bridgeport Hospital 267 Grant Street Bridgeport, CT 06610	70010	06/13/2006	CT	
Valley Radiologists, Ltd.-Paseo II Office 5605 W. Eugie Avenue Glendale, AZ 85304	1902896236	06/13/2006	AZ	Suite 110
Central Texas Medical Center 1301 Wonder World Drive San Marcos, TX 78666	450272	06/13/2006	TX	
Alliance Imaging-Verde Valley Medical Center 269 S. Candy Lane Cottonwood, AZ 86326	76103	06/13/2006	AZ	
Alliance Imaging-Union Hospital Cecil 106 Bow Street Elkton, MD 21821	FMN008	06/13/2006	MD	
St. Joseph Mercy Hospital -Ann Arbor 5301 E. Huron River Road Ann Arbor, MI 48106	230156	06/13/2006	MI	
Alliance Imaging-Navapache 2200 E. Show Low Lake Show Low, AZ 85901	76103	06/13/2006	AZ	
St. Clare Medical Center 1710 Lafayette Road Crawfordsville, IN 17933	150022	06/13/2006	IN	
Boynton Beach EFL Imaging Center, LLC 2300 S. Congress Avenue Boynton Beach, FL 33426	272376000	06/13/2006	FL	#105
Aurora Medical Center Oshkosh 855 N. Westhaven Drive Oshkosh, WI 54904	590198	06/13/2006	WI	
Southeast GYN, Oncology PET 5210 Belfort Road Jacksonville, FL 32256	45542	06/13/2006	FL	Suite 130

Stockton MRI & Molecular Imaging Medical Center 2320 N. California Street #2 Stockton, CA 95219	ZZZ290872	06/13/2006	CA	
South Texas Cancer Center 2150 N. Expressway 83 Brownsville, TX 78521	14041756	06/13/2006	TX	
Southwest Cancer Care Medical Group 5395 Ruffin Road San Diego, CA 92123	W4957B	06/13/2006	CA	#202
Radiology Associates of Venice and Englewood, PA 512-516 S. Nokomis Avenue Venice, FL 34285	99390	06/13/2006	FL	
Langlade Memorial Hospital Oncology 112 E. 5th Avenue Antigo, WI 54409	521350	06/13/2006	WI	
RCOA Imaging Services 305 South 5th Street Enid, OK 73701	400522301	06/13/2006	OK	
North Shore Hematology Oncology Associates, PC 235 N. Belle Mead Road East Setauket, NY 11733	W04051	06/13/2006	NY	
Providence Holy Cross Imaging Center 26357 McBean Parkway Suite 155 Santa Clarita, CA 91355	TP129	06/13/2006	CA	
Alaska Open Imaging Center, LLC 6911 DeBarr Road Anchorage, AK 99504	K153149	06/13/2006	AK	
Temecula Valley Nuclear Medicine 25485 Medical Center Drive Murrieta, CA 92562	00A417170	06/13/2006	CA	Suite 102
Hematology Oncology Assoc. of the Treasure Coast 1801 SE Hillmoor Drive Port Saint Lucie, FL 34952	40806	06/13/2006	FL	Suite B-107 (Mobile)
The Center for Cancer and Blood Disorders 800 W. Magnolia Avenue Fort Worth, TX 76104	00L79L	06/13/2006	TX	
Alliance Imaging-South Coast Medical Center 31872 Pacific Coast Highway Laguna Beach, CA 92651	TG281B	06/13/2006	CA	
The Medical Center at Bowling Green 250 Park Street Bowling Green, KY 42101	180013	06/13/2006	KY	PET/CT Center
Johns Hopkins Bayview Medical Center 4940 Eastern Avenue Baltimore, MD 21224	210029	06/13/2006	MD	Imaging Department-Nuclear Medicine
University of Michigan, Department of Radiology 1500 E. Medical Center Drive Ann Arbor, MI 48109	230046	06/13/2006	MI	Box 0028, B1H418 University Hospital
Carmichael Imaging, LLC 4147 Carmichael Road Montgomery, AL 36106	51551742	06/13/2006	AL	
Clearfield Hospital 809 Turnpike Avenue Clearfield, PA 16830	390052	06/13/2006	PA	
Clinical Pet of Hernando 4003 Mariner Boulevard Spring Hill, FL 34609	V2683	06/13/2006	FL	

Booth Radiology 105 Kings Way W. Hurffville-Crosskeys Road Sewell, NJ 08080	39460	06/13/2006	NJ	
Clinical PET of Zepherhills 38044 Daughtery Road Zephyrhills, FL 33542	E7179B	06/13/2006	FL	
Radiology & Diagnostic Imaging 2200 East Parrish Avenue Owensboro, KY 42303	3641	06/13/2006	KY	Building D
Santa Monica Bay Physicians 12524 W. Washington Boulevard Los Angeles, CA 90066	W14560	06/13/2006	CA	
Missouri Baptist Medical Center 3023 N. Ballas Road. St. Louis, MO 63141	260108	06/13/2006	MO	Suite 150, Building D
Radiology Associates of Tallahassee, PA 1600 Phillips Road Tallahassee, FL 32308	60	06/13/2006	FL	
Pacific Imaging-Oakland 3200 Telegraph Avenue Oakland, CA 94609	1265480099	06/13/2006	CA	
Medical Group of North County 5395 Ruffin Road #202 San Diego, CA 92123	W11609	06/13/2006	CA	#202
Somerset Community Hospital 225 South Center Avenue Somerset, PA 15501	390039	06/13/2006	PA	
Elmbrook Memorial Hospital 19333 W. North Avenue Brookfield, WI 53045	520170	06/13/2006	WI	
San Luis Diagnostic Medical Associates 1100 Monterey Street San Luis Obispo, CA 93401	W14221	06/13/2006	CA	Suite 210
Cancer Care Centers of S.Texas, PA (New Braunfels) 1448 Common Street New Braunfels, TX 78130	00U40Q	06/13/2006	TX	
Cancer Care Centers of S.Texas, PA (San Antonio) 8109 Fredericksburg Road San Antonio, TX 78229	00U40Q	06/13/2006	TX	
Cancer Care Centers of S.Texas, PA (Kerrville) 694 Hill Country Drive Kerrville, TX 78028	00U40Q	06/13/2006	TX	
San Antonio Molecular Imaging SAMI 9102 Floyd Curl Drive San Antonio, TX 78240	FTN025	06/13/2006	TX	Suite 193
Pacific Medical Imaging and Oncology Center, Inc. 707 South Garfield Avenue Alhambra, CA 91801	W19267	06/13/2006	CA	Suite B-001
Northern IL Cancer Treatment Center 327 IL Route 2 Dixon, IL 61021	210699	06/13/2006	IL	
Cancer Care Center 2210 Green Valley Road New Albany, IN 47150	243690	06/13/2006	IN	Suite 1
Northeast Radiology 3839 Danbury Road Brewster, NY 10509	1134118607	06/13/2006	NY	

New England PET Imaging System 70 East Street Methuen, MA1844	M20762	06/13/2006	MA	
Southeast Texas PET Imaging 690 North 14th Street Beaumont, TX 77702	0004CC	06/13/2006	TX	
Sun City West PET Scan 14418 W. Mecker Boulevard Sun City West, AZ 85374	102496	06/13/2006	AZ	Suite 105
Butler Memorial Hospital 911 East Brady Street Butler, PA 16001	390168	06/13/2006	PA	
Diagnos, Inc., d.b.a. Diagnos PET/CT Imaging 2000 North Loop West Houston, TX 77018	fmx11	06/13/2006	TX	Suite 100
Alliance Imaging-Washington Hospital 38950 Civic Center Drive Fremont, CA 94538	ZZZ28890Z	06/13/2006	CA	
Providence Saint Joseph Hospital 201 S. Buena Vista Street Burbank, CA 91505	50235	06/13/2006	CA	#125
Alliance Imaging-Centinela Freeman 333 Prairie Avenue Inglewood, CA 90301	TG281	06/13/2006	CA	
Alliance Imaging-Corona Regional Hospital 800 S. Main Street Corona, CA 91720	ZZZ23042Z	06/14/2006	CA	
Alliance Imaging-St. Mary's Regional Medical Center 235 W. 6th Street Reno, NV 89503	37860	06/14/2006	NV	235 W. 6th Street
Alliance Imaging-Downey Regional Medical Center 11500 Brookshire Avenue Downey, CA 90241	TG490	06/14/2006	CA	
Alliance Imaging-Visalia Medical Clinic 5400 W. Hillsdale Drive Visalia, CA 93291	ZZZ23046Z	06/14/2006	CA	
Alliance Imaging-Anaheim Memorial Medical Center 1111 W. La Palma Avenue Anaheim, CA 92801	TD017C	06/14/2006	CA	Anaheim Memorial Medical Center
Glendale Diagnostic Imaging Network Medical Office 403 South Glendale Avenue Glendale, CA 91205	W19100	06/14/2006	CA	
Advanced Imaging at Baybrook 11 Murray Street Glens Falls, NY 12801	33554a	06/14/2006	NY	
Elizabethtown Hematology-Oncology PLC 1107 Woodland Drive Elizabethtown, KY 42701	3638	06/14/2006	KY	Suite 105
Northern Arizona Radiology 77 W. Forest Avenue Suite 101 Flagstaff, AZ 86001	WCGJX	06/14/2006	AZ	
Suburban Imaging-Coon Rapids 8990 Springbrook Drive Suite 140 Coon Rapids, MN 55433	3087	06/14/2006	MN	
Covenant Medical Center 200 East Ridgeway Avenue Waterloo, IA 50702	421264647	06/14/2006	IA	

Mayo Clinic Rochester 10 3rd Avenue NW Rochester, MN 55905	1922074434	06/14/2006	MN	Charlton Building
Thousand Oaks Diagnostic Imaging Center 2180 Lynn Road Thousand Oaks, CA 91360	TP118	06/14/2006	CA	
InnerVision Advanced Medical Imaging 3801 Amelia Avenue Lafayette, IN 47905	167840	06/14/2006	IN	
UT-M. D. Anderson Cancer Center-PET Facility 1220 Holcombe Boulevard Houston, TX 77030	450076	06/14/2006	TX	ACB 6th Floor
Emory University Hospital 1364 Clifton Road, NE Atlanta, GA 30322	110010	06/14/2006	GA	Rm. E121 Nuclear Medicine/PET
Glendale MRI Institute 624 S. Central Avenue Glendale, CA 91204	HW9951	06/14/2006	CA	
Princeton Radiology 9 Centre Drive Jamesburg, NJ 08831	526492	06/14/2006	NJ	
Caromont Imaging Services 620 Summit Crossing Place Gastonia, NC 28054	340032	06/14/2006	NC	Suite 106
North Central Imaging 155 Sonterra Boulevard Suite 100 San Antonio, TX 78258	00867N	06/14/2006	TX	
Robert L. B. Tobin Diagnostic Imaging Center 7979 Wurzbach Drive Suite U113 San Antonio, TX 78229	00867N	06/14/2006	TX	
Edwards Comprehensive Cancer Center 1400 Hal Greer Boulevard Huntington, WV 25701	510055	06/14/2006	WV	
Home Hospital GLHS 2400 South Street Lafayette, IN 47904	150109	06/14/2006	IN	
St. Luke's North PET 153 Brodhead Road Bethlehem, PA 18017	390049	06/14/2006	PA	
Alamance Regional Medical Center 1240 Huffman Mill Road Burlington, NC 27216-0202	340070	06/14/2006	NC	PO Box 202
Verrazano Radiology 256 Mason Avenue Staten Island, NY 10305	1698	06/14/2006	NY	
Total Imaging Sun City 3862 Sun City Center Sun City Center, FL 33571	U4840	06/14/2006	FL	
Ortonville Area Health Services 450 Eastvold Avenue Ortonville, MN 56278	241342	06/14/2006	MN	
Merle West Medical Center 2865 Daggett Avenue Klamath Falls, OR 97601	380050	06/14/2006	OR	
Elite Imaging, LLC 2845 Aventura Boulevard Aventura, FL 33180	K3535	06/14/2006	FL	Suite 145

St. Mary Centralia 400 N. Pleasant Avenue Centralia, IL 62801	140034	06/14/2006	IL		
North Texas Regional Cancer Center 3705 W. 15th Street. Plano, TX 75075	00543K	06/14/2006	TX		
Centegra Health System 4201 Medical Center Drive McHenry, IL 60050	140116	06/14/2006	IL		
Boston Diagnostic Imaging 398 East Altamonte Drive Altamonte Springs, FL 32701	77022	06/14/2006	FL		
William W. Backus Hospital 326 Washington Street Norwich, CT 06360	70024	06/14/2006	CT		
NSMS-Sparta, IL 4253 Argosy Court Madison, WI 53714	208196	06/14/2006	WI		
LaPorte Hospital & Healthcare Services 1007 Lincolnway LaPorte, IN 46350	150006	06/14/2006	IN		
Skagit Valley Hospital 1415 E. Kincaid Street Mt. Vernon, WA 98273	500003	06/14/2006	WA		
Alliance Imaging-Fairfield Hospital 303 NW 11th Street Fairfield, IL 62837	213393	06/14/2006	IL		
Anderson Hospital 6800 State Route 162 Maryville, IL 62062	212761	06/14/2006	IL		
Alliance Imaging-Dean 1313 Fish Hatchery Road Madison, WI 53715	92170	06/14/2006	WI		
Alliance Imaging-Research 2316 E. Meyer Boulevard Kansas City, MO 64112	9004263A	06/14/2006	MO		
Alliance Imaging- St. Joseph 1000 Carondelet Drive Kansas City, MO 64114	9004263A	06/14/2006	MO		
Beebe Health Campus, d.b.a. Beebe Medical Center 18941 John J. Williams Highway Rehoboth, DE 19971	80007	06/14/2006	DE		
Medical Outsourcing Services, LLC 1200 Maple Road Joliet, IL 60432	211223	06/14/2006	IL		
Silver Spring Radiology 10801 Lockwood Drive Silver Spring, MD 20901	FDX009	06/14/2006	MD	STE 170	
New England PET of Greater Lowell 295 Varnum Avenue Lowell, MA 01854	327080	06/14/2006	MA		
Stanford University 900A Blake Wilbur Drive Stanford, CA 94305	50441	06/14/2006	CA		
Medical Outsourcing, Services, LLC 3333 W. DeYoung Street Marion, IL 62959	211224	06/14/2006	IL		

Medical Outsourcing Services, LLC 1700 Clinton Street Muskegon, MI 49443	230066	06/14/2006	MI	
Medical Outsourcing Services, LLC 1001 Bellefontaine Avenue Lima, OH 45807	MEID02391	06/14/2006	OH	
Golf Diagnostic Imaging Center 9680 Golf Road Des Plaines, IL 60016	378810	06/14/2006	IL	
Medical Outsourcing Services, LLC 2816 South Ellis Avenue Chicago, IL 60616	211222	06/14/2006	IL	
Medical Outsourcing Services, LLC 1100 E. Norris Drive Ottawa, IL 61350	211224	06/14/2006	IL	
Medical Outsourcing Services, LLC 111 E. Spring Street Streator, IL 61364	211224	06/14/2006	IL	
Mansfield Imaging Center 536 S. Trimble Road Mansfield, OH 44906	MAD10921	06/14/2006	OH	Suite A
Manhattan Diagnostic Radiology 400 East 66th Street New York, NY 10021	W23211	06/14/2006	NY	
Riverside Walter Reed Hospital 7519 Hospital Drive Gloucester, VA 23061	490130	06/14/2006	VA	
Good Shepherd Hospital 450 West Highway 22 Barrington, IL 60010	140291	06/14/2006	IL	
Alliance Imaging-Presbyterian Intercomm Hospital 12401 Washington Boulevard Whittier, CA 90602	TG281A	06/14/2006	CA	Presbyterian Intercommunity Hospital
Altru Hospital 1200 S. Columbia Road. Grand Forks, ND 58201	350019	06/14/2006	ND	
Mid American Imaging-Union Hospital 659 Boulevard Street Dover, OH 44622	ID00805	06/14/2006	OH	
Gundersen Clinic 1900 South Avenue Lacrosse, WI 54601	34217	06/14/2006	WI	
University of Minnesota Medical Center, Fairview 500 Harvard Street, SE Box 292 Minneapolis, MN 55455	C02390	06/14/2006	MN	
The Christ Hospital 2139 Auburn Avenue Cincinnati, OH 45219	360163	06/14/2006	OH	
West Michigan Cancer Center 200 N. Park Street Kalamazoo, MI 49007	0N66660	06/14/2006	MI	
Cyrus Diagnostic Imaging, Inc. 165 Waymont Court Lake Mary, FL 32746	40586	06/14/2006	FL	
Cancer Centers of Florida 1561 West Fairbanks Avenue Winter Park, FL 32789	K1833	06/14/2006	FL	

Cedars-Sinai Medical Center 8700 Beverly Boulevard Adler-Nail PET Center Los Angeles, CA 90048	951644600	06/14/2006	CA	S. Mark Taper Foundation Imaging Center
Cancer Centers of Florida 52 West Gore Street Orlando, FL 32806	K1833	06/14/2006	FL	
Cancer Centers of Florida 1111 Blackwood Avenue Ocoee, FL 34761	K1833	06/14/2006	FL	
Mt. Clemens Regional Medical Center 1000 Harrington Street Mt. Clemens, MI 48043	230227	06/14/2006	MI	
Truxtun Radiology Medical Group, LP 1818 16th Street Bakersfield, CA 93301	ZZZ2521 3Z	06/14/2006	CA	
Medical Outsourcing Services, LLC 1515 North Madison Avenue Anderson, IN 46011	223260	06/14/2006	IN	
Medical Outsourcing Services, LLC 1215 Franciscan Drive Litchfield, IL 62056	211224	06/14/2006	IL	
Piedmont Medical Center 1968 Peachtree Road, NW Atlanta, GA 30305	110083	06/14/2006	GA	
Medical Outsourcing Services, LLC 1400 West Park Street Urbana, IL 61801	211224	06/14/2006	IL	
Central Indiana PET, LLC 8301 Harcourt Road Suite 100 Indianapolis, IN 46260	201930	06/14/2006	IN	
Medical Outsourcing Services, LLC 812 North Logan Avenue Danville, IL 61832	211224	06/14/2006	IL	
Queens Medical Imaging, PC 69-15 Austin Street Forest Hills, NY 11375	1023011285	06/14/2006	NY	
NYOH PET/CT Imaging 43 New Scotland Avenue Albany, NY 12208	56917A	06/14/2006	NY	
Conroe Regional Medical Center 504 Medical Center Boulevard Conroe, TX 77304	450222	06/14/2006	TX	
Northeast Georgia Health System, Inc. Northeast Georgia Medical Center; 743 Spring Street Gainesville, GA 30501	110029	06/14/2006	GA	
Texas Oncology, PA-Mckinney 4510 Medical Center Drive Mckinney, TX 75069	00543K	06/14/2006	TX	#215

Medical Outsourcing Services, LLC 7150 Clearwater Drive Indianapolis, IN 46256	223260	06/14/2006	IN	
Medical Outsourcing Services, LLC 1402 East County Line Road Indianapolis, IN 46227	223260	06/14/2006	IN	
Texas Cancer Center-Sherman 2800 Highway 75 North Sherman, TX 75090	00543K	06/14/2006	TX	
Medical Outsourcing Services, LLC 120 Ralston Avenue Defiance, OH 43512	MEID02391	06/14/2006	OH	
Medical Outsourcing Services, LLC 2400 N. Rockton Avenue Rockford, IL 61103	211224	06/14/2006	IL	
Arlington Cancer Center 906 W. Randol Mill Road Arlington, TX 76012	00LK20	06/14/2006	TX	
Jupiter Medical Center 2055 Military Trail Jupiter, FL 33458	100253	06/14/2006	FL	
Cheyenne Radiology Group and MRI, PC 2003 Bluegrass Circle Cheyenne, WY 82009	W309142	06/14/2006	WY	
Hunterdon Imaging, PA 2100 Wescott Drive MRI Suite Flemington, NJ 08822	714119	06/14/2006	NJ	
Medical Outsourcing Services, LLC 200 Berteau Avenue Elmhurst, IL 60126	211223	06/14/2006	IL	
Magnolia Regional Center 611 Alcorn Drive Corinth, MS 38834	250009	06/14/2006	MS	
Monroe Clinic 515 22nd Avenue Monroe, WI 53566	520028	06/14/2006	WI	
Jupiter Hematology-Oncology Associates 345 Jupiter Lakes Boulevard Jupiter, FL 33458	34922	06/14/2006	FL	Ste.100
Southwest Regional Cancer Center 901 West 38th Street Austin, TX 78705	0080BY	06/14/2006	TX	
Positron Imaging Of Austin 6101 Balcones Drive Austin, TX 78731	00538K	06/14/2006	TX	
Southern Ocean County Hospital 1140 Route 72 West Manahawkin, NJ 08050	310113	06/14/2006	NJ	Radiology
Medical Outsourcing Services, LLC 9830 S. Ridgeland Road Chicago Ridge, IL 60145	211222	06/14/2006	IL	
Medical Outsourcing Services, LLC 430 West Votaw Street Portland, IN 47374	223260	06/14/2006	IN	

Saint Agnes Medical Center 1303 E. Herndon Avenue Fresno, CA 93720	50093	06/14/2006	CA	
Central Physicians Imaging 100 Southland Drive Lexington, KY 40503	9375001	06/14/2006	KY	Suite B
NEA Medical Center 3024 Stadium Boulevard Jonesboro, AR 72401	1386699353	06/14/2006	AR	
Northgate Medical Imaging, LLC 807 Northgate Boulevard New Albany, IN 47150	1205894235	06/14/2006	IN	
Ball Memorial Hospital 2401 University Avenue Muncie, IN 47303	150089	06/14/2006	IN	
The MRI Center 5200 Harroun Road Sylvania, OH 43560	360074	06/14/2006	OH	Flower Hospital
St. Joseph Regional Health Center 2801 Franciscan Drive Bryan, TX 77802	450011	06/14/2006	TX	
Steinberg Diagnostic (SDMI) 2850 Siena Heights Henderson, NV 89052	WCHCC	06/14/2006	NV	
Raritan Bay Medical Center 1 Hospital Plaza Old Bridge, NJ 08857	310039	06/14/2006	NJ	
MRI Center-St. Anne Mercy Hospital 3404 W. Sylvania Avenue Toledo, OH 43623	360262	06/14/2006	OH	
MRI Center-St. Charles Mercy Hospital 2600 Navarre Avenue Oregon, OH 43616	360081	06/14/2006	OH	
MRI Center-St. Luke's Hospital 2901 Monclova Road Maumee, OH 43537	360090	06/14/2006	OH	
MRI Center-St. Vincent Medical Center 2213 Cherry Street Toledo, OH 43608	360112	06/14/2006	OH	
MRI Center- Toledo Hospital 2142 N. Cove Boulevard Toledo, OH 43606	360068	06/14/2006	OH	
McAlester Regional Health Center One Clark Bass Boulevard McAlester, OK 74501	370034	06/14/2006	OK	
Express Imaging Center, Ltd. 1987 West Fourth Street Mansfield, OH 44906	9299151	06/14/2006	OH	Suite A
Mercy Regional Medical Center 375 East Park Avenue Durango, CO 81301	60013	06/14/2006	CO	
Texas Oncology-Longview Cancer Center PET 1300 N. Fourth Street Longviews, TX 75601	00T35E	06/14/2006	TX	
UNC Hospitals 101 Manning Drive Chapel Hill, NC 27514	3400610	06/14/2006	NC	PET Department. Basement W/C Hospital

DeKalb Medical Center-Diagnostic Imaging Center 2701 North Decatur Road Decatur, GA 30033	110076	06/14/2006	GA	
Long Island Pet Imaging 6 Ohio Drive Lake Success, NY 11042	W4921	06/14/2006	NY	Suite 101
Vanderbilt University Medical Center 1161 21st Avenue South Nashville, TN 37232	3284867	06/14/2006	TN	Building 1251 RRB
Medical Outsourcing Services, LLC 1800 E. Lakeshore Drive Decatur, IL 62521	211224	06/14/2006	IL	
New York PET and CTA Imaging Center 7404 5th Avenue Brooklyn, NY 11209	1083680003	06/14/2006	NY	
Mercy Medical Center-North Iowa 1000 4th Street SW Mason City, IA 50401	160064	06/14/2006	IA	
Lawrence and Memorial Hospital 365 Motauk Avenue New London, CT 06320	70007	06/14/2006	CT	
Superior Medical Diagnostics II, LLC 235 Franklin Avenue Nutley, NJ 07110	68423	06/14/2006	NJ	
Oncology Specialists, S.C. 7900 N. Milwaukee Avenue Niles, IL 60714	587940	06/14/2006	IL	Suite 16
Hahnemann University Hospital Broad & Vine, MS300 Philadelphia, PA 19102	390290	06/14/2006	PA	
Shrewsbury Diagnostic Imaging, LLC 1131 Broad Street Shrewsbury, NJ 07702	24021	06/14/2006	NJ	Suite 110
Medical Outsourcing Services, LLC 500 West Court Street Kankakee, IL 60901	211224	06/14/2006	IL	
Forsyth Medical Center 3333 Silas Creek Parkway Winston Salem, NC 27103	3400014	06/14/2006	NC	
Medical Outsourcing Services, LLC 500 John Deere Road Moline, IL 61265	211224	06/14/2006	IL	
Medical Outsourcing Services, LLC 836 W. Wellington Avenue Chicago, IL 60657	211222	06/14/2006	IL	
Medical Outsourcing Services, LLC 1600 West Walnut Jacksonville, IL 62650	211224	06/14/2006	IL	
Medical Outsourcing Services, LLC 1600 23rd Street Bedford, IN 47471	223260	06/14/2006	IN	
Medical Outsourcing Services, LLC 1500 North Ritter Avenue Indianapolis, IN 46219	223260	06/14/2006	IN	

Medical Outsourcing Services, LLC 1221 N. Highland Aurora, IL 60506	211223	06/14/2006	IL	
Medical Outsourcing Services, LLC 1000 Lincoln Health Center Drive Mattoon, IL 61938	211224	06/14/2006	IL	
Salinas Valley Memorial Healthcare System 450 E. Romie Lane Salinas, CA 93901	50334	06/14/2006	CA	
Bridgeport Hospital 267 Grant Street Bridgeport, CT 06610	70010	06/14/2006	CT	
MRIGP, Inc., d.b.a. Advanced Medical Imaging Diamond H. 2490 W 26th Avenue Suite 20A Denver, CO 80211	H8808	06/14/2006	CO	
RCHO PET Imaging 5120 Belfort Boulevard Suite 130 Jacksonville, FL 32256	40259	06/14/2006	FL	
Presbyterian Hospital 200 Hawthorne Lane Charlotte, NC 28204	560554230	06/14/2006	NC	
Eisenhower Imaging Center 39000 Bob Hope Drive Rancho Mirage, CA 92210	ZZZ91572Z	06/14/2006	CA	Lower Level Lucy Curci Cancer Center
Mississippi Baptist Medical Center 501 Marshall Street Jackson, MS 39202	250102	06/14/2006	MS	
Texas Oncology-South Texas Cancer Center 2121 Pease Street Suite 101 Harlingen, TX 78550	14041756	06/14/2006	TX	Texas Oncology-South Texas Cancer Center
Valley Radiologists, Ltd.-Paseo II Office 5605 W. Eugie Avenue Suite 110 Glendale, AZ 85304	WCFHS	06/14/2006	AZ	
Good Samaritan Hospital 400 15th Avenue SE Puyallup, WA 98372	500079	06/14/2006	WA	
St. John's Mercy Hospital 851 5th Street Washington, MO 63090	260052	06/14/2006	MO	
Memorial Hermann The Woodlands OPID 9200 Pinecroft Drive Suite 100 The Woodlands, TX 77380	741152597	07/14/2006	TX	
St. Luke's Hospital 232 South Wood's Mill Road Chesterfield, MO 63017	260179	07/14/2006	MO	
Lake Vista Cancer Center 2790 Lake Vista Drive Lewisville, TX 75067	00543K	07/14/2006	TX	
Palms Imaging Medical Group, Inc. 1901 Outlet Center Drive Oxnard, CA 93036	W19564	07/14/2006	CA	
Houston Medical Imaging, LLC 3310 Richmond Avenue Houston, TX 77006	00137K	07/14/2006	TX	

Alliance Imaging-West Anaheim Medical Center 3033 W. Orange Avenue Anaheim, CA 92804	TD017	07/14/2006	CA	
Winthrop PET Imaging Center 222 Station Plaza North Suite 140 Mineola, NY 11501	330167	07/14/2006	NY	
Greenville Hospital System University Medical Center 701 Grove Road Greenville, SC 29605	420078	07/14/2006	SC	
High Field Open MRI 1895 Jefferson Road Rices Landing, PA 15357	7885	07/14/2006	PA	
PET/CT Center at St. Anthony's POB 1201 5th Avenue North St. Petersburg, FL 33705	E5753	07/14/2006	FL	Suite 100
Texas Oncology-Deke Slayton Cancer Center 501 Medical Center Webster, TX 77598	00t40e	07/14/2006	TX	
Invision North Florida Outpatient Imaging Center 6605 NW 9th Boulevard Gainesville, FL 32609	E4639	07/14/2006	FL	
Memorial Hospital of Union County 500 London Avenue Marysville, OH 43040	360092	07/14/2006	OH	
Texas Oncology/South Texas Cancer Center-McAllen 1901 S. 2nd Street McAllen, TX 78503	00N39J	07/14/2006	TX	
Baylor Medical Center at Irving 1901 North MacArthur Boulevard Irving, TX 75061	450079	07/14/2006	TX	
Providence Park Hospital 47601 Grand River Avenue Novi, MI 48374	230019	07/14/2006	MI	
Texas Oncology-Abilene 1957 Antilley Road Abilene, TX 79606	140414748	07/14/2006	TX	
St. Anthony Hospital 1000 North Lee Street Oklahoma City, OK 73101	370037	07/14/2006	OK	
Rice Memorial Hospital 301 Becker Avenue SW Willmar, MN 56201	240088	07/14/2006	MN	
LDS Hospital Nuclear Medicine 8th Avenue & C Street Salt Lake City, UT 84143	460010	07/14/2006	UT	
RMG First & Laurel Imaging Center 2466 First Avenue San Diego, CA 92101	W14057	07/14/2006	CA	
RMG Gardenview Imaging Center 1200 Gardenview Road Encinitas, CA 92024	W14057F	07/14/2006	CA	Suite 110
Decatur County Memorial Hospital 720 North Lincoln Street Greensburg, IN 47240	150062	07/14/2006	IN	
Midland Imaging Center 5001 Andrews Highway Midland, TX 79703	00U75H	07/14/2006	TX	

Advanced Imaging, LLC 3433 NW 56th C-10 Oklahoma City, OK 73112	400522379	07/14/2006	OK		
University of Iowa Hospitals and Clinics 200 Hawkins Drive Iowa City, IA 52242	160058	07/14/2006	IA		
AZ Oncology Associates PET/CT & CT Imaging Center 2070 W. Rudasill Road Tucson, AZ 85704	25291	07/14/2006	AZ	Suite 110	
Medical Diagnostic Imaging 14 Raymond Avenue Poughkeepsie, NY 12603	EEN841	07/14/2006	NY		
Shore Memorial Hospital 10085 William F. Bernart Circle Nassawadox, VA 23413	540560500	07/14/2006	VA		
Deaconess Hospital 600 Mary Street Evansville, IN 47747	150082	07/14/2006	IN		
Great Neck Imaging, PC 907 Northern Boulevard Great Neck, NY 11021	1487646311	07/14/2006	NY		
FMH Rosc Hill 1562 Opossumtown Pike Frederick, MD 21702	KP72	07/14/2006	MD		
Oakwood Annapolis Hospital 33155 Annapolis Road Wayne, MI 48184	230142	07/14/2006	MI		
The Regional Cancer Center 2500 West 12th Street Erie, PA 16505	140052	07/14/2006	PA		
Meritcare Hospital 801 North Broadway Fargo, ND 58122	350011	07/14/2006	ND		
Community Hospitals and Wellness Centers 433 W. High Street Bryan, OH 43506	360121	07/14/2006	OH		
Sacred Heart Hospital 900 W. Clairemont Avenue Eau Claire, WI 54701	520013	07/14/2006	WI		
Via Radiology-Meridian Pavilion 11011 Meridian Avenue North #101 Seattle, WA 98133	8859612	07/14/2006	WA		
Medical Outsourcing Services, LLC 2200 Market Street Charlestown, IN 47111	223260	07/14/2006	IN		
Allegheny General Hospital 320 East North Avenue Pittsburgh, PA 15232	60503	07/14/2006	PA	Division of Nuclear Medicine	
Texas Oncology-12th Avenue 1001 W. 12th Avenue Fort Worth, TX 76104	00R66C	07/14/2006	TX		
Southwest Fort Worth Cancer Center 6500 Harris Parkway Fort Worth, TX 76132	00R66C	07/14/2006	TX		
St. Rita's Medical Center 730 W. Market Street Lima, OH 45801	360066	07/14/2006	OH		
New Mexico Oncology Hematology Consultants, Ltd. 4901 Lang Avenue NE Albuquerque, NM 87109	850367056	07/14/2006	NM		
Emory Eastside Medical Center 545 Old Norcross Road Lawrenceville, GA 30045	110192	07/14/2006	GA	Suite 200	

Riverside Regional Medical Center 500 J. Clyde Morris Boulevard Newport News, VA 23601	490052	07/14/2006	VA	
Connecticut Oncology & Hematology 220 Kennedy Drive Torrington, CT 06790	C00633	07/14/2006	CT	
Chilton Memorial Hospital 97 West Parkway Pompion Plains, NJ 07444	310017	07/14/2006	NJ	
Riverside Diagnostic Center Williamsburg 120 Kings Way Williamsburg, VA 23188	490052	07/14/2006	VA	
Lawrence County MRI & Diagnostic Imaging Center 2526 Wilmington Road New Castle, PA 16105	68617	07/14/2006	PA	
Joint Township District Memorial Hospital 200 St. Clair Street Saint Marys, OH 45885	360032	07/14/2005	OH	
Radiation Therapy Regional Centers 3680 Broadway Fort Myers, FL 33901	77215	07/14/2006	FL	
Graduate Hospital 1800 Lombard Street Philadelphia, PA 19146	390285	07/14/2006	PA	One Graduate Hospital
Columbia Diagnostic Center 1111 Paulison Avenue Clifton, NJ 07015	94729	07/14/2006	NJ	
The Nebraska Medical Center 4250 Dewey Avenue Omaha, NE 68113	280013	07/14/2006	NE	
Memorial Hermann Memorial City OPID 925 Gessner Road Houston, TX 77024	741152597	07/14/2006	TX	
Clifton Springs Hospital and Clinic 2 Coulter Road Clifton Springs, NY 14432	330265	07/14/2006	NY	
Monongalia General Hospital 1200 J. D. Anderson Drive Morgantown, WV 26505	510024	07/14/2006	WV	Monongalia General Hospital
Providence Portland Medical Center 4805 NE Glisan Street Portland, OR 97213	380061	07/14/2006	OR	
Highfield Open MRI, Inc. 995 GreenTree Road Pittsburgh, PA 15220	7885	07/14/2006	PA	
Providence St. Vincent Medical Center 9205 SW Barnes Road Portland, OR 97225	380004	07/14/2006	OR	
Conway Regional Imaging Center 2120 Robinson Avenue Conway, AR 72034	40029	07/14/2006	AR	
Martin Memorial Medical Center 300 Hospital Avenue Stuart, FL 34994	100044	07/14/2006	FL	
Northwest Medical Foundation of Tillamook 1000 Third Street Tillamook, OR 97141	381317	07/14/2006	OR	Tillamook County General Hospital
O'Connor Hospital 2105 Forest Avenue San Jose, CA 95128-1471	50153	07/14/2006	CA	

Midtown Imaging, LLC-Wellington 440 N. State Road 7 Wellington, FL 33411	E9133	07/14/2006	FL	
Midtown Imaging, LLC-Jupiter 345 Jupiter Lakes Boulevard Jupiter, FL 33458	E9133	07/14/2006	FL	Suite 100
MMI/Mid Coast Hospital 51 US Route 1 Scarborough, ME 04074	327079	07/14/2006	ME	Suite O
Molecular Imaging Institute 5349 Commerce Boulevard Crown Point, IN 46307	192870	07/14/2006	IN	
RCOA Imaging Services 11937 US Highway 271 Tyler, TX 75708	FTN022	07/14/2006	TX	
MMI/Maine Medical Center 51 US Route 1 Scarborough, ME 4074	327079	07/14/2006	ME	Suite O
Radiology, Ltd. 4640 East Camp Lowell Drive Tucson, AZ 85712	WCBBM	07/14/2006	AZ	
Intermed Oncology Associates, S.C. 6701 159th Street Tinley Park, IL 60477	610860	07/14/2006	IL	
Lakes Radiology 450 Canisteo Street Hornell, NY 14843	1710937727	07/14/2006	NY	
Opelousas PET/CT Imaging Center 3975 I-49 South Service Road Suite 100 Opelousas, LA 70570	5DA11	07/14/2006	LA	
Florida Cancer Institute-BRK 7154 Medical Center Drive Spring Hill, FL 34608	1427017326	08/07/2006	FL	
Capital Health System 446 Belleview Avenue Trenton, NJ 08618	310044	08/07/2006	NJ	
Hudson Valley Diagnostic Imaging, PLLC 575 Hudson Valley Avenue New Windsor, NY 12553	WBH241	08/07/2006	NY	
St Joseph's Hospital 3200 Pleasant Valley Road West Bend, WI 53095	520063	08/07/2006	WI	
Atlantic Medical Imaging 30 East Maryland Avenue Somers Point, NJ 08244	101024	08/07/2006	NJ	
Providence Imaging Center 3340 Providence Drive Anchorage, AK 99508	2085R0202X	08/07/2006	AK	
Rochester Radiology Associates, PC 1277 Portland Avenue Rochester, NY 14621	199726	08/07/2006	NY	
Melbourne Internal Medicine Associates 1132 South Hickory Street Melbourne, FL 32901	77167	08/07/2006	FL	
Highline Imaging, LLC 275 SW 160th Street Seattle, WA 98166	8801784	08/07/2006	WA	
Tyler PET 415 South Fleishel Avenue Tyler, TX 75702	752131429	08/07/2006	TX	
Lake City Medical Center 340 NW Commerce Drive Lake City, FL 32055	100156	08/07/2006	FL	

Blount Memorial Hospital 907 East Lamar Alexander Boulevard Maryville, TN 37804	440011	08/07/2006	TN	
Texas Cancer Center Mesquite 4700 North Galloway Mesquite, TX 75150	R339	08/07/2006	TX	
Rutland Regional Medical Center: Diagnostic Imaging 160 Allen Street Rutland, VT 05701	470005	08/07/2006	VT	
MDMED, Inc. 155 Calle Portal Suite 700 Sierra Vista, AZ 85635	Z68496	08/07/2006	AZ	
Atlantic Medical Imaging Wall Township 2399 North Highway 34 Manasquan, NJ 08736	101024	08/07/2006	NJ	Ramshorn Executive Centre Bldg B
Newport Imaging Center 455 Old Newport Road Suite 101 Newport Beach, CA 92660	W10829	08/07/2006	CA	
Cancer Care and Hematology Specialists(CCHSC) 8915 West Golf Road Niles, IL 60714-05825	355030	08/07/2006	IL	
Hematology Oncology Associates of Illinois (HOAI) 715 West North Avenue Melrose Park, IL 60160	218860	08/07/2006	IL	
Princeton Community Hospital 122 12th Street Ext Princeton, WV 24740	510046	08/07/2006	WV	PO Box 1369
TRICAT, LLC at Edison 3830 Park Avenue Edison, NJ 08820	27193	08/07/2006	NJ	Suite 102
Olathe Medical Center 20333 W. 151st Street Olathe, KS 66061	170049	08/07/2006	KS	
St. Joseph Hospital 1140 West La Veta Avenue Orange, CA 92868	50069	08/07/2006	CA	2nd Floor Nuclear Medicine
Baptist Health Medical Center 9601 I630, Exit 7 Little Rock, AR 72205-7299	40114	08/07/2006	AR	
Florida Cancer Specialists 3840 Broadway Fort Myers, FL 33901	1225064520	08/07/2006	FL	
Pacca PET Imaging 5210 Belfort Road Suite 130 Jacksonville, FL 32256	37572	08/07/2006	FL	
National PET Scan Palm Beach, LLC 16110 Jog Road Delray Beach, FL 33484	1164452405	08/07/2006	FL	Suite 200
Central Memphis Regional PET Imaging Center, LLC 1388 Madison Avenue Memphis, TN 38104	1295719110	08/07/2006	TN	
Johnston Memorial Hospital 351 Court Street NE Abingdon, VA 24210	490053	08/07/2006	VA	
Lenox Hill Hospital 100 East 77th Street New York, NY 10021	131624070	08/07/2006	NY	
Mercy Medical Center 411 Laurel Street Suite 2310 Des Moines, IA 50314	160083	08/07/2006	IA	

New Orleans Regional PET Center, LLC 3434 Prytania Street Suite 120 New Orleans, LA 70115	1538143474	08/07/2006	LA	
Indiana Regional Medical Center PET Imaging 835 Hospital Road Indiana, PA 15701	390173	08/07/2006	PA	PO Box 788
Mid American-Defiance Clinic 1400 E. Second Street Defiance, OH 43512	ID00809	08/07/2006	OH	
Total Imaging Robertson 737 West Brandon Boulevard Brandon, FL 33511	k7282	08/07/2006	FL	
New Tampa Imaging Center 14302 N. Bruce B. Downs Boulevard Tampa, FL 33613	k57209	08/07/2006	FL	
Summit Imaging 12037 Cortez Boulevard Brooksville, FL 34613	40986	08/08/2006	FL	
University of NM Cancer Research & Treatment Center 900 Caminodey Salud NE Albuquerque, NM 87131	400521103	08/08/2006	NM	
Alliance Imaging-Los Alamitos Med Center 3751 Katella Avenue Los Alamitos, CA 90720	TD017	08/08/2006	CA	
NYU Clinical Cancer Center, Diagnostic Imaging 160 E. 34th Street New York, NY 10016	W1L361	08/08/2006	NY	2nd Floor
Margaret Mary Community Hospital 321 Mitchell Avenue Batesville, IN 47006	151329	08/08/2006	IN	
Quantum PET-Apple Hill 37 Monument Road York, PA 17403	40635	08/08/2006	PA	
Memorial Hospital 1204 N. Mound Street Nacogdoches, TX 75961	450508	08/08/2006	TX	
BMH-DeSoto 7601 Southcrest Parkway Southaven, MS 38671	250141	08/08/2006	MS	
Riverside Medical Center 300 Bourbonnais Campus Bourbonnais, IL 60914	140186	08/08/2006	IL	Riverside Medical Center

UCSD Center for Molecular Imaging 11388 Sorrento Valley Road Suite 100 San Diego, CA 92121	TG302	08/08/2006	CA	
Imaging Partners at Valley, LLC 400 South 43rd Street Renton, WA 98055	AB38657	08/08/2006	WA	Olympic Building
El Paso Cancer Treatment Center 7848 Gateway East Boulevard El Paso, TX 79915	00543K	08/08/2006	TX	
Desert Radiologists 3930 S. Eastern Avenue Las Vegas, NV 89119	VWCCBT	08/08/2006	NV	
Saint Joseph Hospital 2900 North Lake Shore Drive Chicago, IL 60068	140224	08/08/2006	IL	
Midstate Medical Center 435 Lewis Avenue Meriden, CT 06451	60646715	08/08/2006	VT	
Brookville Hospital 100 Hospital Road Brookville, PA 15825	391312	08/08/2006	PA	
Suntree Diagnostic Center 6300 N. Wickham Road Suite 101 Melbourne, FL 32940	701	08/08/2006	FL	
Virginia Mason Medical Center 1100 Ninth Avenue Seattle, WA 98101	500005	08/08/2006	WA	
Van Wert County Hospital 1250 South Washington Street Van Wert, OH 45891	360071	08/08/2006	OH	
Manhasset Diagnostic Imaging, PC 1350 Northern Boulevard 2nd Floor Manhasset, NY 11030	W14841	08/08/2006	NY	
Southern New Mexico Cancer Center 150 Road Runner Parkway Las Cruces, NM 88011	752131429	08/08/2006	NM	
Davis Memorial Hospital Gorman Avenue and Reed Street Elkins, WV 26241	510030	08/08/2006	WV	Gorman Avenue
Advocate Good Samaritan Hospital 3815 Highland Avenue Downers Grove, IL 60515	140288	08/08/2006	IL	
Benefis Healthcare 1101 26th Street South Great Falls, MT 59405	270012	08/08/2006	MT	
Fort Walton Beach Medical Center 1032 Mar Walt Drive Fort Walton Beach, FL 32547	100223	08/08/2006	FL	
Blessing Hospital PO Box #7005 Quincy, IL 62305	140015	08/08/2006	IL	
Alliance Imaging-Allen County Hospital 101 South 1st Street Iola, KS 53808	130656	08/08/2006	KS	

Florida Cancer Institute-NPR 8763 River Crossing Boulevard New Port Richey, FL 34655	1427017326	08/08/2006	FL	
Kimball Medical Center 600 River Avenue Lakewood, NJ 08701	315084	08/08/2006	NJ	
Radiology Imaging Associates at Heritage 8926 Woodyard Road Clinton, MD 20735	521454775	08/08/2006	MD	Suite 502
Immanuel Medical Center 6901 North 72nd Street Omaha, NE 68122	280081	08/08/2006	NE	
North Fork Radiology 1333 Roanoke Avenue Riverhead, NY 11901	w11401	08/08/2006	NY	
South County PET Imaging, LLC 10010 Kennerly Road St. Louis, MO 63128	93053	08/08/2006	MO	
Carolinas Hospital System 805 Pamplico Highway Florence, SC 29505	621587267	08/08/2006	SC	
Radiology Associates of San Luis Obispo 522 E. Plaza Drive Santa Maria, CA 93454	GR0009774	08/08/2006	CA	
Florida Cancer Specialists-Port Charlotte 22395 Edgewater Drive Port Charlotte, FL 33980	1225064520	08/08/2006	FL	
Florida Cancer Specialists-Venice 901 South Tamiami Trail Venice, FL 34285	1225064520	08/08/2006	FL	
Florida Cancer Specialists-Bradenton 6001 21st Avenue West Bradenton, FL 34209	1225064520	08/08/2006	FL	
Nebraska Methodist Hospital 8303 Dodge Street Omaha, NE 68114	280040	08/08/2006	NE	
PET/CT Center of Richardson 399 Melrose Drive Richardson, TX 75080	1740207539	08/08/2006	TX	Suite A
Molecular Imaging at Sequoia Imaging Center 4949 W. Cypress Avenue Visalia, CA 93277	ZZZ27463Z	08/08/2006	CA	
Central Jersey Radiologists 2128 Kings Highway Oakhurst, NJ 07755	527995	08/08/2006	NJ	
Claxton-Hepburn Medical Center 214 King Street Ogdensburg, NY 13669	330211	08/08/2006	NY	
Memorial Hermann Southeast 11800 Astoria Boulevard Houston, TX 77089	741152597	08/08/2006	TX	

NSMS-Pine Bluff, AR 4253 Argosy Court Madison, WI 53714	5f168	08/08/2006	WI	
Yuma Regional Medical Center 2400 S. Avenue A Yuma, AZ 85364	866007596	08/08/2006	AZ	
Carle Clinic 1702 S. Mattis Avenue Champagne, IL 61820	371188284	08/08/2006	IL	
North Shore-LIJ Center for Advanced Medicine 450 Lakeville Road Lake Success, NY 11042	330106	08/08/2006	NY	North Shore-LIJ Center for Advanced Medicine Diagnostic Imaging Center
McAlester Diagnostic Imaging 10 South Third Street McAlester, OK 74501	1760411540	08/08/2006	OK	Suite 100
California Imaging Institute 1867 E. Fir Avenue Fresno, CA 93720	ZZZ03565Z	08/08/2006	CA	
Bon Secours Memorial Regional Medical Center 8260 Atlee Road Mechanicsville, VA 23116	541744931	08/08/2006	VA	
University of Maryland Medical Center 22 S. Greene Street Gudelksy 2nd Floor Baltimore, MD 21201	210002	08/08/2006	MD	Division of Nuclear Medicine
Bixby Medical Center 818 Riverside Avenue Adrian, MI 49221	230005	08/08/2006	MI	
Kern Radiology Medical Group 2301 Bahamas Drive Bakersfield, CA 93309	1720023997	08/08/2006	CA	
Bon Secours St. Francis Medical Center 13710 St. Francis Boulevard Midlothian, VA 23114	311716973	08/08/2006	VA	
MMI/Maine General Waterville 51 US Route 1 Scarborough, ME 04074	327079	08/08/2006	ME	Suite O
Mount Adams Imaging Center 3911 Castlevale Road Yakimaw, WA 98902	8857843	08/08/2006	WA	
Carilion Roanoke Memorial Hospital 2001 Crystal Spring Avenue Roanoke, VA 24014	490024	08/08/2006	VA	
Seton Medical Center; Nuclear Medicine Dept. 1900 Sullivan Avenue Daly City, CA 94015-2229	50289	08/08/2006	CA	
Arnett Imaging Center 2403 Loy Drive Lafayette, IN 47909	224390	08/08/2006	IN	
Advanced Diagnostic Imaging, PC 1120 Professional Boulevard Evansville, IN 47630	639970	08/08/2006	IN	
Queen of Peace Hospital 301 Second Street NE New Prague, MN 56071	241361	08/08/2006	MN	

Agnesian Health Care 430 E. Division Street Fond du Lac, WI 54935	520088	08/08/2006	WI	
ACMH Hospital One Nolte Drive Kittanning, PA 16201	390163	08/08/2006	PA	
Wilshire Oncology Medical Group, Inc. 1280 Corona Pointe Court Corona, CA 92879	zzz195682	08/08/2006	CA	Suite 112
United Radiology-Laurel 14201 Laurel Park Drive Laurel, MD 20707	2.01558E+11	08/08/2006	MD	Suite 208
Bay Area Medical Center 3100 Shore Drive Marinette, WI 54143	520113	08/08/2006	WI	
Penn State Milton S. Hershey Medical Center 500 University Drive Hershey, PA, 17033	251854772	08/08/2006	PA	HG380
Delta St. Joseph's MRI, LLC 1617 N. California Street Stockton, CA 95204	ZZZ19725Z	08/08/2006	CA	Suites 1A and 1B
United Radiology: Bowie 16701 Melford Boulevard Bowie, MD 20715	2.01558E+11	08/08/2006	MD	
United Radiology Gaithersburg 702 Russell Avenue Gaithersburg, MD 20877	2.01558E+11	08/08/2006	MD	
United Radiology Olney 18120 Hillcrest Drive Olney, MD 20832	2.01558E+11	08/08/2006	MD	Suite A
FCS/Axcess Diagnosis/Sarasota 600 N. Cattleman Road Sarasota, FL 34232	1225064520	08/08/2006	FL	
NSMS-Greenville, IL 4253 Argosy Court Madison, WI 53714	208196	08/08/2006	WI	
FCS/Axcess Diagnosis/Venice 842 Sunset Lake Boulevard Venice, FL 34292	1225064520	08/08/2006	FL	Suite #301
Leading Edge Radiation 8715 5th Avenue Brooklyn, NY 11209	WEM111	09/05/2006	NY	
Rena Tarbet Cancer Center 4201 Medical Center Drive Suite 180 McKinney, TX 75069	oow753	09/05/2006	TX	
McLaughlin & Marte, M.D, LLP 3850 Tampa Road Suite 202 Palm Harbor, FL 34684	1003862079	09/05/2006	FL	
BryanLGH Medical Center 2300 South 16th Street Lincoln, NE 68502	280003	09/05/2006	NE	

Freehold MR Associates 691 West Main Street Freehold, NJ 07728	405856	09/05/2006	NJ	
Franciscan Skemp Healthcare 700 West Avenue South La Crosse, WI 54601	520004	09/05/2006	WI	
Teton Radiology 2001 S. Woodruff Suite 17 Idaho Falls, ID 83404	1371462	09/05/2006	ID	
Fletcher Allen Health Care Mobile Pad 790 College Parkway Colchester, VT 05446	1659309615	09/05/2006	VT	790 College Parkway
University of Penn Imaging Center 3600 Market Street 3rd Floor Silverstein Philadelphia, PA 19104	764089	09/05/2006	PA	
Sitron-Hammel Radiology Group 4277 Hempstead Turnpike Suite 200 Bethpage, NY 11714	W14891	09/05/2006	NY	
MRI of Saint Louis Obispo 1064 Murray Avenue San Luis Obispo, CA 93405	1881661361	09/05/2006	CA	
Lahey Clinic 41 Mall Road Burlington, MA 01805	220171	09/05/2006	MA	
St Joseph Medical Center 215 N. 12th Street Reading, PA 19603	390096	09/05/2006	PA	
Spartanburg Regional Medical Center 101 E. Wood Street Spartanburg, SC 29303	420007	09/05/2006	SC	
Aurora Sinai Medical Center 945 N. 12th Street Milwaukee, WI 53201	520064	09/05/2006	WI	
FHN Memorial Hospital 1045 W. Stephenson Street Freeport, IL 61032	140160	09/05/2006	IL	
Southwest Washington Medical Center 400 NE Mother Joseph Place Vancouver, WA 98668	500050	09/05/2006	WA	
St. Lukes Center for Diagnostic Imaging 6 McBride and Sons Corporate Center Drive Suite 101 Chesterfield, MO 63005	47006	09/05/2006	MO	
The Stamford Health System Shelbourn Road & West Broad Street Stamford, CT 06904	70006	09/05/2006	CT	
Hagerstown Imaging, LLC 1150 A Professional Court Hagerstown, MD 21741	1518914936	09/05/2006	MD	
GCM Suburban Imaging 6420 Rockledge Drive Suite 3100 Bethesda, MD 20817	409623	09/05/2006	MD	
Alliance Imaging-No. Idaho Imaging 2003 Lincoln Way Coeur d'Alene, ID 83814	1790291	09/05/2006	ID	

HPMA PET Center 22710 Professional Drive Suite 104 Kingwood, TX 77339	0019BY	09/05/2006	TX		
Parma Community General Hospital 7007 Powers Boulevard Parma, OH 44129	360041	09/05/2006	OH		
Pacific Shores Medical Group PET Imaging 1043 Elm Street #104 Long Beach, CA 90813	W13494	09/05/2006	CA		
Clark Memorial Hospital 1220 Missouri Avenue Jeffersonville, IN 47130	15009	09/05/2006	IN		
Abilene Imaging Center, LLC 750 North 18th Street Abilene, TX 79601	FTA070	09/05/2006	TX		
DuBois Regional Medical Center 100 Hospital Avenue DuBois, PA 15801	390086	09/06/2006	PA		
Meeker County Memorial Hospital 612 South Sibley Avenue Litchfield, MN 55355	241366	09/06/2006	MN		
Memorial Health 4700 Waters Avenue Savannah, GA 31403	110036	09/06/2006	GA		
St. Luke's Regional Medical Center, Ltd. 190 E. Bannock Street Boise, ID 83712	130006	09/06/2006	ID		
Radiology Consultants Imaging Center 400 Avenue K, SE Winter Haven, FL 33880	U3944	09/06/2006	FL		
Patient Comprehensive Cancer Center 4352 North Josey Lane Carrollton, TX 75010	0083BY	09/06/2006	TX		
The University of Tennessee Medical Center 1924 Alcoa Highway Knoxville, TN 37920	440015	09/06/2006	TN		
Radiation Therapy Regional Centers-Naples 800 Goodlette Road Suite 110 Naples, FL 34102	77215	09/06/2006	FL		
St. Mary's Medical Center 2900 First Avenue Huntington, WV 25702	510007	09/06/2006	WV		
McKinney Regional Cancer Center 4601 Medical Center Drive McKinney, TX 75069	00711W	09/06/2006	TX		
WCA Hospital PO Box 840 Jamestown, NY 14701	330239	09/06/2006	NY	207 Foote Avenue	
Grants Pass Imaging and Diagnostic Center, LLC 1619 NW Hawthorne Suite 110 Grants Pass, OR 97526	1659307973	09/06/2006	OR		
Baptist Memorial Hospital-Golden Triangle 2520 5th Street North Columbus, MS 39705	250100	09/06/2006	MS		
Florida Medical Clinic 13417 US Highway 301 Dade City, FL 33525	39715	09/06/2006	FL		

Saint Clare's Hospital 400 West Blackwell Street Dover, NJ 07801	310067	09/06/2006	NJ	
Radiation Medicine Associates 2202 South 77 Sun Shine Strip Suite E Harlingen, TX 78550	00645N	09/06/2006	TX	
The Radiology Clinic, LLC 208 McFarland Circle North Tuscaloosa, AL 35406	13089	09/06/2006	AL	
Bay Area Hospital 1775 Thompson Road. Coos Bay, OR 97420	30090	09/06/2006	OR	
MMI/St. Mary's Hospital 51 US Route 1 Scarborough, ME 04074	327079	09/06/2006	ME	Suite O
Gulf Coast Medical Diagnostic Center 2024 State Avenue Panama City, FL 32405	30930	09/06/2006	FL	
Diagnostic Radiology Systems, Inc. 1010 Medical Center Drive Powderly, KY 42366	9366001	09/06/2006	KY	
Lewis Gale Medical Center 1900 Electric Road Salem, VA 24153	490048	09/06/2006	VI	
Radiology Diagnostic Center 1310 Las Tablas Road Suite 103 Templeton, CA 93465	W7491	09/06/2006	CA	
Weslaco Nuclear Imaging Center 913 S. Airport Drive Weslaco, TX 78596	1780796219	09/06/2006	TX	
Pioneer PET, LLC 1930 E. Southern Avenue Tempe, AZ 85282	1265401996	12/05/2006	AZ	
Kearney Imaging Center, LLC 3219 Central Avenue Suite 109 Kearney, NE 68847	98950	12/05/2006	NE	
Rose Medical Center 4567 East 9th Avenue Denver, CO 80220	841321373	12/05/2006	CO	
UCSF Medical Center 185 Berry Street San Francisco, CA 94107	50454	12/05/2006	CA	Lobby 7 Suite 180
Broward General Medical Center 1500 S. Andrews Avenue Fort Lauderdale, FL 33316	100039	12/05/2006	FL	
St. Paul Radiology, PA/Midwest Radiology 166 Fourth Street East St. Paul, MN 55101	CO2661	12/05/2006	MN	
Queen of the Valley Hospital 1000 Trancas Street Napa, CA 94558	941243669	12/05/2006	CA	
Dana-Farber Cancer Institute 44 Binney Street Boston, MA 02115	220162	12/05/2006	MA	
Holmes Regional Medical Center 1350 South Hickory Street Melbourne, FL 32901	100019	12/05/2006	FL	
Niagara County PET Center Niagara Falls, NY 14302	f27482	12/05/2006	NY	621 Tenth Street Department of Radiology

Augusta Medical Center 78 Medical Center Drive Fishersville, VA 22939	490018	12/05/2006	VA	
Nevada Cancer Center 2851 North Tenaya Way Las Vegas, NV 89128	VWQBHJ	12/05/2006	NV	#100
Wellstar Kennestone Hospital Imaging Center 340 Kennestone Hospital Boulevard Marietta, GA 30060	110035	12/05/2006	GA	Suite LL10
Ashtabula County Medical Center 2412 Lake Avenue Ashtabula, OH 44004	1285607416	12/05/2006	OH	The Regional Cancer Center
Rowan Regional Medical Center 514 Corporate Circle Salisbury, NC 28147	340015	12/05/2006	NC	
The Pottsville Hospital and Warne Clinic 420 South Jackson Street Pottsville, PA 17901	390030	12/05/2006	PA	
Georgetown Memorial Hospital 606 Blackriver Road Georgetown, SC 29442	1982604021	12/05/2006	SC	
Medical Center of Arlington 3301 Matlock Road Arlington, TX 76015	450675	12/05/2006	TX	
Valley View Regional Hospital 430 N. Monte Vista Ada, OK 74820	370020	12/05/2006	OK	
Montgomery Medical Services 644 Maysville Road, Suite 10 Mount Sterling, KY 40353	9141	12/05/2006	KY	
Medical Outsourcing Services, LLC 5409 N. Knoxville Avenue Peoria, IL 61614	211224	12/05/2006	IL	
Medical Outsourcing Services, LLC 1300 N. Main Street Rushville, IN 46173	223260	12/05/2006	IN	
Mayo Clinic Arizona 13400 E. Shea Boulevard Scottsdale, AZ 85259	WCTGB	12/05/2006	AZ	
Door County Memorial Hospital 323 S. 18th Avenue Sturgeon Bay, WI 54235	1093743874	12/05/2006	WI	
Center for Diagnostic Imaging- Sartell 166 19th Street S. Sartell, MN 56377	C01307	12/05/2006	MN	Suite 100
South Texas Institute of Cancer 1205 South 19th Street Corpus Christi, TX 78405	0065AZ	12/05/2006	TX	
Del Sol Medical Center 10460 Vista Del Sol El Paso, TX 79925	450646	12/05/2006	TX	
University Hospital 818 St. Sebastian Way Augusta, GA 30901	110028	12/05/2006	GA	Suite 103
St. John Health System-Tulsa, OK 1923 S. Utica Avenue Tulsa, OK 74104	370114	12/05/2006	OK	
Allen Memorial Hospital 1825 Logan Avenue Waterloo, IA 50703	160110	12/05/2006	IA	
Craig General Hospital 735 North Foreman Street Vinita, OK 74301	370065	12/05/2006	OK	
Vision Imaging of Kingston 517 Pierce Street Kingston, PA 18704	86463	12/05/2006	PA	
Lake Hospital Mentor Campus 9485 Mentor Avenue Mentor, OH 44060	360098	12/05/2006	OH	Attn: Suite A

Excela RCL PET CT Imaging, LLC 200 Village Drive Greensburg, PA 15601	1144260415	12/05/2006	PA	
Kousay Al-Kourainy, MD 5395 Ruffin Road #202 San Diego, CA 92123	A39783	12/05/2006	CA	
Memorial Hermann Northwest Hospital 1635 North Loop West Houston, TX 77008	450184	12/05/2006	TX	
Accu/Site PET/CT Imaging Center 30 Harrison Street Johnson City, NY 13790	DD1474	12/05/2006	NY	Suite #102
DDIS-Bond 9 Bond Street Brooklyn, NY 11201	687s41	12/05/2006	NY	
West Valley Radiology Medical Group 7301 Medical Center Drive West Hills, CA 91307	Hw5870A	12/05/2006	CA	Suite 103
Westside Diagnostic and Therapeutic Medical Center, LLC 12524 West Washington Boulevard Los Angeles, CA 90066	TG472	12/05/2006	CA	
DDIS-Still 1783 Stillwell Avenue Brooklyn, NY 11223	687s41	12/05/2006	NY	
Alpena Regional Medical Center 1501 W, Chisholm Street Alpena, MI 49707	386000029	12/05/2006	MI	
Santa Monica Imaging Center 1245 16th Street Suite 105 Santa Monica, CA 90404	1881670248	12/05/2006	CA	
Mercer County Community Hospital 800 W. Main Street Coldwater, OH 45828	360058	12/05/2006	OH	
Johnson Memorial Hospital 1125 W. Jefferson Street Franklin, IN 46131-2675	150001	12/05/2006	IN	PO Box 549
St. Mary's Health Center 100 St. Mary's Medical Plaza Jefferson City, MO 65101	260011	12/05/2006	MO	
Eastside PET Center, LLC 46 Medical Park East Drive Birmingham, AL 35023	1619925070	12/05/2006	AL	Suite 224
United Regional Health Care System 1600 8th Street Wichita Falls, TX 76301	450010	12/05/2006	TX	
Denton Regional Medical Center 3535 S. I-35 Denton, TX 76210	450634	12/05/2006	TX	
Canton-Potsdam Hospital 50 Leroy Street Potsdam, NY 13676	161012691	12/05/2006	NY	
St. John Macomb Hospital 11800 E. 12 Mile Road Warren, MI 48093	230195	12/05/2006	MI	
Cleveland Regional Medical Center 201 East Grover Street Shelby, NC 28150	340021	12/05/2006	NC	
Bluefield Regional Medical Center 500 Cherry Street Bluefield, WV 24701	510071	12/05/2006	WV	

Charles Cole Memorial Hospital 1001 East Second Street Coudersport, PA 16915	390246	12/05/2006	PA	
New Jersey State Open MRI 155 State Street Hackensack, NJ 07601	85238	12/06/2006	NJ	
Westcoast Radiology 501 S. Lincoln Ave. Clearwater, FL 33756	E4187	12/06/2006	FL	
The Iowa Clinic / PETCO, LLC 1221 Pleasant Street Des Moines, IA 50309	15819	12/06/2006	IA	
Quantum PET-Holy Spirit Hospital 890 Poplar Church Road Camp Hill, PA 17011	40635	12/06/2006	PA	
Coastal Bend PET Scan, Ltd. 1533 5th Street Corpus Christi, TX 78404	FTN014	12/06/2006	TX	
Pottstown Memorial Medical Center 1600 E. High Street Pottstown, PA 19464	390123	12/06/2006	PA	
UTMB PET/CT Imaging Center UTMB-Rebecca Sealy Hospital Galveston, TX 77555-0793	R518	12/06/2006	TX	301 University Blvd.
Diagnostic Imaging Services, LLC 11110 Medical Campus Road, Suite 204 Hagerstown, MD 21742	1114982808	12/06/2006	MD	
North Memorial Medical Center 3435 West Broadway Robbinsdale, MN 55422	1851344907	12/06/2006	MN	
Hays Medical Center 2220 Canterbury Drive Hays, KS 67601	2473	12/06/2006	KS	
St. Patrick Hospital & Health Sciences Center 500 West Broadway Missoula, MT 59802	1023032588	12/06/2006	MT	
Park Ridge Hospital 100 Hospital Drive Hendersonville, NC 28792	340023	12/06/2006	NC	
Fostoria Community Hospital 610 Plaza Drive Fostoria, OH 44830	361318	12/06/2006	OH	
UMDNJ-University Hospital 30 Bergen Street Newark, NJ 07101	221775306	12/06/2006	NJ	ADMC 5 Room 575 P.O. Box 1709
Metabolic Imaging of Boca 5458 Town Center Road Suite 103 Boca Raton, FL 33486	E5434	12/06/2006	FL	
Olean Open MRI 413 North 8th Street Olean, NY 14760	AA0996	12/06/2006	NY	
Mercy Memorial Health Center 1011 14th Avenue NW Ardmore, OK 73401	731500629	12/06/2006	OK	
Pontiac Osteopathic Hospital d.b.a. POH Medical Center 385 N. Lapeer Road Oxford, MI 48371	230207	12/06/2006	MI	
Texas Oncology Ft. Worth 1450 8th Avenue Fort Worth, TX 76104	00R66C	12/06/2006	TX	
West Valley Imaging 3025 S. Rainbow Boulevard Las Vegas, NV 89146	WQBDY	12/06/2006	NV	
Springman Medical Plaza Imaging Center PO Box 4650 Brownsville, TX 78523	1912973108	12/06/2006	TX	

EMH Regional Health Care System 630 East River Street Elyria, OH 44035	360145	12/06/2006	OH	
Denfeld Medical Center 4702 Grand Avenue Duluth, MN 55807	C06028	12/06/2006	MN	
Caldwell Memorial Hospital 321 Mulberry Street SW Lenoir, NC 28645	560554202	12/06/2006	NC	
Belleville, IL (Swansea) 4253 Argosy Court Madison, WI 53714	208196	12/06/2006	WI	
Comprehensive Cancer Centers of Nevada - NW Office 7445 Peak Drive Las Vegas, NV 89128	WCHCX	12/06/2006	NV	
Wheaton Francisan Healthcare-St. Joseph 5000 W. Chambers Street Milwaukee, WI 53210	520136	12/06/2006	WI	
United Hospital Center Rt. 19 South Clarksburg, WV 26302-1680	510006	12/06/2006	WV	#3 Hospital Plaza
Massena Memorial Hospital 1 Hospital Dive Massena, NY 13662	330223	12/06/2006	NY	
Redlands Community Hospital 350 Terracina Boulevard Redlands, CA 92373	ZZZ01782Z	12/06/2006	CA	
The Valley Hospital 1 Valley Health Plaza Paramus, NJ 07652	310012	12/06/2006	NJ	
Advanced Medical Imaging of Toms River 1430 Hooper Avenue Toms River, NJ 08753	447655	12/06/2006	NJ	Suite 102
McKenna Memorial Hospital 598 N. Union Street New Braunfels, TX 78130	450059	12/06/2006	TX	
NSMS-Parkland Farmington, Mo 4253 Argosy Court Madison, WI 53714	208196	12/06/2006	WI	
Alton Memorial Hospital 1 Memorial Drive Alton, IL 62002	14002	12/06/2006	IL	
Medical City Dallas Hospital Diagnostic Imaging Dallas, TX 75230	20943901	12/06/2006	TX	7777 Forest Lane
Mercy Medical Center 301 St. Paul Place Baltimore, MD 21202	210008	12/06/2006	MD	
St. Joseph's Medical Center 503 N. 3rd Street Brainerd, MN 56401	240075	12/06/2006	MN	
Covenant Healthcare 600 Irving Street Saginaw, MI 48602	1457354318	12/06/2006	MI	
Little Company of Mary Hospital 2800 West 95th Street Evergreen Park, IL 60805	140179	12/06/2006	IL	
Marion General Hospital Progressive Medical Imagine 830 N. Theatre Drive Marion, IN 46952	1457354318	12/06/2006	IN	
Escondido Pulmonary Medical Group 5395 Ruffin Road Suite 202 San Diego, CA 92123	W301	12/06/2006	CA	
Marshall Medical Center 1100 Marshall Way Placerville, CA 95667	50254	12/06/2006	CA	
Clermont Radiology 1804 Oakley Seaver Drive Clermont, FL 34711	U5066	12/06/2006	FL	Suite B

Mahoning Valley Imaging, Ltd. 7067 Tiffany Boulevard Youngstown, OH 44514	1457354318	12/06/2006	OH	
Southeastern Ohio Regional Medical Center 1341 Clark Avenue Cambridge, OH 43725	1457354318	12/06/2006	OH	
White County Medical Center 3214 E. Race Avenue Searcy, AR 72143	40014	12/06/2006	AR	
MED Arts JVIC 9101 Franklin Square Drive Baltimore, MD 21237	1932167178	12/06/2006	MD	
Memorial Hermann Southwest OPID 7797 SW Freeway Houston, TX 77074	741152597	12/06/2006	TX	
Twin County Regional Hospital 200 Hospital Drive Galax, VA 24333	1174524094	12/06/2006	VA	
Marion Ancillary Services, LLC 1040 Delaware Avenue Marion, OH 43302	991	12/06/2006	OH	
Owensboro Medical Health Systems Breckenridge Diagnostics Owensboro, KY 42301	180038	12/06/2006	KY	1020 Breckenridge Street
NSMS-Darlington, WI 209 Limestone Pass Cottage Grove, WI 53527	92420	12/06/2006	WI	
Santa Fe Imaging, LLC 1640 Hospital Drive Santa Fe, NM 87505	400521037	12/06/2006	NM	
Suncoast Imaging of Port Orange 1680 Dunlawton Avenue Port Orange, FL 32127	40370B	12/06/2006	FL	
Great Basin Imaging 2874 N Carson Street 3rd Floor Carson City, NV 89706	WJBDK	12/06/2006	NV	
St. Francis Hospital & Health Centers 1201 Hadley Road Mooresville, IN 46158	1457354318	12/06/2006	IN	
Las Colinas Cancer Center 7415 Las Colinas Boulevard Irving, TX 75063	00J062	12/06/2006	TX	
ADI 4006 Jonathan Street Waterloo, IA 50701	J15454	12/06/2006	IA	
St Francis Hospital & Health Centers South 8111 S. Emerson Avenue Indianapolis, IN 46237	1457354318	12/06/2006	IN	
Central Baptist Diagnostic Center 100 Southland Drive Lexington, KY 40503	9375001	06/14/2006	KY	Suite B
Baptist Health Medical Center-NLR PET/CT 3500 Springhill Drive North Little Rock, AR 72117	5F437	05/03/2007	AR	Suite 100
Commonwealth Hematology Oncology 216 Southtown Drive Danville, KY 40422	1285687178	03/21/2007	KY	
Commonwealth Hematology Oncology 95 Bogle Office Park Drive Somerset, KY 42503	1285687178	03/21/2007	KY	

UMPC and The Washington Hospital Cancer Center 155 Wilson Avenue Washington, PA 15301	105589VXB	03/10/2006	PA					
Lexington Diagnostic Center 1725 Harrodsburg Road Suite 100 Lexington, KY 40504	0406	03/08/2006	KY					
UW PET Imaging Center 8007 Excelsior Drive Madison, WI 53717	1346266319	04/03/2007	WI					
Fort Wayne Medical Oncology and Hematology 7910 W. Jefferson Boulevard Suite 107 Ft. Wayne, IN 46804	055770	04/23/2007	IN					
Danbury Hospital 24 Hospital Avenue Danbury, CT 06810	070033	04/23/2007	CT					
Reno Diagnostic Centers 590 Eureka Avenue Reno, NV 89512	1518904994	04/24/2007	NV					
The Kirklin Clinic PET-CT Facility 2000 6th Ave South Birmingham, AL 35233	10933768723	05/07/2007	AL					
PET Imaging Radiology, PSC Paseo San Pablo 100 Bayamon, PR	0085142	05/15/2007	PR	EDIF Dr. Arturo Cadilla Suite 208				
Punxsutawney Area Hospital 81 Hillcrest Drive Punxsutawney, PA 15767	390199	05/15/2007	PA					
Princeton Baptist Medical Center 701 Princeton Avenue SW Birmingham, AL 35211	35211	05/30/2007	AL					
Medical Arts Radiology Commack 55 Veterans Memorial Highway Commack, NY 11725	W11682	05/31/2007	NY					
Carrol, Sheth & Raghavan, MD 1460 Bluegrass Avenue Louisville, KY 40215	5460	06/05/2007	KY					
Personal Care Molecular Imaging 1514 Highway 138 Wall, NJ 07719	109631	06/06/2007	NJ					
Lincoln Radiology Imaging 7121 Stephanie Lane Lincoln, NE 68516	099920	06/06/2007	NE					
Medcenter One 300 North 7th Street Bismark, ND 58506-5525	1538245634	07/24/2007	ND					
Wheaton Franciscan Healthcare - All Saints 3801 Spring Street Racine, WI 53405	520096	08/08/2007	WI	N/A				
Diagnostic Centers of America 6080 Boynton Boulevard Suite 140 Boynton Beach, FL 33437	E4439	08/22/2007	FL	N/A				
Center for Integrative Cancer Medicine, P.A 1733 Curie Drive Suite 305 El Paso, TX 79902	00315U	08/22/2007	TX	N/A				
St. Luke's Hospital 1026 A Avenue N.E. Cedar Rapids, IA 52406-3026	160045	08/22/2007	IA	N/A				
Shared PET Imaging, LLC - Cincinnati OH Eden Avenue & Albert Sabin Way Cincinnati, OH 45219	ID01511	08/22/2007	OH	N/A				
Integrated Magnetic Imaging 7100 University Court Montgomery, AL 36117	7811	08/22/2007	AL	N/A				

Northwest PET Imaging 265 N. Broadway Street Portland, OR 97227	105512	08/22/2007	OR	N/A
Center for Diagnostic Imaging - St. Louis Park 5775 Wayzata Boulevard #190 St. Louis Park, MN 55416	C01307	08/22/2007	MN	N/A
Ponca City Medical Center 1900 North 14th Street Ponca City, OK 74601	370006	08/22/2007	OK	N/A
Sanford Health 1305 W. 18th Street Sioux Falls, SD 57117	430027	08/22/2007	SD	N/A
Central Valley PET Imaging 4744 Quail Lake Drive Stockton, CA 95207	00A484230	08/22/2007	CA	N/A
PET/CT Imaging Center 4000 N. Illinois Lane Swansea, IL 62226	201339	08/22/2007	IL	PET/CT Imaging Center
Memorial Medical Center 1105 W. Frank Avenue Suite 100 Lufkin, TX 75901	450211	08/22/2007	TX	d.b.a. Temple Imaging Center
Rockingham Memorial Hospital 235 Cantrell Ave Harrisonburg, VA 22801	490004	08/22/2007	VA	N/A
Regions Imaging Center 401 Phalen Boulevard 41101C St. Paul, MN 55101	240106	08/22/2007	MN	N/A
Florida Hospital Imaging, LLC 335 Clyde Morris Boulevard Suite 250 Ormond Beach, FL 32174	1104876358	08/22/2007	FL	N/A
Hutchinson Clinic, PA 2101 North Waldron Street Hutchinson, KS 67502	1043298474	08/22/2007	KS	N/A
Parkwest Imaging 3676 Parker Boulevard Pueblo, CO 81008	455838	08/22/2007	CO	N/A
St. Clair Hospital/UPMC Cancer Center PET/CT 1000 Bower Hill Road Pittsburgh, PA 15243	1699708792	08/22/2007	PA	N/A
St. Joseph Mercy Oakland (SJMO) 44405 Woodward Avenue Pontiac, MI 48341	1457354318	08/22/2007	MI	N/A
Edward Hospital 801 S. Washington Street Naperville, IL 60540	140231	08/22/2007	IL	N/A
East Montgomery Imaging Center 6880 Winton Blount Boulevard Montgomery, AL 36117	58866	08/22/2007	AL	N/A
Memorial Hospital of Martinsville and Henry County 320 Hospital Drive Martinsville, VA 24112	490079	08/22/2007	VA	N/A
Thomas Hospital 750 Morphy Avenue Fairhope, AL 36532	10100	08/22/2007	AL	N/A
Portland Adventist Medical Center 10123 SE Market Street Portland, OR 97216	380060	08/22/2007	OR	N/A
Nash Healthcare System, Inc. 2460 Curtis Ellis Drive Rocky Mount, NC 27804	340147	08/22/2007	NC	N/A
North Broward Medical Center 201 E. Sample Road Deerfield Beach, FL 33064	100068	08/22/2007	FL	Radiology
Jennie Stuart Medical Center 320 West 18th Street Hopkinsville, KY 42240	180051	08/22/2007	KY	N/A

Greater Houston Imaging, L.P. 6565 West Loop South Suite 100 Bellaire, TX 77401	FTNPX1	08/22/2007	TX	N/A
Sunrise Hospital Medical Center 3186 South Maryland Parkway Las Vegas, NV 89109	290003	08/22/2007	NV	N/A
The Diagnostic and Treatment Center 3401 Cranberry Boulevard Weston, WI 54476	92450	08/22/2007	WI	N/A
Ochsner Medical Center 1514 Jefferson Highway New Orleans, LA 70121	720502505	08/22/2007	LA	N/A
Inland Empire Medical Imaging 225 W. Hospitality Lane Suite #100 San Bernardino, CA 92408	zzz316682	08/22/2007	CA	N/A
Independent Nuclear PET Imaging 1115 N. Parrott Avenue Okeechobee, FL 34972	1922070796	08/22/2007	FL	N/A
Hugh Chatham Memorial Hospital 180 Parkwood Drive Elkin, NC 28621	340097	08/22/2007	NC	N/A
Marian Medical Center/Plaza Diagnostic Imaging 525 E. Plaza Drive Santa Maria, CA 93454	50107	08/22/2007	CA	N/A
DDIS-FH 8002 Kew Gardens Road Kew Gardens, NY 11415	687841	08/22/2007	NY	N/A
NYPH-Weill Cornell 525 E 68th Street New York, NY 10021	131623978	08/22/2007	NY	N/A
Genesys Regional Medical Center One Genesys Parkway Grand Blanc, MI 48439-8066	230197	08/22/2007	MI	N/A
Geisinger Medical Center 100 North Academy Avenue Danville, PA 17822	390006	08/22/2007	PA	N/A
Citrus Diagnostic Center 922 N Citrus Avenue Crystal River, FL 34428	K5374	08/22/2007	FL	N/A
Middlesex Hospital 534 Saybrook Road Middletown, CT 6457	70020	08/22/2007	CT	N/A
Geisinger Wyoming Valley Medical Center 1000 East Mountain Drive Wilkes-Barre, PA 18711	390270	08/22/2007	PA	N/A
Canton, IL - Northern Shared Medical Services 209 Limestone Pass Cottage Grove, WI 53527	208196	08/22/2007	WI	N/A
Self Regional Healthcare 102 Academy Street Greenwood, SC 29646	420071	08/22/2007	SC	N/A
Bristol Hospital Brewster Road Bristol, CT 06011	70029	08/22/2007	CT	P.O. Box 977
East Texas Hematology & Oncology Clinic, PA 1202 West Frank Avenue Lufkin, TX 75904	00T37K	08/22/2007	TX	N/A
St. John River District Hospital 4100 River Road East China, MI 48054	230241	08/22/2007	MI	N/A

Morgan Hospital 2209 John R Wooden Drive Martinsville, IN 46151	150038	08/22/2007	IN	N/A
Cotton-O'Neil Cancer Center 1414 SW 8th Street Topeka, KS 66606	1811944457	08/22/2007	KS	N/A
Barnes-Jewish West County Hospital 12634 Olive Boulevard St Louis, MO 63141	260162	08/22/2007	MO	N/A
Hardin Memorial Hospital 913 North Dixie Avenue Elizabethtown, KY 42701	180012	08/22/2007	KY	N/A
Cancer Institute of Florida, LLC 894 E. Altamonte Drive Altamonte Springs, FL 32701	72793	08/22/2007	FL	N/A
Community Hospital, New Port Richey 5637 Marine Parkway New Port Richey, FL 34652	100191	08/22/2007	FL	N/A
Pulaski Community Hospital 2400 Lee Highway Pulaski, VA 24301	490116	08/22/2007	VA	N/A
Advocate South Suburban Hospital 17800 S. Kedzie Avenue Hazel Crest, IL 60429	3.62169E+11	08/22/2007	IL	N/A
St. Vincent's Medical Center 2800 Main Street Bridgeport, CT 6606	70028	08/22/2007	CT	N/A
Cayuga Medical Center at Ithaca 3218 Wilkins Road Ithaca, NY 14850	330307	08/22/2007	NY	N/A
Immanuel-ST Josephs Mayo Health Stystem 1025 Marsh Street Mankato MN 56002-8673	240093	08/22/2007	MN	PO Box 8673
Kell West Regional Hospital 5420 Kell West Boulevard Wichita Falls, TX 76310	450827	08/22/2007	TX	N/A
Aurora Medical Center Kenosha 10400 75th Street Kenosha, WI 53142	520189	08/22/2007	WI	N/A
Aurora Lakeland Medical Center W3985 County Rd Nn Elkhorn, WI 53121	520102	08/22/2007	WI	N/A
Munson Medical Center 1105 Sixth Street Traverse City, MI 49684	230097	08/22/2007	MI	N/A
Kansas City Cancer Center - North 8700 Greenhills Road Kansas City, MO 64154	5650000E	08/22/2007	MO	N/A
PET Imaging Center of Maine 885 Union Street Suite 115 Bangor, ME 04401	10211501	08/22/2007	ME	N/A
SMS - Chester, IL 1900 State Street Chester, IL 62233	208196	08/22/2007	IL	N/A
PET of Reston, LP 1800 Town Center Drive Suite 115 Reston, VA 20190	G01960P03	08/22/2007	VA	N/A
Healthcare Imaging Center 4334 Central Ave Riverside, CA 92506	ZZZ14451Z	08/22/2007	CA	N/A
Robert Wood Johnson University Hospital at Hamilton 1 Hamilton Health Place Hamilton, NJ 08690	310110	08/22/2007	NJ	N/A
Northside Hospital 1000 Johnson Ferry Road Atlanta, GA 30342	110161	08/22/2007	GA	N/A

Aurora Medical Center Kenosha 10400 75th Street Kenosha, WI 53142	520189	08/22/2007	WI	N/A
Partners Imaging Center of Sarasota 1250 S. Tamiami Trail Suite 103 Sarasota, FL 34239	Q0353	08/22/2007	FL	N/A
Memorial Medical Center 216 Sunset Place Neillsville, WI 54456	521323	08/22/2007	WI	N/A
Central Virginia Imaging, LLC 1900 Tate Spings Road Suite 21 Lynchburg, VA 24501	1578594412	08/22/2007	VA	N/A
Los Alamitos Medical Center 3951 Katella Ave Los Alamitos, CA 90720	50551	08/22/2007	CA	N/A
Valley Advanced Imaging, LLC 2403 Butler Street Easton, PA 18042	1417907023	08/22/2007	PA	N/A
Good Samaritan PET/CT and Imaging services 1245 Montauk Hwy West Islip NY 11795	330286	08/22/2007	NY	N/A
Scotland Memorial Hospital 500 Lauchwood Drive Laurinburg, NC 28352	340008	08/22/2007	NC	N/A
McFarland Clinic, P.C. 1111 Duff Avenue Ames, IA 50010	1639135643	08/22/2007	IA	N/A
Providence Hospital 1150 Varnum Street NE Washington, DC 20017	90006	08/22/2007	DC	N/A
The Angeles Clinic and Research Institute 11818 Wilshire Boulevard Suite 200 Los Angeles, CA 90025	W15185A	08/22/2007	CA	N/A
Rose Radiology Centers, Inc. 5107 N. Armenia Avenue Tampa, FL 33603	1629162904	08/22/2007	FL	Bldg B
Texas Oncology East Houston 13111 East Freeway Houston, TX 77015	1811944101	08/22/2007	TX	N/A
NSMS - St. Joe's - Breese, IL 9515 Holy Cross Lane Breese, IL 62230	208196	08/23/2007	IL	N/A
UT Cancer Institute 7945 Wolf River Boulevard Germantown, TN 38138	3711381	08/23/2007	TN	N/A
Fresno Imaging Center 6191 N. Rhesta Avenue Fresno, CA 93710	N/A	08/23/2007	CA	N/A
Imaging Consultants Inc. at Sturdy Memorial 211 Park Street Attleboro, MA 02703	327085	08/23/2007	MA	N/A
Fairfax PET Imaging Center, LLC 8503 Arlington Boulevard Lower level Fairfax, VA 22031	1861433674	08/23/2007	VA	N/A
City Hospital, Inc. 2500 Hospital Drive Martinsburg, WV 25401	510008	08/23/2007	WV	N/A
White Plains Radiology Associates PET Center Davis and Post Roads White Plains, NY 10601	w11842	08/23/2007	NY	N/A
Lenoir Memorial Hospital 100 Airport Road Kinston, NC 28503-1678	1962446385	08/23/2007	NC	N/A

Sand Lake Imaging 9350 Turkey Lake Road Orlando, FL 32819	34896	08/23/2007	FL	SUITE 100	Doctors Hospital at Renaissance, Ltd 5501 S. McColl Road Edinburg, TX 78359	450869	08/23/2007	TX	N/A
Advocate Lutheran General Center For Advanced Care 1800 Luther Lane Park Ridge, IL 60068	140223	08/23/2007	IL	N/A	Twin Lakes Imaging Center 1890 LPGA Boulevard Daytona Beach, FL 32117	1023040870	08/23/2007	FL	Suite 110
Flower Hospital 5200 Harroun Road Sylvania, OH 43560	360074	08/23/2007	OH	N/A	Nathan Littauer Hospital 99 E. State Street Gloversville, NY 12078	330276	08/23/2007	NY	N/A
Dekalb Memorial Hospital 1316 E. 7th Street Auburn, IN 46706	N/A	08/23/2007	IN	N/A	Altoona Regional Health System 620 Howard Avenue Altoona, PA 16601	390073	08/23/2007	PA	N/A
St. John Hospital and Medical Center 1315 Macom Drive Naperville, IL 60564	116	08/23/2007	IL	N/A	Warren General Hospital 2 Crescent Park West Warren, PA 16365	390146	08/23/2007	PA	N/A
Bayhealth Medical Center 540 S. Governors Avenue Dover, DE 19904	N/A	08/23/2007	DE	N/A	Reid Hospital Health Care Services 1401 Chester Boulevard Richmond, IN 47374	1457354318	08/23/2007	IN	N/A
ImageCare 713 Troy-Schenectady Road Suite 124 Latham, NY 12110	1922048370	08/23/2007	NY	Capital Region Health Park	Orange City Area Health System 1000 Lincoln Circle SE Orange City, IA 51041	161360	08/23/2007	IA	N/A
Southside Regional Medical Center 801 South Adams Street Petersburg, VA 23803	490067	08/23/2007	VA	N/A	Mercy Hospital Clermont 3000 Hospital Drive Batavia, OH 45103	1457354318	08/23/2007	OH	N/A
East Alabama Medical Center-Auburn Diagnostic Imaging 1527 Professional Parkway Auburn, AL 36830	29	08/23/2007	AL	N/A	Arroyo Grande Community Hospital 345 South Halcyon Road Arroyo Grande, CA 93454	50016	08/23/2007	CA	N/A
Trover Health System 900 Hospital Drive Madisonville, KY 42431	1457354318	08/23/2007	KY	N/A	HealthEast St. John's Hospital 1575 Beam Avenue Maplewood, MN 55109	240210	08/23/2007	MN	N/A

St. Joseph's/Candler Health System 5353 Reynolds Street Savannah, GA 31405	110024	08/23/2007	GA	N/A
NSMS - Pickneyville, IL 101 North Walnut Street Pinckneyville, IL 62274	208196	08/23/2007	IL	N/A
Duke Raleigh Hospital 3400 Wake Forrest Road Raleigh, NC 27609	340073	08/23/2007	NC	N/A
Advanced Radiology Services & The Center for Women 400 Plaza Court East Stroudsburg, PA 18301	33012	08/23/2007	PA	Suite C
Community Hospital 10020 Donald S. Powers Drive Munster, IN 46321	140125	08/23/2007	IN	N/A
Avant Imaging - Woodland Health Center 7575 Grand River Avenue Brighton, MI 48114	1457354318	08/23/2007	MI	N/A
EVDI Medical Imaging - East Mesa 6424 E. Broadway Road Mesa, AZ 85206	1164434098	08/23/2007	AZ	Suite 101
NSMS - St. Louis, Mo - ARCH Medical 209 Limestone Pass Cottage Grove, WI 53527	47013	08/23/2007	WI	N/A
CNY PET LLC 5100 West Taft Road Liverpool, NY 13088	AA0672	08/23/2007	NY	Suite 2C
MCMI 3000 Telegraph Avenue Oakland, CA 94609	ZZZ27496Z	08/23/2007	CA	N/A
Green Clinic, LLC 1200 S. Farmerville Street Ruston, LA 71270	57387	08/23/2007	LA	N/A
Fayette Memorial Hospital 3542 North Western Avenue Connersville, IN 47331	150064	08/23/2007	IN	N/A
Carolinas Medical Center - Union 600 Hospital Drive Monroe, NC 28112	340130	08/23/2007	NC	Nuclear Medicine Department
Citrus Medical Imaging Associates, Inc. 1000 Lakes Drive Suite 170 West Covina, CA 91790	HW2326	08/23/2007	CA	N/A
Radiation Oncology at WFUBMC Radiation Oncology Medical Center Boulevard Winston-Salem, NC 27152	340047	08/24/2007	NC	Wake Forest University Baptist Medical Center Comprehensive Cancer Center
Harrison County Hospital 245 Atwood Street Corydon, IN 47112	151331	08/24/2007	IN	N/A
Thibodaux Regional Medical Center 602 North Acadia Road Thibodaux LA 70301	190004	08/24/2007	LA	N/A
NSMS - Hot Springs, AR 1600 Higdon Ferry Road Hot Springs AR 71913	5F168	08/24/2007	AR	N/A
Pacific Oncology, PC 15700 SW Greystone Court Beaverton OR 97006	1043262116	08/24/2007	OR	N/A
Cancer Care Associates 1791 E. Fir Avenue Fresno, CA 93720	222375652	08/24/2007	CA	N/A

Massatusetts Mobile PET, PC - - Newburyport 25 Highland Avenue Newburyport, MA 01950	327086	08/24/2007	MA	N/A
Hematology Oncology Associates of Illinois 6801 West 34th Street Berwyn, IL 60402	218890	08/24/2007	IL	Suite 107
Massatusetts Mobile PET, PC - Haverhill 140 Lincoln Avenue Haverhill, MA 01830	327086	08/24/2007	MA	N/A
Corinth Medical Group 4851 I35 East Suite 101 Corinth, TX 76210	00K22X	08/24/2007	TX	N/A
New England PET Imaging Manchester One Elliot Way Manchester, NH 03103	327081	08/24/2007	NH	N/A
The Surgery Clinic 1026 Goodyear Avenue Gadsden, AL 35999	N/A	08/24/2007	AL	Suite B-101
Boston Medical Center 830 Harrsion Avenue Boston, MA 02118	220031	08/24/2007	MA	Suite 1600
Mercy Health Center 4190 24th Avenue Fort Gratiot, MI 48059	1457354318	08/24/2007	MI	N/A
The Cancer Center of Santa Barbara 300 W. Pueblo Street Santa Barbara, CA 93105	W13890	08/24/2007	CA	N/A
Milford Memorial Hospital Bayhealth Medical Center 21 W. Clarke Avenue Milford, DE 19963	N/A	08/24/2007	DE	N/A
North Coast Cancer Care 417 Quarry Lakes Drive Sandusky, OH 44870	NO9915215	08/24/2007	OH	N/A
Palm Beach Gardens Open Imaging Center 3335 Burns Road #101 Palm Beach Gardens, FL 33408	U8767	08/24/2007	FL	N/A
Advanced Medical Imaging, LLC 1780 NW Myhre Road Silverdale, WA 98383	AB24179	08/24/2007	WA	Suite 1220
Swedish American Hospital 1401 E State Street Rockford, IL 61104	140228	08/24/2007	IL	N/A
Molecular Diagnostics of Eastern Omaha 117 North 32nd Avenue Suite 100 Omaha, NE 68131	99894	08/24/2007	NE	N/A
Kingwood Medical Center 22999 U.S. Hwy 59 Kingwood, TX 77339	1811942238	08/24/2007	TX	N/A
Health Village Imaging 1301 Route 72 West Manahawkin, NJ 08050	1194810978	08/24/2007	NJ	Suite 100
ARH Hazard 100 Medical Center Drive Hazard, KY 41701	520795508	08/24/2007	KY	N/A
Central Florida Imaging Center, Inc. 6801 US 27 N Suite E-3 Sebring, FL 33870	1427076769	08/24/2007	FL	N/A
West Texas Cancer Center 301 N Washington Avenue Odessa, TX 79761	00543K	08/24/2007	TX	N/A

Beloit Memorial Hospital 1969 West Hart Road Beloit, WY 53511	520100	08/24/2007	WY	N/A
Pinnacle Imaging Center 2390 NW 7th Street Miami, FL 33125	U5131	08/24/2007	FL	SUITE 103
PET Imaging of El Paso 1225 E. Cliff Drive El Paso, TX 79902	FTN035	08/24/2007	TX	Building 3 Suite 200
St. Petersburg General Hospital 6500 38th Avenue North St. Petersburg, FL 33710	N/A	08/24/2007	FL	N/A
St. Mary Medical Center 1201 Langhorne-Newtown Road Langhorne, PA 19047	390258	08/24/2007	PA	N/A
St. Joseph Medical Center 1401 St. Joseph Parkway Houston, TX 77002	1154361475	08/24/2007	TX	N/A
UPMC Northwest 1671 Allegheny Boulevard Reno, PA 16343	390091	08/24/2007	PA	N/A
Mercy Hospital Fairfield 3000 Mack Road Fairfield, OH 45014	1457354318	08/24/2007	OH	N/A
Radiology Associates of West Pasco 5539 Marine Parkway New Port Richey, FL 34652	1558328963	08/24/2007	FL	N/A
St. Dominic Hospital 969 Lakeland Drive Jackson, MS 39216	250048	08/24/2007	MS	N/A
RCOA-Adventist Health-Sequoia 4949 W. Cypress Avenue Visalia, CA 93271	1427198696	08/24/2007	CA	N/A
McKee Medical Center 2000 Boise Ave Loveland, CO 80538	60030	08/24/2007	CO	N/A
Bon Secours Richmond Community Hospital 1500 North 28th Street Richmond, VA 23223	490094	08/24/2007	VA	N/A
West Houston Medical Center 12141 Richmond Avenue Houston, TX 77082	450644	08/24/2007	TX	N/A
Shands Teaching Hospital and Clinics, Inc. 2000 SW Archer Road Gainesville, FL 32608	100113	08/24/2007	FL	Radiology, Shands Medical Plaza
Tanner Medical Center 119 Ambulance Drive Carrollton, GA 30117	110011	08/24/2007	GA	N/A
OU Medical Center 700 NE 13th Street Oklahoma City, OK 73104	1780631390	08/24/2007	OK	N/A
The Medical Center of Aurora 1400 S. Potomac Street Aurora, CO 80012	60100	08/24/2007	CO	#180
AllenRidge Diagnostic Imaging Center 520 Lecanto Highway Lecanto, FL 34461	100023	08/24/2007	FL	N/A
The PET Center at BWMC 305 Hospital Drive Baltimore, MD 21061	1124016696	08/24/2007	MD	SUITE 302
Signet Diagnostic Imaging Services, LLC 8300 West Sunrise Boulevard Plantation, FL 33322	E8667	08/24/2007	FL	N/A

Adams Diagnostic Imaging 20 Expedition Trail Gettysburg, PA 17325	65290	08/24/2007	PA	Suite 102
Jennie Edmundson Hospital 933 E. Pierce Street Council Bluffs, IA 51503	160047	08/24/2007	IA	N/A
Holy Cross Hospital 4725 N. Federal Highway Fort Lauderdale, FL 33308	100073	08/24/2007	FL	Bienes Diagnostic Imaging Center
Medical University of Ohio 3000 Arlington Avenue Toledo, OH 43614	1457354318	08/24/2007	OH	N/A
Daviess Community Hospital 1314 E Walnut Street Washington, IN 47501	150061	08/24/2007	IN	Radiology Department
Jeff Anderson Regional Medical Center 2124 14th Street Meridian, MS 39301	250104	08/24/2007	MS	N/A
Modesto Imaging Center 157 E. Coolidge Avenue Modesto, CA 95350	ZZZ01977Z	08/24/2007	CA	N/A
Sioux Center Community Hospital and Health Center 605 South Main Ave Sioux Center, IA 51250	161346	08/24/2007	IA	N/A
Southern Ohio Medical Center 1121 Kinneys Lane Portsmouth, OH 45662	360008	08/24/2007	OH	N/A
Massachusetts General Hospital 55 Fruit Street Boston, MA 02114	220071	08/24/2007	MA	N/A
Clinton Memorial Hospital Regional Health System 31 Farquhar Avenue Wilmington, OH 45177	316005307	08/24/2007	OH	N/A
CJW Medical Center 1401 Johnston Willis Drive Richmond, VA 23235	34632	08/24/2007	VA	N/A
Texas Oncology Weatherford 907 Foster Lane Weatherford, TX 76086	00539K	08/24/2007	TX	N/A
Sharper Imaging Diagnostic Radiology Center 3430 Tamiami Trail Port Charlotte, FL 33952	1730288515	08/24/2007	FL	Suite B
Morristown - Hamblin Healthcare System 908 W. 4th N. Street Morristown, TN 37814	1457354318	08/24/2007	TN	N/A
Puget Sound PET Imaging 6808 220th Street SW Mountlake Terrace, WA 98043	1151626600	08/24/2007	WA	Suite 150
Detar Hospital Navarro 506 E. San Antonio Street Victoria, TX 77902	450147	08/24/2007	TX	N/A
PET Imaging of Chicago 6801 West 34th Street Suite 105 Berwyn, IL 60402	214832	08/24/2007	IL	N/A
Imaging Specialists Group, Ltd. 3101 Churchill Road Flower Mound, TX 75022	1417991852	08/24/2007	TX	Suite 100
OKOmed Downtown Imaging 2101 Crawford Street Suite 115 Houston, TX 77002	1780622464	08/24/2007	TX	N/A
Clear Lake Regional Medical Center 500 Medical Center Boulevard Webster, TX 77598	1063466035	08/24/2007	TX	N/A
Norton Hospital 315 East Broadway Louisville, KY 40202	180088	08/24/2007	KY	N/A
Saratoga PET Associates, LLC 3 Emma Lane Clifton Park, NY 12065	1356357172	08/24/2007	NY	N/A

Genesis Health Care System 2800 Maple Avenue Zanesville, OH 43701	1457354318	08/24/2007	OH	N/A
Lake Cumberland Regional Hospital 27 Imaging Drive Somerset, KY 42503	1457354318	08/24/2007	KY	N/A
Saint Francis Cancer Institute 14 Doctors' Park Cape Girardeau, MO 63703	260183	08/24/2007	MO	N/A
American Health Network of IN, LLC - PET/CT 6820 Parkdale Place Indianapolis, IN 46254	1164491775	08/24/2007	IN	Suite #105
PET CT Nuclear Radiology, Inc. 1501 Edisicio Detantacourt, Suite 302 Fernadez Juncos Santorze, PR 909	57886	08/24/2007	PR	Fernadez Juncos Santorze
NSMS - Reedsburg, WI 2000 North Dewey Street Reedsburg, WI 53959	1295785079	08/24/2007	WI	N/A
Wayne Memorial Hospital 2700 Wayne Memorial Hospital Goldsboro, NC 27534	340010	08/24/2007	NC	N/A
InMed Diagnostic Services of IL 10419 Fleming Road Carterville, IL 62918	205040	08/24/2007	IL	N/A
Henrico Doctors' Hospital 1602 Skipwith Road Richmond, VA 23229	490118	08/24/2007	VA	N/A
Alliance Imaging - United General Hospital 2000 Hospital Drive Sedro Woolley, WA 98284	8862377	08/24/2007	WA	N/A
Spencer Municipal Hospital 1200 First Avenue East Spencer, IA 51301	1255328621	08/24/2007	IA	N/A
Radilogy LTD LaCholla Center – Diagnostic Imaging 5960 N. LaCholla Avenue Tucson, AZ 85704	1841261989	08/24/2007	AZ	N/A
Saint Elizabeth Regional Medical Center 555 South 70th Street Lincoln, NE 68510	280020	08/24/2007	NE	N/A
Bucyrus Community Hospital 629 N. Sandusky Avenue Bucyrus, OH 44820	361316	08/24/2007	OH	N/A
Mercy Hospital of Willard 110 E. Howard Street Willard, OH 44890	361310	08/24/2007	OH	N/A
Lower Columbia Pathologists 1606 East Kessler Boulevard Longview, WA 98632	745800	08/24/2007	WA	4th Floor
Newton Medical Center 600 Medical Center Drive Newton, KS 67114	170103A	08/24/2007	KS	N/A
Advanced Imaging Partners 508 Cleveland Street Great Bend, KS 67530	1295791325	08/24/2007	KS	N/A
Integrated Medical Imaging 1040 Greenwood Springs Boulevard Greenwood, IN 46143	221970	08/24/2007	IN	N/A
Avera Sacred Heart Cancer Center 501 Summit Street Yankton, SD 57078	430012	08/24/2007	SD	N/A
ValleyCare Medical Center 5555 W. Las Positas Boulevard Pleasanton, CA 94588	50283	08/24/2007	CA	N/A
NSMS - Mena, AR 311 North Morrow Street Mena, AR 71953	1295785079	08/24/2007	AR	N/A

Memorial Hospital Easton 219 S. Washington Street Easton, MD 21601	210037	08/24/2007	MD	N/A
Seattle Cancer Care Alliance 825 Eastlake Avenue E Seattle, WA 98109	500138	08/24/2007	WA	Medical Imaging
Alliance Imaging - The Vancouver Clinic 700 NE 87th Avenue Vancouver, WA 98664	8864364	08/24/2007	WA	N/A
Martin Center for Diagnostic and Imaging Services 3901 S. Fremont Avenue Springfield, MO 65804	260040	08/24/2007	MO	N/A
Aultman Hospital 2600 Sixth Street SW Canton, OH 44710	1457354318	08/24/2007	OH	N/A
Imaging Consultants, Inc. at Harrington Memorial 600 Federal Street Andover, MA 01810	327085	08/24/2007	MA	N/A
Rhode Island Pet Services at Kent County 600 Federal Street Andover, MA 01810	1538113113	08/24/2007	MA	N/A
Imaging Consultants Inc. at Hawthorn 600 Federal Street Andover, MA 01810	1851449078	08/24/2007	MA	N/A
Swedish Covenant Hospital 5145 N California Avenue Chicago, IL 60625	362179813	08/24/2007	IL	N/A
Banner Baywood Medical Center 6644 E. Baywood Avenue Mesa, AZ 85206	30088	08/24/2007	AZ	N/A
Lourdes Hospital 1530 Lone Oak Road Padukah, KY 42003	1346244126	08/24/2007	KY	N/A
St. Vincent Oncology Center 8301 Harcourt Road Indianapolis, IN 46260	150084	08/24/2007	IN	N/A
United Hospital System, Inc. 9555 76th Street Pleasant Prairie, WI 53518	520021	08/24/2007	WI	N/A
East Tennessee Diagnostic Center 1450 Dowell Springs Boulevard Suite 210 Knoxville, TN 37909	1710932553	08/24/2007	TN	N/A
Nazareth Hospital 8400 Roosevelt Boulevard Philadelphia, PA 19152	390204A	08/24/2007	PA	N/A
Good Samaritan Hospital 2425 Samaritan Drive San Jose, CA 95124	50380	08/24/2007	CA	N/A
MedSpecialists Imaging Center 1064 Keene Road Dunedin, FL 34698	AB585	08/24/2007	FL	N/A
NSMS - Pekin, IL 2355 Broadway Road Pekin, IL 61544	1295785079	08/24/2007	IL	N/A
Bluegrass Regional Imaging, LLC 701 Bob-O-Link Drive Lexington, KY 40504	1871542670	08/24/2007	KY	Suite 245
Fairfax Pet Imaging Center 8503 Arlington Boulevard Fairfax, VA 22031	1831220714	08/24/2007	VA	suite 120LL
Lodi Community Hospital 225 Elyria Street Lodi, OH 44254	361303	08/24/2007	OH	N/A
Legacy Meridian Park Hospital 19260 SW 65th Avenue Suite 165 Tualatin, OR 97062	380089	08/24/2007	OR	N/A

Galion Community Hospital 269 Portland Way South Galion, OH 44833	361325	08/24/2007	OH	N/A
Oncology Hematology Associates of Central Illinois 8940 N. Wood Sage Road Peoria, IL 61615	616880	08/24/2007	IL	N/A
Mid Ohio Oncology/Hematology, Inc. 3100 Plaza Properties Boulevard Columbus, OH 43219	1376509661	08/24/2007	OH	N/A
Kentucky Imaging Center 3475 Richmond Road Lexington, KY 40509	1992876981	08/24/2007	KY	SUITE 150
Salem Community Hospital 1995 East State Street Salem, OH 44460	1639131535	08/24/2007	OH	N/A
Belmont Community Hospital 51339 National Road St. Clairsville, OH 43950	360153	08/24/2007	OH	N/A
Golder CT and MRI Center 613 North Golder Avenue Odessa, TX 79761	N/A	08/24/2007	TX	N/A
NSMS - Reedsburg, WI 2000 North Dewey Street Reedsburg, WI 53959	1295785097	08/24/2007	WI	N/A
MaineGeneral Medical Center 361 Old Belgrade Road Augusta, ME 04330	200039A	08/24/2007	ME	N/A
The Oklahoma PET Center, PLLC 5401 N. Portland Avenue Suite 330 Oklahoma City, OK 73112	569959716M	08/24/2007	OK	N/A
NSMS - Blytheville, AR 1520 North Division Street Blytheville, AR 72316	1295785079	08/24/2007	AR	N/A
NSMS - Benton, AR 1 Medical Park Drive Benton, AR 72015	1295785079	08/24/2007	AR	N/A
Mercy Health System 1000 Mineral Point Avenue Janesville, WI 53548	520066	08/24/2007	WI	N/A
WA Foote Memorial Hospital 205 N. East Avenue Jackson, MI 49201	230092	08/24/2007	MI	N/A
Northern MIchigan Hospital 416 Connable Avenue Petoskey, MI 49770	230105	08/24/2007	MI	N/A
Anchor Health Centers 800 Goodlette Road N. Naples, FL 34102	1174571608	08/24/2007	FL	Suite 130
New Ulm Medical Center 1324 5th North Street New Ulm, MN 56073	2880	08/24/2007	MN	N/A
Radiology Associates of Brooklyn LLP 2021 Avenue X Brooklyn, NY 11235-2905	1134244916	08/24/2007	NY	N/A
NYOH Mobile PET/CT Hudson 69 Prospect Road Hudson, NY 12534	1609863448	08/24/2007	NY	N/A
Integris Bass Baptist Health Center 600 South Monroe Enid, OK 73703	1144236571	08/24/2007	OK	N/A
Imaging Consultants Inc at Weymouth Woods 59 Performance Drive Weymouth, MA 2188	1487690335	08/24/2007	MA	N/A
St. Vincent Medical Center 2131 W. Third Street Los Angeles, CA 90057	50502	08/24/2007	CA	N/A

Caritas PET Imaging, LLC at Holyoke Medical Center 575 Beech Street Holyoke, MA 1040	327087	08/24/2007	MA	N/A
St. James Healthcare 400 South Clark Butte, MT 59701	270017	08/24/2007	MT	N/A
Inglewood Imaging Center 211 N. Prairie Avenue Inglewood, CA 90301	TD097	08/24/2007	CA	N/A
Duncan Regional Hospital 1700 Whisenant Drive Duncan, OK 73534	370023	08/24/2007	OK	PO Box 100
OhioHealth Ambulatory PET/CT 500 Thomas Lane Columbus, OH 43214	360006	08/24/2007	OH	N/A
Baylor Diagnostic Imaging Center at Junius 3900 Junius Street Suite 100 Dallas, TX 75246	450021	08/24/2007	TX	N/A
PET/CT Imaging at White Marsh 9900 Franklin Square Drive Suite D Nottingham, MD 21236	FMNX01	08/28/2007	MD	N/A
Central Baptist Diagnostic Center 100 Southland Drive Lexington, KY 40503	9375001	06/14/2006	KY	Suite B
Baptist Health Medical Center - NLR PET/CT 3500 Springhill Drive North Little Rock, AR 72117	5F437	05/03/2006	AR	Suite 100
Commonwealth Hematology Oncology 95 Bogle Office Park Drive Somerset, KY 42503	1285687178	03/21/2007	KY	N/A
Commonwealth Hematology Oncology 216 Southtown Drive Danville, KY 40422	1285687178	03/21/2007	KY	N/A
Jefferson Center City Imaging 850 Walnut Street Philadelphia, PA 19107	66277	09/07/2007	PA	N/A
EPIC Imaging Center 233 NE 102 Avenue Portland, OR 97220	0000WCGNQ	09/11/2007	OR	N/A
UPMC and The Washington Hospital Cancer Center 155 Wilson Avenue Washington, PA 15301	105589VXB	03/10/2006	PA	N/A
Lexington Diagnostic Center 1725 Harrodsburg Road Suite 100 Lexington, KY 40504	0406	03/08/2006	KY	N/A
UW PET Imaging Center 8007 Excelsior Drive Madison, WI 53717	1346266319	04/03/2007	WI	N/A
NorCal Imaging - Oakland 3200 Telegraph Avenue Oakland, CA 94609	ZZZ05319Z	08/22/2007	CA	N/A
NorCal Imaging – Walnut Creek 114 La Casa Via Suite #100 Walnut Creek, CA 94598	ZZZ05319Z	08/22/2007	CA	N/A

Aurora Sheboygan Memorial Imaging Center 2629 North 7th Street Sheboygan, WI 53083	520035	05/08/2008	WI	N/A
Aurora Memorial Hospital of Burlington 252 McHenry Street Burlington, WI 53105	520059	05/08/2008	WI	N/A
Aurora Medical Center - Manitowoc County 5000 Memorial Drive Two Rivers, WI 54241	520034	05/08/2008	WI	N/A
St. Mary's Medical Center 2900 First Avenue Huntington, WV 25702	510007	01/29/2009	WV	N/A
Lenox Hill Radiology & Medical Imaging 61 East 77th Street New York, NY 10021	W16681	01/29/2009	NY	N/A
NSMS - Greenville, IL 200 Health Care Drive Greenville, IL 62246	208196	01/29/2009	IL	N/A
Medical Outsourcing Services LLC-Christie Clinic 1801 West Windsor Road Champaign, IL 61821	211224	01/29/2009	IL	N/A
Dakota Radiology 2929 Fifth Street, First Floor Rapid City, SD 57701	1306892708	01/29/2009	SD	N/A
Coffeyville Regional Medical Center 1400 West Fourth Street Coffeyville, KS 67337	1285600379	01/29/2009	KS	N/A
St. Mary Medical Center 1201 Langhorne-Newtown Road Langhorne, PA 19047	390258	01/29/2009	PA	N/A
Medical Imaging Center at Windsor Oaks 1901 SE 18th Avenue Building 200A Ocala, FL 34471	97993	01/29/2009	FL	N/A
Alliance Imaging 2000 Hospital Drive Sedro-Woolley, WA 98284	8862377	01/29/2009	WA	N/A
Watauga Medical Center 336 Deerfield Road Boone, NC 28607	340051	01/29/2009	NC	N/A
Medical Outsourcing Services LLC 315 W. Old Key Dr. Peru, IN 46970	223260	01/29/2009	IN	N/A
Contemporary Imaging Associates 19900 Haggerty Road Suite 101 Livonia, MI 48152	ON63450	01/29/2009	MI	N/A
Greenwich Hospital 5 Perryridge Road Greenwich, CT 06830	70018	01/29/2009	CT	N/A
SMDC Health Systems 400 East Third Street Duluth, MN 55805	8200	01/29/2009	MN	N/A
Harris Regional Hospital 68 Hospital Road Sylva, NC 28779	340016	01/29/2009	NC	N/A
Community Memorial Hospital W180N8085 Town Hall Road Menomonee Falls, WI 53051	1609822881	01/29/2009	WI	N/A
LRI Lincoln Radiology Imaging 7121 Stephanie Lane Lincoln, NE 68516	99920	01/29/2009	NE	N/A
Bristol Hospital Brewster Road Bristol, CT 06010	70029	01/29/2009	CT	N/A

Mount Auburn Hospital 330 Mount Auburn Street Cambridge, MA 02138	220002	01/29/2009	MA	N/A
American Fork Hospital 170 N. 1100 E. American Fork, UT 84003	460023	01/29/2009	UT	N/A
Kentucky Imaging Center 3475 Richmond Road Suite 150 Lexington, KY 40509	1992876981	01/29/2009	KY	N/A
Bay Park Community Hospital 2801 Bay Park Drive Oregon, OH 43616	1457354318	01/29/2009	OH	N/A
Port Huron Hospital 1221 Pine Grove Avenue Port Huron, MI 48060	1457354318	01/29/2009	MI	N/A
Spring Branch Medical Center 8850 Long Point Road Houston, TX 77055	450630	01/29/2009	TX	N/A
Medical Outsourcing Services LLC 2210 Green Valley Road Suite 1 New Albany, IN 47150	248140	01/29/2009	IN	N/A
Medical Outsourcing Services LLC 355 Ridge Avenue Evanston, IL 60202	211222	01/29/2009	IL	N/A
Queens Hospital Center 82-68 164th Street Queens, NY 11432	330231	01/29/2009	NY	N/A
NYOH Mobile PET/CT Amsterdam 1700 Riverfront Center Amsterdam, NY 12010	1609863448	01/29/2009	NY	N/A
Providence Everett Medical Center 1717 13th Street Everett, WA 98201	500014	01/29/2009	WA	N/A
University of Miami/Sylvester Cancer Center 1475 NW 12th Avenue Miami, FL 33136	100079	01/29/2009	FL	N/A
St. Mary's Hospital Medical Center 1726 Shawano Avenue Green Bay, WI 54303	520097	01/29/2009	WI	N/A
Brazosport Regional Health System 100 Medical Drive Lake Jackson, TX 77566	450072	01/29/2009	TX	N/A
Medical Outsourcing Services LLC 1025 Maine Street Quincy, IL 62301	211224	01/29/2009	IL	N/A
The Imaging Center 499 Gloster Creek Village Suite G1 Tupelo, MS 38801	1417907536	01/29/2009	MS	N/A
NSMS - Forrest City, AR 1601 Newcastle Road Forrest City, AR 72336	1295785079	01/29/2009	AR	N/A
Glendale Adventist Medical Cent 1509 Wilson Terrace Glendale, CA 91206	1831188275	01/29/2009	CA	N/A
Mount Sinai Medical Center of Florida, Inc. 4300 Alton Road Miami Beach, FL 33140	100034	01/29/2009	FL	N/A
Cooper University Radiology 900 Centennial Boulevard Voorhees, NJ 08043	17983	01/29/2009	NJ	N/A
George Washington University Hospital 900 23rd Street, NW Washington, DC 10021	90001	01/29/2009	DC	N/A

Galesburg Cottage Hospital 695 N. Kellogg Street Galesburg, IL	1447221312	01/29/2009	IL	N/A
Central Florida Regional Hospital 1401 W. Seminole Boulevard Sanford, FL 32771	100161	01/29/2009	FL	N/A
Feather River Hospital 5974 Pentz Road Paradise, CA 95969	225	01/29/2009	CA	N/A
Caritas PET Imaging, LLC at Cooley Dickinson Hospital 30 Locust Street Northampton, MA 67337	1285846410	01/29/2009	MA	N/A
Shared PET Imaging, LLC for Garden City Hospital 272 West Warren Dearborn Heights, MI	1457354318	01/29/2009	MI	N/A
Florida Hospital Heartland Division -Sebring FL 4200 Sun N Lake Boulevard Sebring, FL 98284	100109	01/29/2009	FL	N/A
Good Samaritan Regional Center 700 E Norwegian Street Pottsville, PA 17901	1427050376	01/29/2009	PA	N/A
Austin Pet and Imaging Center 11044 Research Blvd D-100 Austin, TX 78759	1518928787	01/29/2009	TX	N/A
Ukiah Valley Medical Center 275 Hospital Drive Ukiah, CA 95482	50301	01/29/2009	CA	N/A
Longmont United Hospital 418 E. College Drive Cheyenne, WY 82007	60003	01/29/2009	WY	N/A
Grove City Medical Center 631 N Broad Street Grove City PA 16127	1023000296	01/29/2009	PA	N/A
Fulton Center Health Center 34555 Chagrin Boulevard Cleveland, OH 43567	361333	01/29/2009	OH	N/A
NSMS - Fairfield, IL 303 NW 11th Street Fairfield, IL 62837	1295785097	01/30/2009	IL	N/A
St Helena Hospital 10 Woodland Road St Helena, CA 94574	50013	01/30/2009	CA	N/A
Bayshore Medical Center 4000 Spencer Highway Pasadena, TX 77504	1174576698	01/30/2009	TX	N/A
RedBud Community Hospital 15630 18th Avenue Clearlake, CA 95422	51317	01/30/2009	CA	N/A
Taylor Regional Hospital 125 Greenbriar Drive Campbellsville, KY 42718	180087	01/30/2009	KY	N/A
St. Mary's Medical Center 901 St. Mary's Drive Evansville, IN 47750	150100	01/30/2009	IN	N/A
RUSH University Medical Center 1750 W Harrison Street Jones 106 Chicago, IL 60612	1932213600	01/30/2009	IL	N/A
Parkview Molecular Imaging 2428 Santa Monica Boulevard Suite #302 Santa Monica, CA 90404	G17328A	01/30/2009	CA	N/A
InSight Diagnostic Center 1121 8th Avenue Fort Worth, TX 76104	1932166105	01/30/2009	TX	N/A
Monongahela Valley Hospital 1163 Country Club Road Monongahela, PA 15063	390147	01/30/2009	PA	N/A

Florida Cancer Specialists/ Del Prado 811 Del Prado Boulevard Cape Coral, FL 33990	1760590962	01/30/2009	FL	N/A				
MPHS 100 S. San Mateo Drive San Mateo, CA 94403	50007	01/30/2009	CA	N/A				
Griffin Hospital 130 Division Street Derby, CT 6418	70031	01/30/2009	CT	N/A				
West Jefferson Medical Center 1101 Medical Center Boulevard Marrero, LA 70072	190039	01/30/2009	LA	N/A				
Mercy Hospital of Tiffin 485 West Market Street Tiffin, OH 44883	360089	01/30/2009	OH	N/A				
Dr. Haroutioun S. Shahinian 10767 Gateway W El Paso, TX 79935	1639184005	01/30/2009	TX	N/A				
Holston Valley Medical Center 130 W Ravine Road Kingsport, TN 37660	1457354318	01/30/2009	TN	N/A				
Pinnacle Health Imaging at West Hanover 8012 Bretz Drive Harrisburg, PA 17112	390067	01/30/2009	PA	N/A				
Indian Path Medical Center 2205 Pavilion Dr Kingsport, TN 37660	1457354318	01/30/2009	TN	N/A				
Regional Medical Imaging 2486 Nerredia Flint, MI 48532	1457354318	01/30/2009	MI	N/A				
Modesto Radiology Imaging 1524 Mchenry Avenue Suite 100 Modesto, CA 95350	ZZZ18519Z	01/30/2009	CA	N/A				
Texas Cancer Clinic 9102 Floyd Curl Drive San Antonio, TX 78240	1316944655	01/30/2009	TX	N/A				
Mercy Anderson Hospital 7500 State Road Cincinnati, OH 45255	1457354318	01/30/2009	OH	N/A				
Henry Ford Macomb 15855 Nineteen Mile Rd Clinton Township, MI 48038	1457354318	01/30/2009	MI	N/A				
Kennedy Outpatient Medical Imaging 900 Medical Center Drive Sewell, NJ 08080	310086	01/30/2009	NJ	N/A				
Memorial Hermann Northeast 18955 Memorial North Humble, TX 77338	450684	01/30/2009	TX	N/A				
Comprehensive Cancer Center;Cancer Specialists OK 3525 NW 56th Street C150 Oklahoma City, OK 73112	1013090075	01/30/2009	OK	N/A				
RIS Lakeland 1305 Lakeland Hills Boulevard Lakeland, FL 33805	584	01/30/2009	FL	N/A				
Bayshore Community Hospital 727 North Beers Street Holmdel, NJ 07733	310112	01/30/2009	NJ	N/A				
Outpatient Radiology LLC 419 S. Washingont Street Suite 101 Casper, WY 82601	1396704474	01/30/2009	WY	N/A				
University Hospital and Medical Center 7201 North University Drive Tamarac, FL 33321	1144274770	01/30/2009	FL	N/A				
University Cancer Center, Huntsville 640 Interstate 45 N Huntsville, TX 77340	00Y285	01/30/2009	TX	N/A				
San Jacinto Methodist Hospita 4401 Garth Road Baytown, TX 77521	450424	01/30/2009	TX	N/A				

University Cancer Center, Brenha 605 Medical Court 101 Brenham, TX 77833	00Y285	01/30/2009	TX	N/A
Methodist Hospital I65 at 21st Street Indianapolis, IN 46206	150056	01/30/2009	IN	N/A
Mount Kisco Medical Group 34 S. Bedford Road Mount Kisco, NY 10549	MO0W067610	01/30/2009	NY	N/A
Danville Regional Medical Center 142 South Main Street Danville, VA 24541	490075	01/30/2009	VA	N/A
Hammond Clinic 9800 Valparaiso Drive Munster, IN 46321	1457354318	01/30/2009	IN	N/A
Alliance Imaging - Auburn Regional Medical Center 202 North Division Street Auburn, WA 98001	8865493	01/30/2009	WA	N/A
University of Connecticut Health Center 263 Farmington Avenue Farmington, CT 06030	300001399	01/30/2009	CT	N/A
Clinch Valley Medical Center 2949 West Front Street Richlands, VA 24641	1871534297	01/30/2009	VA	N/A
St. Mary Corwin Medial Center 1008 Minnequa Avenue Pueblo, CO 81004	840405257	01/30/2009	CO	N/A
Insight Imaging-Saint John's Regional Medical Center 1700 N Rose Avenue Suite 110 Oxnard, CA 93030	TP044	01/30/2009	CA	N/A
Trinity Hospitals 407 3rd Street SE Minot, ND 58701	412002771	01/30/2009	ND	N/A
Morris County Imaging 310 Madison Avenue Morristown, NJ 07960	111293	01/30/2009	NJ	N/A
Lake Norman Regional Medical Center 171 Fairview Road Mooresville, NC 28117	34012	01/30/2009	NC	N/A
Medical Imaging of Fredericksbur 1201 Sam Perry Boulevard Suite 102 Fredericksburg, VA 2240	7242956	01/30/2009	VA	N/A
Medical Outsourcing Services LL 450 Chew Street Allentown, PA 18102	115171	01/30/2009	PA	N/A
Southeastern Regional Medical Center 300 West 27th Street Lumberton, NC 28358	340050	01/30/2009	NC	N/A
Meridian Health, Riverview Medical Center 1 Riverview Plaza Red Bank, NJ 07701	310034	01/30/2009	NJ	N/A
Shands Jacksonville 555 W. 8th Street Jacksonville, FL 32209	100001	01/30/2009	FL	N/A
Advantage Imaging, LLC 3733 Park East Drive Suite 100 Beachwood, OH 44139	1336359686	01/30/2009	OH	N/A
Marlette Regional Hospital 2770 Main Street PO Box 307 Marlette, MI 48453	231330	01/30/2009	MI	N/A
Lewisburg Cancer Center 75 Medical Park Drive Lewisburg, PA 17837	31076	01/30/2009	PA	N/A
New Jersey Diagnostics & Imagin 455 Jack Martin Boulevard Brick, NJ 08724	1710915483	01/30/2009	NJ	N/A

Medical Oncology Associates, P.S. 6001 N Mayfair Street Spokane, WA 99208	GAB37015	01/30/2009	WA	N/A		Greenview Regional Hospital 1801 Ashley Circle Bowling Green, KY 42104	1457354318	01/30/2009	KY	N/A
DMS Imaging 10121 Pine Avenue Truckee, CA 96161	ZZZ05188Z	01/30/2009	CA	N/A		TJ Samson Community Hospital 1301 N. Race Street Glasgow KY 42141	1457354318	01/30/2009	KY	N/A
Northwest Medical Center 2801 N. State Road 7 Margate, FL 33063	100189	01/30/2009	FL	N/A		Watson Clinic LLP 1600 Lakeland Hills Boulevard Lakeland FL 33805	162	01/30/2009	FL	N/A
St. Joseph Hospital 1907 W. Sycamore Street Kokomo, IN 46904	1780625442	01/30/2009	IN	N/A		Major Hospital 2455 Intelliplex Drive Shelbyville, IN 46176	1174555692	01/30/2009	IN	N/A
Mayo Clinic Jacksonville 4500 San Pablo Road Jacksonville, FL 32224	97325	01/30/2009	FL	N/A		Carroll Precision Imaging Center 680A Poole Road Westminster, MD 21157	1598944761	01/30/2009	MD	N/A
Jewish Hospital 200 East Liberty Street Louisville, KY 40222	1457354318	01/30/2009	KY	N/A		Providence Hospital 16001 West Nine Mile Road PO Box 2043 Southfield, MI 48037	1144210253	01/30/2009	MI	N/A
Riverview Hospital Association 410 Dewey Street Wisconsin, Rapids WI 54495	520033	01/30/2009	WI	N/A		Lexington Clinic 1221 South Broadway Lexington, KY 40504	169	01/30/2009	KY	N/A
Quantum PET - Mt. Nittany Medical Center 1800 East Park Avenue State College, PA 16803	40635	01/30/2009	PA	N/A		St Francis Hospital 6161 S. Yale Avenue Tulsa, OK 74136	1457354318	01/30/2009	OK	N/A
Capital Medical Center 3900 Capital mall Drive Olympia, WA 98502	1841258639	01/30/2009	WA	N/A		Kingman Regional Imaging Center 1033 Sycamore Avenue Kingman, AZ 86409	30055	01/30/2009	AZ	N/A
Treasure Hills Imaging Center 2121 Pease Street Harlingen, TX 78550	FTA0091	01/30/2009	TX	N/A		Morrow County Hospital 651 West Marion Road Mount Gilead, OH 43338	361313	01/30/2009	OH	N/A
King's Daughter's Hospital & Health Services One King's Daughters Drive Madison, IN 47250	1457354318	01/30/2009	IN	N/A		Alliance Imaging - Gritman Medical Center 700 South Main Street Moscow, ID 83843	17902911	01/30/2009	ID	N/A
St. Luke's Hospital East Campus 85 Grand Avenue Fort Thomas, KY 41075	1457354318	01/30/2009	KY	N/A		Putnam Hospital Center 670 Stoneleigh Avenue Carmel, NY 10512	330273	01/30/2009	NY	N/A

Associated Medical Specialist, PA 817 Farrar Drive Conway, SC 29526	1063432391	01/30/2009	SC	N/A
South Valley Radiology 16633 Ventura Boulevard Suite 120 Encino, CA 91436	W18950	W18950	CA	N/A
Florida Cancer Institute 7651 Medical Drive Hudson, FL 34667	K4006	01/30/2009	FL	N/A
Albemarle Hospital 1144 N Road Street Elizabeth City, NC 27909	340109	01/30/2009	NC	N/A
Carilion New River Valley 2900 Lamb Circle Christiansburg, VA 24073	490042	01/30/2009	VA	N/A
Hope Diagnostic Imaging Center 2202 S. 77th Sunshine Strip Suite E Harlingen, TX 78550	FTNX12	01/30/2009	TX	N/A
Optima Diagnostic Imaging 8900 Wilshire Boulevard Beverly Hills, CA 90211	1659412757	01/30/2009	CA	N/A
John Randolph Medical Center 411 W. Randolph Road Hopewell, VA 23860	490020	01/30/2009	VA	N/A
Salem Hospital 665 Winter Street SE Salem, OR 97301	1265431829	01/30/2009	OR	N/A
Nacogdoches Medical Center 4920 NE Stallings Drive Nacogdoches, TX 75961	450656	01/30/2009	TX	N/A
Fairfield Diagnostic Imaging 1241 River Valley Boulevard Lancaster, OH 43130	1063472884	01/30/2009	OH	N/A
PET Imaging of Thornton 9461 Huron Street Thornton, CO 80260	183123486	01/30/2009	CO	N/A
East Bay Medical Oncology 4721 Dallas Ranch Road Antioch, CA 94513	1932107331	01/30/2009	CA	N/A
MultiCare Health System/ Tacoma General Hospital 316 Martin Luther King Way Tacoma, WA 98405	1366556227	01/30/2009	WA	N/A
University of Wisconsin- Hospital and Clinics 600 Highland Avenue Madison, WI 53792	520098	01/30/2009	WI	N/A
Open MRI and CT of South Miami, LLC 101 NW 1st Avenue Delray Beach, FL 33444	1457405060	01/30/2009	FL	N/A
Dearborn County Hospital 600 Wilson Creek Road Lawrenceburg, IN 47025	150086	01/30/2009	IN	N/A
Alliance Imaging Inc-Desert Imaging 118 Castellano Drive ElPaso, TX 79912	1639357213	01/30/2009	TX	N/A
NSMS - Hamburg, IA 209 Limestone Pass Cottage Grove, WI 53527	1295785079	01/30/2009	WI	N/A
NSMS - Memphis, MO Sigler Avenue RR #1 Box 53 Memphis, MO 63555	1295785079	01/30/2009	MO	N/A
Alliance Imaging - Hematology Oncology 715 W. North Avenue Melrose, Park IL 60160	216057	01/30/2009	IL	N/A
South Miami Hospital 6200 SW 73rd Street Miami, FL 33143	1982688230	01/30/2009	FL	N/A

The PET/CT Center of North Florida 2161 Kingsley Avenue Orange Park, FL 32073	1952320467	01/30/2009	FL	N/A
Ascent Diagnostic Imaging of Tamarac 7180 North University Drive Tamarac, FL 33321	AL571	01/30/2009	FL	N/A
Wilson Medical Center 1705 Tarboro Street SW Wilson, KY 41075	340126	02/02/2009	NC	N/A
Lexington Medical Center 811 W. Main Street Lexington, KY 42141	1457354318	02/02/2009	SC	N/A
Merced MRI 3365 G Street Suite 100 Merced, KY 42104	ZZZ19963Z	02/02/2009	CA	N/A
Memorial Diagnostic Center 2901 Swann Avenue Tampa, FL 33805	100206	02/02/2009	FL	N/A
The PET/CT Center of North Florida 1375 Roberts Road Jacksonville Beach, FL 46176	1932196243	02/02/2009	FL	N/A
The PET/CT Center of North Florida 300 Health Park Boulevard #100 St.Augustine, FL 32086	1861427155	02/02/2009	FL	N/A
Oncology Hematology West, P.C. 17201 Wright Street Suite 100 Omaha, NE 68130	1932178530	02/02/2009	NE	N/A
The PET/CT Center of North Florida 795 SW State Road 47 Lake City, FL 32025	1902893902	02/02/2009	FL	N/A
The PET/CT Center of North Florida 710 Lomax Street Jacksonville, FL 32204	1457529786	02/02/2009	FL	N/A
Provena Saint Joseph Medical Center 2000 Glenwood Avenue Joliet, IL 60435	140007	02/02/2009	IL	N/A
Montgomery County Advanced Medical Imaging, LLC 2701 Blair Mill Road Blairwood Building Suite 3 Willow Grove, PA 19090	1134315369	02/02/2009	PA	N/A
Medical Outsourcing Services LLC One Elizabeth Place Dayton, OH 45408	2391	02/02/2009	OH	N/A
Insight Diagnostic Imaging 750 N. Syringa Street Suite 104 Post Falls, ID 83854	1710089636	02/02/2009	ID	N/A
Hudson Valley Radiology Associates of Westchester 115 Main Street Tuckahoe, NY 10707	1174574115	02/02/2009	NY	N/A
Advocate Illinois Masonic Medical Center 3000 North Halsted Suite 100 Chicago, IL 60657	363196629	02/02/2009	IL	N/A
The PET/CT Center of North Florida 600 Zeagler Drive Palatka, FL 32177	1518986926	02/02/2009	FL	N/A
Baptist Memorial Outpatient Diagnostic Center 504 Azalea Drive Oxford, MS 38655	1053375576	02/02/2009	MS	N/A

Alliance Imaging - Great Falls Clinic 3000 15th Avenue South Great Falls, MT 59405	1790978146	02/02/2009	MT	N/A
Central DuPage Hospital 25 N Winfield Road Winfield, IL 60190	820800	02/02/2009	IL	N/A
Medical Outsourcing Services LLC 4932 W 95th Street Oak Lawn, IL 60453	211222	02/02/2009	IL	N/A
The Cancer Center at Lake Manassas 7901 Lake Manassas Drive Gainesville, VA 20155	1518024934	02/02/2009	VA	N/A
Zwanger-Pesiri Radiology, LLP 80 Maple Avenue Smithtown, NY 11787	W1391	02/02/2009	NY	N/A
Ohio Valey General Hospital 500 Pine Hollow Road McKees Rocks, PA 15136	390157	02/02/2009	OH	N/A
Rockwood Clinic Radiation Oncology 2410 E. Sinto Avenue Spokane Valley, WA 99216	356600	02/02/2009	WA	N/A
Regional West Medical Center 4021 Ave. B Scottsbluff, NE 69361	1639101199	02/02/2009	NE	N/A
DuPage Medical Group at Rickert 1100 W. 31st Street Downers Grove, IL 60515	1801833983	02/02/2009	IL	N/A
Medical Outsourcing Services LLC 2701 W. 68th Street Chicago, IL 60629	211222	02/02/2009	IL	N/A
Presbyterian Kaseman Hospital 8300 Constitution Avenue NE Albuquerque, NM 87110	320021	02/02/2009	NM	N/A
North Kansas City Hospital 2800 Clay Edwards Drive Parkville, MO 64116	260096	02/02/2009	MO	N/A
West Hernando Diagnostic Imaging 3315 Commercial Way Spring Hill, FL 34606	1174668305	02/02/2009	FL	N/A
NSMS - Robinson, IL 1000 N. Allen Street Robinson, IL 62454	1295785079	02/02/2009	IL	N/A
Memorial Hospital 715 South Taft Avenue Fremont OH 43420	360156	02/02/2009	OH	N/A
Samaritan Imaging Center 1245 Wilshire Boulevard Suite 205 Los Angeles, CA 90017	1538258116	02/02/2009	CA	N/A
Aurora West Alllis Medical Center 8901 West Lincoln Avenue West Allis, WI 53227	520139	02/02/2009	WI	N/A
Hematology & Oncology Specialists, LLC 39 Starbrush Circle Covington, LA 70433	5F818	02/02/2009	LA	N/A
DDIS-PB 3250 Westchester Avenue Bronx, NY 10461	w30661	02/02/2009	NY	N/A
Toledo Clinic, Inc. 4235 Secor Road Toledo, OH 43623	1144217894	02/02/2009	OH	N/A
CDSA 1421 Third Avenue New York, NY 10028	1982700951	02/02/2009	NY	N/A
Cancer Care Centers of South Texas 2130 NE Loop 410 Suite 100 San Antonio, TX 78217	1225064603	02/02/2009	TX	N/A

Saddleback Memorial Medical Center 24451 Healthcenter Drive Laguna Hills, CA 92653	50603	02/02/2009	CA	N/A
Marshfield Clinic 2116 Craig Road Eau Claire, WI 54701	390452970	02/02/2009	WI	N/A
Liberty Pacific Advanced Imaging 16130 Ventura Boulevard Encino, CA 91436	1962457812	02/02/2009	CA	N/A
SimonMed Imaging, Inc. 20830 N Tatum Blvd Suite 190 Phoenix, AZ 85050	1164460077	02/02/2009	AZ	N/A
Marshfield Clinic - Rice Lake Center 1700 West Stout Street Rice Lake, WI 54868	5090	02/02/2009	WI	N/A
Ingham Regional Medical Center 401 W. Greenlawn Avenue Lansing, MI 48910	230167	02/02/2009	MI	N/A
Space Coast Medical Associates LLP 490 N. Washington Avenue Titusville, FL 32796	1558329581	02/02/2009	FL	N/A
Ascent Diagnostic Imaging of Jacksonville 5210 Belfort Road Suite 130 Jacksonville, FL 32256	AL744	02/02/2009	FL	N/A
Milford Regional Medical Center 12 Prospect Street Milford, MA 01757	1477527497	02/02/2009	MA	N/A
The Cancer Team Bellin Health 1580 Commanche Avenue Green Bay, WI 54313	ESO114	02/02/2009	WI	N/A
Community Cancc Center of North Florida 7000 NW 11th Place Gainsville, FL 32605	1205858354	02/02/2009	FL	N/A
Epic Care Dublin 6380 Clark Avenue Dublin, CA 94568	ZZZ39149Z	02/02/2009	CA	N/A
Cornerstone McLaughlin & Marte 3850 Tampa Road Palm Harbor, FL 44718	1174668305	02/03/2009	FL	N/A
Methodist Dallas Medical Center 1441 N. Beckley Avenue Dallas, TX 75203	1457354318	02/03/2009	TX	N/A
Methodist Charlton Medical Center 3500 W. Wheatland Road Dallas, TX 75737	1457354318	02/03/2009	TX	N/A
Riverview Hospital 395 Westfield Road Nobelsville, IN 46060	1457354318	02/03/2009	IN	N/A
North Bay Imaging 625 W. Baldwin Road Panama City, FL 32405	1639208366	02/03/2009	FL	N/A
University Medical Center 602 Indiana Avenue Lubbock, TX 79413	1821087164	02/03/2009	TX	N/A
Toms River X-Ray/CT/MRI Center 154 Highway 37 W Toms River, NJ 08755	540379	02/03/2009	NJ	N/A
St. Mary's Hospital Imaging Department 25500 Point Lookout Road Leonardtown, MD 20650	210028	02/03/2009	MD	N/A
Banner Good Samaritan PET Center 1111 E. McDowell Road Phoenix AZ 85006	H0016	02/03/2009	AZ	N/A

Saint Luke's Northland Hospital 4320 Wornall Road Suite 328 Kansas City, MO 64111	111111	02/03/2009	MO	N/A
Carmichael Imaging 6620 Coyle Avenue Suite 110 Carmichael, CA 95608	941694584	02/03/2009	CA	N/A
Phoebe Putney Memorial Hospital 2709 Meredyth Drive Albany, GA 31707	1710147210	02/03/2009	GA	N/A
Trinity MedicalCenter 800 Montclair Road Birmingham, AL 35213	10104	02/03/2009	AL	N/A
Diagnostic Clinic 1551 West Bay Drive Largo, FL 33770	36	02/03/2009	FL	N/A
Titus Regional Medical Center 2001 North Jefferson Avenue Mount Pleasant, TX 75455	1174526529	02/03/2009	TX	N/A
Snow Canyon Clinic 272 East Center Street Ivins, UT 84738	1235185645	02/03/2009	UT	N/A
Conway Medical Center 300 Singleton Ridge Road, PO Box 829 Conway, SC 29526	1134172000	02/03/2009	SC	N/A
Nazha Cancer Center 801 New Road Northfield, NJ 08225	1063698959	02/03/2009	NJ	N/A
CHRISTUS Central Louisiana Imaging Center 3704 North Boulevard Alexandria, LA 71301	190019	02/03/2009	LA	N/A
Cobre Valley Community Hospital 5880 S. Hospital Drive Globe, AZ 85501	31314	02/03/2009	AZ	N/A
Wuesthoff X-Ray and Lab at Baytree 7970 N. Wickham Road Melbourne, FL 32940	1538298344	02/03/2009	FL	N/A
Avera Holy Family 826 North 8th Street Estherville, IA 51334	1508810177	02/03/2009	IA	N/A
Hannibal Regional Hospital 6000 Hospital Drive Hannibal, MO 63401	260025	02/03/2009	MO	N/A
Alliance Imaging Dreyer Clinic 1221 North Highland Avenue Aurora, IL 60506	1235282344	02/03/2009	IL	N/A
Cancer Care 11100 Hefner Pointe Drive Oklahoma City, OK 73120	1295785392	02/03/2009	OK	N/A
Fisher-Titus Medical Center 272 Benedict Avenue Norwalk, OH 44857	360065	02/03/2009	OH	N/A
Oaklawn Hospital 200 North Madison Street Marshall, MI 49068	230217	02/03/2009	MI	N/A
Dixie Regional Medical Center 544 South 400 East St. George, UT 84790	460021	02/03/2009	UT	N/A
New Jersey Institute of Radiology 630 Broad Street Carlstadt, NJ 07072	115568	02/03/2009	NJ	N/A
Medical Diagnostic Imaging 4349 Treadaway Boulevard Abilene, TX 79602	1730387911	02/03/2009	TX	N/A
Richmond 2900 Richmond Avenue Houston, TX 77098	1730132234	02/03/2009	TX	N/A

Lafayette General Medical Center-LGI 1211 Coolidge Blvd Suite 201 Lafayette, LA 70503	1275536799	02/03/2009	LA	N/A
Ohio Cancer Specialists 1125 Aspira Court Mansfield, OH 44906	1316917040	02/03/2009	OH	N/A
Vantage Diagnostic Imaging 3400 W. Hefner Road Oklahoma City, OK 73120	400522173	02/03/2009	OK	N/A
Health Diagnostics 455 Hickey Boulevard #200 Daly City, CA 94015	1467611467	02/03/2009	CA	N/A
Physicians for Cure 795 SW State Road 47 Lake City, FL 32025	1770739104	02/03/2009	FL	N/A
Arkansas Cancer Center PET/CT 9601 Lile Drive Suite 106 Little Rock, AR 72205	1477535391	02/03/2009	AR	N/A
Southeast Georgia Health System 2415 Parkwood Drive Brusnwick, GA 31520	110025	02/03/2009	GA	N/A
Illinois Valley Community Hospital 925 West Street Peru, IL 61354	1457354318	02/03/2009	IL	N/A
Oncology Hematology Associates of Southwest IN 3699 Epworth Road Newburgh, IN 47630	1710150222	02/03/2009	IN	N/A
Sam Houston Cancer Center 112 Medical Park Lane Huntsville, TX 77340	00Z337	02/03/2009	TX	N/A
Silicon Valley Medical Imaging 2191 Mowry Avenue Suite 500-H Fremont, CA 94538	1376730358	02/03/2009	CA	N/A
RADS (Radiology and Diagnostic Services) 7160 W. 20th Avenue Suite M126 Hialeah, FL 33016	100187	02/03/2009	FL	N/A
Kaweah Delta Imaging Center 4949 W. Cypress Avenue Visalia, CA 93277	1588663769	02/03/2009	CA	N/A
University of South AL Mitchell Cancer Institute 1660 Springhill Avenue Mobile, AL 36604	H398	02/03/2009	AL	N/A
Murray-Calloway County Hospital 803 Poplar Street Murray, KY 42071	1073504981	02/03/2009	KY	N/A
Arizona Center for Hematology and Oncology 14674 W. Mountain View Boulevard #113 Surprise, AZ 85374	Z31627	02/03/2009	AZ	N/A
Wake Radiology Diagnostic Imaging, Inc. 300 Ashville Avenue Suite 180 Cary, NC 27518	1538123450	02/03/2009	NC	N/A
The Vancouver Clinic 700 NE 87th Avenue Vancouver, WA 98686	685900	02/03/2009	WA	N/A
Bronx-Lebanon Hospital Center 1650 Grand Concourse Bronx, NY 10457	1558461962	02/03/2009	NY	N/A
Evergreen Hemtology & Oncology, P.S. 309 E. Farwell Road Suite 100 Spokane, WA 99218	1255592218	02/03/2009	WA	N/A

NSMS - Parsons, KS 1902 59 Highway South Parsons, KS 67357	1295785079	02/03/2009	KS	N/A
Florida Cancer Specialists- Cornerstone 3850 Tampa Road Palm Harbor, FL 34684	1760590962	02/03/2009	FL	N/A
Town Center Imaging 21 Hospital Drive Suite 130 Palm Coast, FL 32164	1558530006	02/03/2009	FL	N/A
Memorial Hospital Of Carbondale 405 W. North Avenue Carbondale, IL 62901	1093801797	02/03/2009	IL	N/A
Herrin Hospital 201 South 14th Street Herrin, IL 62948	1093801797	02/03/2009	IL	N/A
Laughlin Memorial Hospital 1420 Tusculum Boulevard Greeneville, TN 37745	1881669778	02/03/2009	TN	N/A
Quantum PET - Hanover Hospital 300 Highland Avenue Hanover, PA 17331	40635	02/03/2009	PA	N/A
Parrish Medical Center 941 North Washington Avenue Titusville, FL 32796	1053424648	02/03/2009	FL	N/A
California Diagnostic Imaging Center, Inc. 828 South Grand Suite 107 Glendoro, CA 91740	TP113	02/03/2009	CA	N/A
NorCal Imaging - Pleasanton 5924 Stoneridge Drive Pleasanton, CA 94588	1578687166	02/03/2009	CA	N/A
Sadler Clinic 9305 Pinecroft Drive The Woodlands, TX 77380	1114979127	02/03/2009	TX	N/A
Medical Center Hospital 500 West 4th Street Odessa, TX 79760	450132	02/03/2009	TX	N/A
Cascade Medical Imaging 2500 NE Neff Road Bend, OR 97701	1194994145	02/03/2009	OR	N/A
Palos Community Hospital 15300 West Avenue Orland Park, IL 60462	1124276332	02/03/2009	IL	N/A
Lemmen Holton Cancer Pavilion 145 Michigan Street, NE Grand Rapids, MI 49503	230038	02/03/2009	MI	N/A
Houston Cancer Institute 1220 Blalock Suite 100 Houston, TX 77055	00N55X	02/03/2009	TX	N/A
Hudson Valley Hematology - Oncology Associates 19 Baker Avenue Suite 100 Poughkeepsie, NY 12601	1275615809	02/03/2009	NY	N/A
North Shore Radiology at Glen Cove, PC 10 Medical Plaza Suite 106 Glen Cove, NY 11542	1003024662	02/03/2009	NY	N/A
Cape Radiology 4011 Route 9 South PO Box 244 Rio Grande, NJ 08242	1972592194	02/03/2009	NJ	N/A
Frederick Imaging Centers, LLC 46 B Thomas Johnson Drive Suite 100 Frederick, MD 21702	1063699940	02/03/2009	MD	N/A
EP Medical Imaging Technology 10767 Gateway West Suite 520 El Paso, TX 79935	1508987165	02/03/2009	TX	N/A

Atlantis Diagnostics 1344 S. Apollo Boulevard Melbourne, FL 32901	1053382457	02/03/2009	FL	N/A
Tri-City PETCT at Vista 902 Sycamore Avenue #120 Vista, CA 92081	1154580348	02/03/2009	CA	N/A
Florida Cancer Specialists/Sarasota Downtown 1970 Golf Street Sarasota, FL 34236	1760590962	02/03/2009	FL	N/A
Arizona Oncology Associates - Biltmore 2222 East Highland Avenue Suite 130 Phoenix, AZ 85016	1235193459	02/03/2009	AZ	N/A
Las Vegas Radiology 7500 Smoke Ranch Suite 100 Las Vegas, NV 89128	1972714970	02/03/2009	NV	N/A
Medical Outsourcing Services 2900 W. 16th Street Bedford, IN 47421	1700812294	02/03/2009	IN	N/A
Town Center Imaging 21 Hospital Drive Suite 130 Palm Coast, FL 32164	1558530006	02/03/2009	FL	N/A
Memorial Hospital Of Carbondale 405 W. North Avenue Carbondale,IL 62901	1093801797	02/03/2009	IL	N/A
Herrin Hospital 201 South 14th Street Herrin, IL 62948	1093801797	02/03/2009	IL	N/A
Laughlin Memorial Hospital 1420 Tusculum Boulevard Greeneville, TN 37745	1881669778	02/03/2009	TN	N/A
Quantum PET - Hanover Hospital 300 Highland Avenue Hanover, PA 17331	40635	02/03/2009	PA	N/A
Parrish Medical Center 941 North Washington Avenue Titusville, FL 32796	1053424648	02/03/2009	FL	N/A
California Diagnostic Imaging Center, Inc. 828 South Grand Suite 107 Glendoro, CA 91740	TP113	02/03/2009	CA	N/A
NorCal Imaging - Pleasanton 5924 Stoneridge Drive Pleasanton, CA 94588	1578687166	02/03/2009	CA	N/A
Sadler Clinic 9305 Pinecroft Drive The Woodlands, TX 77380	1114979127	02/03/2009	TX	N/A
Medical Center Hospital 500 West 4th Street Odessa, TX 79760	450132	02/03/2009	TX	N/A
Cascade Medical Imaging 2500 NE Neff Road Bend, OR 97701	1194994145	02/03/2009	OR	N/A
Palos Community Hospital 15300 West Avenue Orland Park, IL 60462	1124276332	02/03/2009	IL	N/A
Lemmen Holton Cancer Pavilion 145 Michigan Street, NE Grand Rapids, MI 49503	230038	02/03/2009	MI	N/A
Houston Cancer Institute 1220 Blalock Suite 100 Houston, TX 77055	00N55X	02/03/2009	TX	N/A
Hudson Valley Hematology - Oncology Associates 19 Baker Avenue Suite 100 Poughkeepsie, NY 12601	1275615809	02/03/2009	NY	N/A

North Shore Radiology at Glen Cove, PC 10 Medical Plaza Suite 106 Glen Cove, NY 11542	1003024662	02/03/2009	NY	N/A
Cape Radiology 4011 Route 9 South PO Box 244 Rio Grande, NJ 08242	1972592194	02/03/2009	NJ	N/A
Frederick Imaging Centers, LLC 46 B Thomas Johnson Drive Suite 100 Frederick, MD 21702	1063699940	02/03/2009	MD	N/A
EP Medical Imaging Technology 10767 Gateway West Suite 520 El Paso, TX 79935	1508987165	02/03/2009	TX	N/A
Atlantis Diagnostics 1344 S Apollo Boulevard Melbourne, FL 32901	1053382457	02/03/2009	FL	N/A
Tri-City PETCT at Vista 902 Sycamore Avenue #120 Vista, CA 92081	1154580348	02/03/2009	CA	N/A
Florida Cancer Specialists/Sarasota Downtown 1970 Golf Street Sarasota, FL 34236	1760590962	02/03/2009	FL	N/A
Arizona Oncology Associates - Biltmore 2222 East Highland Avene Suite 130 Phoenix, AZ 85016	1235193459	02/03/2009	AZ	N/A
Las Vegas Radiology 7500 Smoke Ranch Suite 100 Las Vegas, NV 89128	1972714970	02/03/2009	NV	N/A
Medical Outsourcing Services 2900 W. 16th Street Bedford, IN 47421	1700812294	02/03/2009	IN	N/A

Addendum XIII
Medicare-Approved Ventricular Assist Device (Destination Therapy) Facilities
[January Through March 2009]

On October 1, 2003, we issued our decision memorandum on ventricular assist devices for the clinical indication of destination therapy. We determined that ventricular assist devices used as destination therapy are reasonable and necessary only if performed in facilities that have been determined to have the experience and infrastructure to ensure optimal patient outcomes. We established facility standards and an application process. All facilities were required to meet our standards in order to receive coverage for ventricular assist devices implanted as destination therapy.

VAD Destination Therapy Facilities

The following facilities have met the CMS facility standards for destination therapy VADs.

Facility	Provider Number	Date Approved	State	Other Information
Advocate Christ Medical Center 4440 W 95th Street Oak Lawn, Illinois	140208	12/17/2003	IL	Joint Commission Certified on 05/26/2007
California Pacific Medical Center 2333 Buchanan Street San Francisco, California	050047	03/19/2004	CA	
Baptist Memorial Hospital 6019 Walnut Grove Road Memphis, Tennessee	440048	04/07/2004	TN	
Duke University Medical Center DUMC Box 3943 Durham, North Carolina	340030	10/31/2003	NC	
Fairview-University Medical Center 2450 Riverside Avenue Minneapolis, Minnesotta	240080	10/28/2003	MN	
Allegheny General Hospital 320 E North Avenue Pittsburgh, Pennsylvania	390050	12/10/2003	PA	Joint Commission Certified on 03/28/2008
Barnes-Jewish Hospital One Barnes-Jewish Hospital Plaza Saint Louis, Missouri	260032	10/27/2003	MO	Joint Commission Certified on 08/22/2008
Brigham and Women's Hospital 15 Francis Street Boston, Massachusetts	220110	01/09/2004	MA	
Bryan LGH Medical Center East 1600 S 48 Street Lincoln, Nebraska	280003	10/23/2003	NE	
Cedars-Sinai Medical Center 8700 Beverly Boulevard Los Angeles, California	050625	12/29/2003	CA	
Clarian Health Partners, Inc. 1701 N. Senate Avenue Indianapolis, Indiana	150056	11/25/2003	IN	
Cleveland Clinic 9500 Euclid Avenue Cleveland, Ohio	360180	12/03/2003	OH	
Hahnemann University Hospital Broad and Vine Streets Philadelphia, Pennsylvania	390290	12/22/2003	PA	Joint Commission Certified on 09/19/2008
Hospital of the University of Pennsylvania 3400 Spruce Street Philadelphia, Pennsylvania	390111	10/28/2003	PA	Joint Commission Certified on 05/23/2008
Henry Ford Hospital 2799 W. Grand Boulvard Detroit, Michigan	230053	01/06/2004	MI	
Inova Fairfax Hospital 3300 Gallows Road Falls Church, Virginia	490063	03/31/2004	VA	

Jewish Hospital 200 Abraham Flexner Way Louisville, Kentucky	180040	11/10/2003	KY	
Jackson Memorial Hospital 1611 NW 12th Avenue Miami, Florida	100922	01/12/2004	FL	University of Miami
LDS Hospital 8th Avenue and C Street Salt Lake City, Utah	460010	10/23/2003	UT	
Johns Hopkins Hospital 600 N. Wolfe Street Baltimore, Maryland	210009/1790700904	10/28/2003	MD	Joint Commission Certified on 07/09/2008
Loyola University Medical Center 2160 S. 1st Avenue Maywood, Illinois	140276	01/30/2004	IL	
Lutheran Hospital of Indiana 7950 W. Jefferson Boulevard Fort Wayne, Indiana	150017	10/29/2003	IN	
Massachusetts General Hospital 55 Fruit Street Boston, Massachusetts	220071	12/15/2003	MA	
Mayo Clinic 4500 San Pablo Road Jacksonville, Florida	100151	11/06/2003	FL	
Medical City Dallas Hospital 7777 Forest Lane Dallas, Texas	450647	12/03/2003	TX	
The Methodist Hospital 6565 Fannin Street Houston, Texas	450358	11/03/2003	TX	
Montefiore Medical Center 111 E. 210th Street Bronx, New York	330059	11/14/2003	NY	
Methodist Specialty and Transplant Hospital 8026 Floyd Curl Drive San Antonio, Texas	450388	11/19/2003	TX	
Newark Beth Israel Medical Center 201 Lyons Avenue Newark, New Jersey	310002	11/14/2003	NJ	
Mount Sinai Medical Center 1190 5th Avenue New York, New York	330024	11/25/2003	NY	
New York-Presbyterian Hospital 177 Fort Washington Avenue New York, New York	330101	10/28/2003	NY	Columbia University Medical Center
Ohio State University Medical Center 410 W. 10th Avenue Columbus, Ohio	360085	11/12/2003	OH	
Oregon Health and Sciences University 3181 SW Sam Jackson Park Road Portland, Oregon	380009	11/21/2003	OR	
OSF St Francis Medical Center 530 NE Glen Oak Avenue Peoria, Illinois	140067	11/12/2003	IL	

Penn State Milton S Hershey Medical Center 500 University Drive Hershey, Pennsylvania	390256	10/29/2003	PA	Joint Commission Certified on 05/19/2008
Rush-Presbyterian-St Luke Medical Center 1653 W Congress Parkway Chicago, Illinois	140119	11/14/2003	IL	
Sentara Norfolk General Hospital 600 Gresham Drive Norfolk, Virginia	490007	11/10/2003	VA	
Sacred Heart Medical Center 101 W 8th Avenue Spokane, Washington	500054	01/12/2004	WA	
Seton Medical Center 1201 W. 38th Street Austin, Texas	450056	01/13/2004	TX	
Shands at the University of Florida 1600 SW Archer Road Gainesville, Florida	100113	11/26/2003	FL	
Sharp Memorial Hospital 7901 Frost Street San Diego, California	050100	12/01/2003	CA	Joint Commission Certified on 07/18/2008
Stanford University Hospital and Clinics 300 Pasteur Drive Stanford, California	050441	12/22/2003	CA	Stanford University Medical Center
St Francis Hospital 6161 S. Yale Avenue Tulsa, Oklahoma	370091	01/09/2004	OK	
St Luke's Medical Center 2900 W Oklahoma Avenue Milwaukee, Wisconsin	520138	11/03/2003	WI	
St Luke's Episcopal Hospital 6720 Bertner Avenue Houston, Texas	450193	10/28/2003	TX	
St Vincent Hospital and Health Services 2001 W. 86th Street Indianapolis, Indiana	150084	01/05/2004	IN	
St Paul Medical Center 5909 Harry Hines Boulevard Dallas, Texas	450044	12/10/2003	TX	
Strong Memorial Hospital 601 Elmwood Avenue Rochester, New York	330285	10/29/2003	NY	Joint Commission Certified on 06/18/2008
Tampa General Hospital 2 Columbia Drive Tampa, Florida	100128	11/26/2003	FL	
Temple University Hospital 3401 N. Broad Street Philadelphia, Pennsylvania	390027	11/03/2003	PA	
Tufts-New England Medical Center 750 Washington Street Boston, Massachusetts	220116	11/06/2003	MA	
UCLA Medical Center 10833 Le Conte Avenue Los Angeles, California	050262	12/10/2003	CA	

University Medical Center 1501 N. Campbell Avenue Tucson, Arizonia	030064	10/29/2003	AZ	
University of Alabama at Birmingham Health System 500 22nd Street S Birmingham, Alabama	010033	10/29/2003	AL	
University of Colorado Hospital 4200 E. Ninth Avenue Denver, Colorado	060024	11/06/2003	CO	9th & Colorado Campus Joint Commission Certified on 07/23/2008
The University of Chicago Hospitals and Health System 5841 South Maryland Avenue Chicago, Illinois	140088	02/25/2004	IL	
University of Iowa Hospitals and Clinics 200 Hawkins Drive Iowa City, Iowa	160058	11/12/2003	IA	
University of Maryland Medical Center 22 S. Greene Street Baltimore, Maryland	210002	11/12/2003	MD	
University of Michigan Health System 1500 E. Medical Center Drive Ann Arbor, Michigan	230046	10/27/2003	MI	Joint Commission Certified on 03/28/2008
University of North Carolina Hospitals 101 Manning Drive Chapel Hill, North Carolina	340061	05/05/2004	NC	
University of Utah Hospital 50 N Medical Drive Salt Lake City, Utah	460009	12/22/2003	UT	
University of Virginia Health System 1215 Lee Street Charlottesville, Virginia	490009	01/12/2004	VA	
University of Washington Medical Center 1959 NE Pacific Street Seattle, Washington	500008	01/15/2004	WA	
University of Wisconsin Hospitals and Clinics 600 Highland Avenue Madison, Wisconsin	520098	12/03/2003	WI	
USC University Hospital 1500 San Pablo Los Angeles, California	050696	01/09/2004	CA	
UPMC Presbyterian 200 Lothrop Street Pittsburgh, Pennsylvania	390164	10/23/2003	PA	Joint Commission Certified on 06/11/2008
Virginia Commonwealth University Medical Center 401 North 12th Street Richmond, Virginia	490032	04/08/2004	VA	Medical College of Virginia Hospitals
Vanderbilt University Medical Center 1161 21st Avenue S Nashville, Tennessee	440039	10/28/2003	TN	
Ochsner Clinic Foundation 1514 Jefferson Highway New Orleans, Louisiana	190036	06/29/2004	LA	

Baylor University Medical Center 3500 Gaston Avenue Dallas, TX	N/A	10/04/2007	TX	Joint Commission Certified on 10/04/2007
The University of Michigan Hospitals and Health Centers 1500 East Medical Center Drive Ann Arbor, MI	230046	03/28/2008	MI	Joint Commission Certified on03/28/200/
Saint Mary's Hospital 1216 Southwest Second Street Rochester, MN	N/A	02/27/2008	MN	Joint Commission Certified on 02/27/2008
Allegheny General Hospital 320 East North Avenue Pittsburgh, PA	N/A	03/08/2008	PA	
Washington Hospital Center 110 Irving Street, NW Washington, DC	09-0011	04/23/2008	DC	Joint Commission Certified on 04/23/2008
Integris Baptist Medical Center 3300 Northwest Expressway Oklahoma City, OK	1831103654	08/13/2008	OK	Joint Commission Certified on 8/13/08
Northwestern Memorial Hospital 251 E. Huron Street Chicago, IL	140281	03/17/2009	IL	Joint Commission Certified on 3/17/09

Addendum XIV
Lung Volume Reduction Surgery (LVRS)
[January Through March 2009]

Three types of facilities are eligible for reimbursement for Lung Volume Reduction Surgery (LVRS): National Emphysema Treatment Trial (NETT) approved (Beginning 05/07/2007, these will no longer automatically qualify and can qualify only with the other programs), Credentialed by the Joint Commission (formerly, the Joint Commision on Accreditation of Healthcare Organizations (JCAHO)) under their Disease Specific Certification Program for LVRS, and Medicare approved for lung transplants. Only the first two types are in the list.

Facility name	Date approved	State	Type of Certification
Baylor College of Medicine Houston, Texas	N/A	TEXAS	NETT
Brigham and Women's Hospital Boston, MA	N/A	MASSACHUSETTS	NETT
Cedars-Sinai Medical Center Los Angeles, CA	N/A	CALIFORNIA	NETT
Chapman Medical Center Orange, CA	N/A	CALIFORNIA	NETT
Cleveland Clinic Foundation Cleveland, OH	N/A	OHIO	NETT

Columbia University New York, NY	N/A	NEW YORK	NETT
Duke University Medical Center Durham, NC	N/A	NORTH CAROLINA	NETT
Johns Hopkins Hospital Baltimore, MD	N/A	MARYLAND	NETT
Kaiser Foundation Hospital - Riverside Riverside, CA	09/20/2006	CALIFORNIA	Joint Commssion
Long Island Jewish Medical Center New Hyde Park, NY	N/A	NEW YORK	NETT
Mayo Clinic Rochester, MN	N/A	MINNESOTA	NETT
Memorial Medical Center Springfield, IL	12/13/2006	ILLINOIS	Joint Commssion
National Jewish Medical Center Denver, CO	N/A	COLORADO	NETT
The Ohio State University Hospital Columbus, OH	N/A	OHIO	Joint Commssion
Ohio State University Medical Center Columbus, OH	N/A	OHIO	NETT
Saint Louis University Saint Louis, MO	N/A	MISSOURI	NETT
Temple University Hospital Philadelphia, PA	08/23/2008	PENNSYLVANIA	Joint Commssion
UCLA Medical Center Los Angeles, CA	N/A	CALIFORNIA	NETT
University of California, San Diego San Diego, CA	N/A	CALIFORNIA	NETT
University of Maryland Medical Center Baltimore, MD	N/A	MARYLAND	NETT
University of Michigan Medical Center Ann Arbor, MI	N/A	MICHIGAN	Joint Commssion
University of Pennsylvania Philadelphia, PA	N/A	PENNSYLVANIA	NETT
University of Pittsburgh Pittsburgh, PA	N/A	PENNSYLVANIA	NETT
University of Washington Seattle, WA	N/A	WASHINGTON	NETT
Washington University/Barnes Hospital Saint Louis, MO	N/A	MISSOURI	Joint Commssion
Allegheny General Hospital Pittsburgh, PA	04/23/2008	PENNSYLVANIA	Joint Commssion

Addendum XV—Medicare-Approved Bariatric Surgery Facilities

On February 21, 2006, we issued our decision memorandum on bariatric surgery procedures. We determined that bariatric surgical procedures are reasonable and necessary for Medicare beneficiaries who have a body-mass index (BMI) greater than or equal to 35, have at least one co-morbidity related to obesity, and have been previously unsuccessful with medical treatment for obesity.

This decision also stipulated that covered bariatric surgery procedures are reasonable and necessary only when performed at facilities that are: (1) certified by the American College of Surgeons (ACS) as a Level 1 Bariatric Surgery Center (program standards and requirements in effect on February 15, 2006); or (2) certified by the American Society for Bariatric Surgery (ASBS) as a Bariatric Surgery Center of Excellence (BSCOE) (program standards and requirements in effect on February 15, 2006).

The following facilities have met our minimum facility standards for bariatric surgery and have been certified by American College of Surgeons (ACS) or American Society for Metabolic and Bariatric Surgery (ASMBS).

Facility Name	Provider Number	Date Approved	State	Other Information
Evanston Northwestern Hospital 2650 Ridge Avenue Suite 1308 Evanston, IL 60201	140010	01/26/2006	IL	ACS
Chapman Medical Center 2601 East Chapman Avenue Orange, CA 92646	05-0745	02/21/2006	CA	ASMBS
St Vincent Carmel Hospital 13430 Old Meridian Street Suite 168 Carmel, IN 46032	15-0157	02/21/2006	IN	ASMBS
Abbott Northwestern Hospital 800 E. 28th Street Minneapolis, MN 55407	N/A	02/24/2006	MN	ASMBS
Alexian Brothers Medical Center 800 Biesterfield Road Elk Grove Village, IL 60007	N/A	02/24/2006	IL	ASMBS
American Bariatric Institute at Doctors' Hospital 1130 Louisiana Avenue Shreveport, LA 71101	N/A	02/24/2006	LA	ASMBS
Arnot Ogden Medical Center 600 Fitch Street Elmira, NY 14905	330090	02/24/2006	NY	ASMBS

AtlantiCare Regional Medical Center 2500 English Creek Avenue Egg Harbor Township, NJ 08234	N/A	02/24/2006	NJ	Center for Surgical Weight Loss and Wellness Salartash Surgical Associates ASMBS
Atlanta Medical Center 303 Parkway Drive NE Atlanta, GA 30312	N/A	02/24/2006	GA	ASMBS
Aurora Sinai Medical Center 945 N. 12th Street Milwaukee, WI 53211	N/A	02/24/2006	WI	ASMBS
Baptist Memorial Hospital North Mississippi 2301 South Lamar Boulevard Oxford, MS 38655	N/A	02/24/2006	MS	ASMBS
Bellin Health 215 N. Webster Avenue Green Bay, WI 54301	N/A	02/24/2006	WI	ASMBS
Bon Secours Community Hospital 160 E. Main Street Port Jervis, NY 12771	N/A	02/24/2006	NY	ASMBS
California Pacific Medical Center 2333 Buchanan Street San Francisco, CA 94115	N/A	02/24/2006	CA	ASMBS
Cape Fear Valley Health System 1638 Owen Drive Fayetteville, NC 28304	N/A	02/24/2006	NC	ASMBS
Centennial Center for the Treatment of Obesity 2300 Patterson Street Nashville, TN 37203	N/A	02/24/2006	TN	ASMBS
Cleveland Clinic Hospital-Weston 3100 Weston Road Weston, FL 33331	N/A	02/24/2006	FL	ASMBS
Christus Schumpert Health System 1 Saint Mary Place Shreveport, LA 71101	N/A	02/24/2006	LA	ASMBS
Citizen's Bariatric Center 2701 Hospital Avenue Victoria, TX 77901	N/A	02/24/2006	TX	ASMBS
Columbia-St. Mary's Bariatric Center 2025 E. Newport Avenue Milwaukee, WI 53211	N/A	02/24/2006	WI	ASMBS
Community Hospital Monterey Peninsula 23625 Holman Highway Monterey, CA 93940	N/A	02/24/2006	CA	ASMBS
Crestwood Medical Center One Hospital Drive Huntsville, AL 35801	N/A	02/24/2006	AL	ASMBS
Cypress Fairbanks Medical Center Hospital 10655 Steepletop Drive Houston, TX 77065	450716	02/24/2006	TX	ASMBS
Danbury Hospital 24 Hospital Avenue Danbury, CT 06810	N/A	02/24/2006	CT	ACS
East Texas Medical Center 1000 S. Beckman Avenue Tyler, TX 75701	N/A	02/24/2006	TX	ASMBS

Eastern Maine Medical Center 905 Union Street EMH Mall Suite 11 Bangor, ME 04401	200033	02/24/2006	ME	ASMBS
Elmbrook Memorial Hospital 19333 W. North Avenue Brookfield, WI 53045	N/A	02/24/2006	WI	ASMBS
Emory Dunwoody Medical Center 4575 N. Shallowford Road Atlanta, GA 30338	N/A	02/24/2006	GA	ASMBS
Florida Hospital Celebration Health 400 Celebration Place Kissimmee, FL 34747	N/A	02/24/2006	FL	ASMBS
Florida Medical Center 4850 W. Oakland Boulevard Lauderdale Lakes, FL 33313	N/A	02/24/2006	FL	ASMBS
Froedtert Memorial Lutheran Hospital 9200 W. Wisconsin Avenue Milwaukee, WI 53226	N/A	02/24/2006	WI	Medical College of Wisconsin ASMBS
Frye Regional Medical Center 420 N. Center Street Hickory, NC 28601	N/A	02/24/2006	NC	ASMBS
Geisinger Medical Center 100 North Academy Avenue Danville, PA 17822	390006	N/A	PA	ASMBS- 02/24/2006 ACS-01/26/2007
Good Samaritan Hospital 375 Dixmyth Avenue Cincinnati, OH 45220	N/A	02/24/2006	OH	ASMBS
Grandview Medical Center 405 Grand Avenue Dayton, OH 45405	N/A	02/24/2006	OH	ASMBS
Greater Baltimore Medical Center 6701 N. Charles Street Baltimore, MD 21204	N/A	02/24/2006	MD	ASMBS
Hamilton Medical Center 1200 Memorial Drive Dalton, GA 30720	N/A	02/24/2006	GA	ASMBS
Hennepin County Medical Center 701 Park Avenue Minneapolis, MN 55415	N/A	02/24/2006	MN	ASMBS
Holy Cross Hospital 4725 N. Federal Highway Fort Lauderdale, FL 33308	N/A	02/24/2006	FL	ASMBS
Hospital of Saint Raphael 1450 Chapel Street New Haven, CT 06511	N/A	02/24/2006	CT	ASMBS
Huntington Memorial Hospital 100 W. California Boulevard Pasadena, CA 91105	N/A	02/24/2006	CA	ASMBS
Jupiter Medical Center 1210 S. Old Dixie Highway Jupiter, FL 33458	N/A	02/24/2006	FL	ASMBS
King's Daughters Medical Center 617 23rd Street Ashland, KY 41101	N/A	02/24/2006	KY	ASMBS

Legacy Good Samaritan Hospital and Medical Center 1015 NW 22nd Avenue Portland, OR 97210	N/A	02/24/2006	OR	ASMBS
Lexington Medical Center 2720 Sunset Boulevard West Columbia, SC 29169	N/A	02/24/2006	SC	ASMBS
Little Company of Mary 2800 W. 95th Street Evergreen Park, IL 60805	N/A	02/24/2006	IL	ASMBS
Lutheran Medical Center 150 55th Street Brooklyn, NY 11220	29D361	02/24/2006	NY	ACS
Medical University of South Carolina 171 Ashley Avenue Charleston, SC 29425	N/A	02/24/2006	SC	ASMBS
Memorial Hermann Hospital 6411 Fannin Street Houston, TX 77030	N/A	02/24/2006	TX	ASMBS
Memorial Hospital 2525 DeSales Avenue Chattanooga, TN 37404	N/A	02/24/2006	TN	ASMBS
Mercy Hospital Miami 3663 South Miami Avenue Miami, FL 33133	N/A	02/24/2006	FL	ASMBS
Mercy San Juan Medical Center 6501 Coyle Avenue Carmichael, CA 95608	N/A	02/24/2006	CA	ASMBS
Metabolic Surgery Center at Baptist Hospital 2011 Church Street Nashville, TN 37203	N/A	02/24/2006	TN	ASMBS
Methodist Dallas Medical Center PO Box 655999 Dallas, TX 75265-5999	N/A	02/24/2006	TX	Texas Bariatric Center ASMBS
Methodist Healthcare System 8109 Fredricksburg Road San Antonio, TX 78229	N/A	02/24/2006	TX	ASMBS
Methodist Hospital 6500 Excelsior Boulevard Saint Louis Park, MN 55426	N/A	02/24/2006	MN	ASMBS
Middlesex Hospital 28 Crescent Street Middletown, CT 06457	N/A	02/24/2006	CT	ASMBS
Methodist Hospital of Southern California 300 West Huntington Drive Arcadia, CA 91007	N/A	02/24/2006	CA	ASMBS
Mills-Peninsula Health Services 1783 El Camino Real Burlingame, CA 94010	N/A	02/24/2006	CA	ASMBS
New Hanover Regional Medical Center 2131 S. 17th Street Wilmington, NC 28401	N/A	02/24/2006	NC	ASMBS

New York Methodist Hospital 506 Sixth Street Brooklyn, NY 11215	N/A	02/24/2006	NY	ASMBS
North Hills Hospital 4401 Booth Calloway Road North Richland Hills, TX 76180	N/A	02/24/2006	TX	ASMBS
North Colorado Medical Center 1801 16th Street Greeley, CO 80631	N/A	02/24/2006	CO	ASMBS
North Vista Hospital 1409 E. Lake Mead Boulevard North Las Vegas, NV 89101	N/A	02/24/2006	NV	ASMBS
Northeast Georgia Health System, Inc. 743 Spring Street NE Gainesville, GA 30501	N/A	02/24/2006	GA	ASMBS
NorthEast Medical Center 920 Church Street N. #302E Concord, NC 28025	N/A	02/24/2006	NC	ASMBS
Northwestern Memorial Hospital 215 E. Huron Street, NE Chicago, IL 60611	N/A	02/24/2006	IL	Northwestern Medical Faculty Foundation ASMBS
Ocala Regional Medical Center 1431 SW 1st Street Ocala, FL 34474	N/A	02/24/2006	FL	ASMBS
Palms of Pasadena Hospital 1501 Pasedena Avenue St. Petersburg, FL 33707	N/A	02/24/2006	FL	ASMBS
Orange Coast Memorial Medical Center 9920 Talbert Avenue Fountain Valley, CA 92708	N/A	02/24/2006	CA	ASMBS
Parkwest Medical Center 9352 Park West Boulevard Knoxville, TN 37923	N/A	02/24/2006	TN	ASMBS
Penrose-St. Francis Health Services 825 E. Pikes Peak Avenue Colorado Springs, CO 80917	N/A	02/24/2006	CO	ASMBS
Poudre Valley Hospital 1024 S. Lemay Avenue Fort Collins, CO 80524	N/A	02/24/2006	CO	ASMBS
Presbyterian-St. Luke's Medical Center 1719 E. 19th Avenue Denver, CO 80218	N/A	02/24/2006	CO	ASMBS
Princeton HealthCare System 253 Witherspoon Street Princeton, NJ 08540	N/A	02/24/2006	NJ	ASMBS
Roger Williams Medical Center 825 Chalkstone Avenue Providence, RI 02908	N/A	02/24/2006	RI	Drs. Lentrichia & Pohl, Inc. ASMBS
Rose Medical Center 4545 E. 9th Avenue, #470 Denver, CO 80220	N/A	02/24/2006	CO	ASMBS
Saint Barnabas Medical Center 94 Old Short Hills Road Livingston, NJ 07039	N/A	02/24/2006	NJ	ASMBS
Saint Francis Hospital 5959 Park Avenue Memphis, TN 38119	N/A	02/24/2006	TN	ASMBS
St. Francis Hospital - Franciscan Health System 34515 Ninth Avenue S. Federal Way, WA 98003	N/A	02/24/2006	WA	N/A
Saint Joseph East Center for Weight Loss 160 N. Eagle Creek Drive Lexington, KY 40509	N/A	02/24/2006	KY	ASMBS

Saint Mary's Regional Medical Center 234 W. 6th Street Reno, NV 89503	N/A	02/24/2006	NV	ASMBS
Saint Mary's Hospital 5801 Bremo Road Richmond, VA 23226	N/A	02/24/2006	VA	ASMBS
Scottsdale Healthcare Shea Campus 900 E. Shea Boulevard Scottsdale, AR 85260	N/A	02/24/2006	AZ	ASMBS
Scripps Memorial 9888 Genesee Avenue La Jolla, CA 90237	N/A	02/24/2006	CA	ASMBS
Scripps Mercy Hospital 4077 Fifth Avenue San Diego, CA 92103	N/A	02/24/2006	CA	ASMBS
Sentara Careplex Hospital 3000 Coliseum Drive Hampton, VA 23666	N/A	02/24/2006	VA	ASMBS
Sinai Hospital of Baltimore 2401 W. Belvedere Avenue Baltimore, MD 21215	N/A	02/24/2006	MD	Sinai Surgical Associates ASMBS
Sisters of Charity Hospital 2130 Main Street Buffalo, NY 14214	N/A	02/24/2006	NY	ASMBS
Sioux Valley Hospital USD Medical Center 1305 W. 18th Street Sioux Falls, SD 57105	N/A	02/24/2006	SD	ASMBS
Sound Shore Medical Center of Westchester 16 Guion Place New Rochelle, NY 10801	N/A	02/24/2006	NY	ASMBS
South Nassau Communities Hospital 1 Healthy Way Oceanside, NY 11572	N/A	02/24/2006	NY	ASMBS
Southwest Healthcare System 36485 Inland Valley Drive Wildomar, CA 92595	N/A	02/24/2006	CA	ASMBS
Southwest Medical Center 2810 Ambassador Caffery Parkway Lafayette, LA 70506	N/A	02/24/2006	LA	ASMBS
Spectrum Health Blodgett Campus 1840 Wealthy Street, SE Grand Rapids, MI 49506	N/A	02/24/2006	MI	MMPC Center for Health Excellence ASMBS
SSM DePaul Health Center 12303 DePaul Avenue Bridgeton, MO 63044	N/A	02/24/2006	MO	ASMBS
St. Joseph's Area Health Services 600 Pleasant Avenue Park Rapids, MN 56470	N/A	02/24/2006	MN	ASMBS
St. Vincent Charity Hospital 2322 E. 22nd Street #220 Cleveland, OH 44115	N/A	02/24/2006	OH	ASMBS
Staten Island University Hospital 475 Seaview Avenue Staten Island, NY 10305	N/A	02/24/2006	NY	ASMBS
Theda Clark Medical Center 200 Theda Clark Medical Plaza Suite 410 Neenah, WI 54956	000071445	02/24/2006	WI	ACS

The Ohio State University Hospital 410 W. 10th Avenue Columbus, OH 43210	N/A	02/24/2006	OH	ASMBS
The Regional Medical Center at Memphis 877 Jefferson Avenue Memphis, TN 38103	N/A	02/24/2006	TN	ASMBS
Tri-City Regional Medical Center 21530 Pioneer Boulevard Hawaiian Gardens, CA 90716	N/A	02/24/2006	CA	ASMBS
United Hospital 333 North Smith Avenue Saint Paul, MN 55102	N/A	02/24/2006	MN	ASMBS
United Regional Health Care System 1600 19th Street Wichita Falls, TX 76301	N/A	02/24/2006	TX	ASMBS
Unity Hospital 550 Osborne Road, NE Fridley, MN 55432	N/A	02/24/2006	MN	ASMBS
University of Chicago Hospitals 5841 S. Maryland Avenue Chicago, IL 60637	N/A	02/24/2006	IL	University of Chicago Department of Surgery ASMBS
University of Minnesota Medical Center, Fairview 2450 Riverside Avenue Minneapolis, MN 55454	24-0080	02/24/2006	MN	ASMBS
UPMC St. Margaret 815 Freeport Road Pittsburgh, PA 15215	N/A	02/24/2006	PA	ASMBS
UPMC Horizon 110 North Main Street Greenville, PA 16125	N/A	02/24/2006	PA	ASMBS
Virginia Commonwealth University Medical Center Richmond, VA 23284	N/A	02/24/2006	VA	ASMBS
Vanderbilt University Medical Center 1211 22nd Avenue S. Nashville, TN 37232	N/A	02/24/2006	TN	ASMBS
Weight Loss Surgery Program at Baylor 9101 N. Central Expressway Suite 370 Dallas, TX 75231	N/A	02/24/2006	TX	ASMBS
Wellstar Health Systems 677 Church Street, NE Marietta, GA 30060	N/A	02/24/2006	GA	ASMBS
White Plains Hospital Center 190 E. Post Road White Plains, NY 10601	N/A	02/24/2006	NY	ASMBS
York Hospital 1001 S. George Street York, PA 17403	N/A	02/24/2006	PA	ASMBS
Norman Regional Hospital 901 North Porter, Box 1308 Norman, OK 73070	370008	03/22/2006	OK	ASMBS
St. Luke's Medical Center 1800 E. Van Buren Suite 307B Phoenix, AZ 85006	030037	03/22/2006	AZ	Abdominal Surgeons, Ltd. ASMBS
Silver Cross Hospital 1200 Maple Road Joliet, IL 60432	140213	03/22/2006	IL	Midwest Comprehensive Bariatrics ASMBS
Tampa General Hospital 2 Columbia Drive, F145 Tampa, FL 33601	100128	03/22/2006	FL	University of South Florida ASMBS

Spartanburg Regional Healthcare System 101 East Wood Street Spartanburg, SC 29303	420007	03/27/2006	SC	ASMBS
OSF Saint Francis Medical Center 530 NE Glen Oak Avenue Peoria, IL 61637	140067	04/05/2006	IL	ASMBS
Palmetto Health Baptist 1850 Laurel Street, Suite 1A Columbia, SC 29201	420086	04/05/2006	SC	ASMBS
Peconic Bay Medical Center 1300 Roanoke Avenue Riverhead, NY 11901	330107	04/06/2006	NY	ASMBS
Desert Springs Hospital 2075 East Flamingo Las Vegas, NV 89119	290022	04/07/2006	NV	ASMBS
Palmetto General Hospital 2001 West 68th Street Hialeah, FL 33016	100187	04/11/2006	FL	ASMBS
Hurley Medical Center One Hurley Plaza Flint, MI 48503-5993	230132	04/14/2006	MI	ACS
University of California, Davis 2315 Stockton Boulevard Sacramento, CA 95817	N/A	04/18/2006	CA	ASMBS
Russell County Medical Carroll and Tate Streets Lebanon, VA 24266	N/A	04/27/2006	VA	ASMBS
Western Pennsylvania Hospital 4800 Friendship Avenue Pittsburgh, PA 15224	028672	N/A	PA	ASMBS- 05/01/2006 ACS-10/16/2006
Banner Good Samaritan Bariatric Center 1300 North 12th Street Suite 610 Phoenix, AZ 85006	N/A	05/04/2006	AZ	ASMBS
Bothwell Regional Health Center 601 East 14th Street Sedalia, MO 65301	N/A	05/17/2006	MO	ASMBS
Durham Regional Hospital 3643 N. Roxboro Road Durham, NC 27704	N/A	05/17/2006	NC	ASMBS
Fairview Southdale Hospital 6405 France Avenue Street Suite W320 Edina, MN 55435	N/A	05/17/2006	MN	ASMBS
Cleveland Clinic 9500 Euclid Avenue (A80) Cleveland, OH 44195	360180	N/A	OH	05/24/2006- ASMBS 12/01/2006-ACS
St. Agnes Healthcare 900 Caton Avenue Baltimore, MD 21229	210011	05/24/2006	MD	ASMBS
Sycamore Hospital 2150 Leiter Road Miamisburg, OH 45342	360239	05/24/2006	OH	ASMBS
Albany Medical Center 47 New Scotland Avenue Albany, NY 12208	330013	06/02/2006	NY	ACS
Georgetown Community Hospital 1140 Lexington Road Georgetown, KY 40324	180101	06/07/2006	KY	ASMBS
Fletcher Allen Health Care 111 Colchester Avenue Burlington, VT 05401	N/A	06/09/2006	VT	Hospital: 470003 Group Provider: VN0997 ACS
New York-Presbyterian Hospital/Columbia University Medical Center 622 W. 168th Street New York, NY 10032	330101	06/14/2006	NY	ACS

Providence Memorial Hospital 2001 North Oregon Street El Paso, TX 79902	450668	06/15/2006	TX	ASMBS
UT Southwestern University Hospitals-Zale Lipshy 5909 Harry Hines Boulevard Dallas, TX 75390	450766	06/19/2006	TX	ASMBS
Cedars-Sinai Medical Center 8700 Beverly Boulevard Los Angeles, CA 90048	N/A	06/20/2006	CA	Thalians-2W ACS
Community Medical Center-Clovis 2755 Herndon Avenue Clovis, CA 93611	050492	N/A	CA	ACS-06/26/2006 ASMBS-12/07/2006
Oregon Health & Science University 3181 SW Sam Jackson Park Road L223A Portland, OR 97239	See other information	06/27/2006	OR	OHSU Medical Group-107708 OHSU Hospital-380009 ACS
Hospital of the University of Pennsylvania 3400 Spruce Street, 4 Silverstein Philadelphia, PA 19104	N/A	07/06/2006	PA	ASMBS
Swedish Medical Center 501 East Hampden Avenue Englewood, CO 80113	060034	07/06/2006	CO	ASMBS
Blount Memorial Hospital 907 East Lamar Alexander Parkway Maryville, TN 37801	440011	07/11/2006	TN	ASMBS
University of Virginia Health System PO Box 800809 Charlottesville, VA 22908-0809	490009	07/12/2006	VA	ACS
Sewickley Valley Hospital 720 Blackburn Road Sewickley, PA 15143	390037	07/13/2006	PA	ASMBS
The Christ Hospital 2139 Auburn Avenue Cincinnati, OH 45219	360163	07/17/2006	OH	ASMBS
Cabell Huntington Hospital 1340 Hal Greer Boulevard Huntington, WV 25701	510055	07/19/2006	WV	ASMBS
Mount Sinai Hospital One Gustave L. Levy Place 1190 5th Avenue New York, NY 10029	330024	07/25/2006	NY	ASMBS
UMass Memorial Medical Center-Memorial Campus 119 Belmont Street Worcester, MA, 01605	A22819	07/27/2006	MA	ACS
Henry Ford Hospital 2799 West Grand Boulevard Detroit, MI 48202	N/A	07/31/2006	MI	ASMMBS
Vista Surgical Hospital 9094 Perkins Road Suite B Baton Rouge, LA 70810	230053	07/31/2006	LA	ASMBS
Town & Country Hospital 6001 Webb Road Tampa, FL 33615	100255	08/02/2006	FL	ASMBS
New York-Presbyterian Hospital/Weill Cornell Medical Center 630 West 168th Street New York, NY 10032	330101	08/04/2006	NY	ACS

Centinela Freeman Regional Medical Center 4650 Lincoln Boulevard Marin del Rey, CA 90292	050741	08/07/2006	CA	ASMBS
NYU Medical Center 560 First Avenue New York, NY 10016	330214	08/08/2006	NY	ASMBS
Regional West Medical Center 4021 Avenue B Scottsbluff, NE 69361	280061	08/08/2006	NE	ASMBS
Mercy Medical Center 1000 North Village Avenue Rockville Centre, NY 11570	N/A	08/10/2006	NY	ASMBS
Brigham and Women's Hospital 75 Francis Street Boston, MA 02115-6195	M20830	08/14/2006	MA	ACS
St. Catherine of Sienna Medical Center 48 Route 25A Smithtown, NY 11787	316495	08/28/2006	NY	ASMBS
Highland Hospital 1000 South Avenue Rochester, NY 14620	330164	08/30/2006	NY	ACS
Inova Fair Oaks Hospital 3600 Joseph Siewick Drive Fairfax, VA 22033	490101	08/31/2006	VA	ASMBS
Our Lady of Lourdes Medical Center 1600 Haddon Avenue Camden, NJ 08104	613039	08/31/2006	NJ	ASMBS
FirstHealth Moore Regional Hospital 155 Memorial Drive Pinehurst, NC 27374	340115	09/01/2006	NC	ASMBS
Hamot Medical Center 201 State Street Erie, PA 16550	390063	09/01/2006	PA	ASMBS
St. Alexius Hospital - NewStart 3933 South Broadway Street St. Louis, MO 63118	260210	09/01/2006	MO	ASMBS
St. Catherine of Siena Medical Center 50 Route 25A Smithtown, NY 11787	316495	09/01/2006	NY	ASMBS
Barnes Jewish Hospital One Barnes-Jewish Hospital Plaza St. Louis, MO 63110	260032	09/06/2006	MO	ASMBS
Baptist Memorial Hospital Memphis 6025 Walnut Grove Road Memphis, TN 38120	440048	09/07/2006	TN	ASMBS
Norwalk Hospital 24 Stevens Street Norwalk, CT 06856	070034	09/07/2006	CT	ASMBS
North Shore University Hospital at Manhasset 300 Community Drive Manhasset, NY 11530	330106	09/08/2006	NY	ASMBS

St. Vincent's Medical Center 2800 Main Street Bridgeport, CT 06606	070028	09/08/2006	CT	Level 3- Department of Surgery ASMBS
Faxton-St. Luke's Healthcare 1656 Champlin Avenue Utica, NY 13503	330044	09/14/2006	NY	ASMBS
St. Joseph's Hospital 69 West Exchange St. Paul, MN 55102	N/A	09/14/2006	MN	ASMBS
Johns Hopkins Bayview Medical Center 4940 Eastern Avenue Baltimore, MD 21224	210029	09/15/2006	MD	ASMBS
University Hospitals of Cleveland 11100 Euclid Avenue Cleveland, OH 44106	N/A	09/15/2006	OH	ASMBS
Yale-New Haven Hospital 20 York Street New Haven, CT 06510	070022	09/20/2006	CT	ASMBS
Avera McKennan Hospital 800 East 21st Street, Box 5045 Sioux Falls, SD 57117-5045	430016	09/25/2006	SD	ASMBS
Memorial Hospital Jacksonville 3625 University Boulevard South Jacksonville, FL 32216	100179	09/26/2006	FL	ASMBS
Fountain Valley Regional Hospital 17100 Euclid Street Fountain Valley, CA 92708	050570	09/27/2006	CA	ASMBS
Sentara Norfolk General Hospital 600 Gresham Drive Norfolk, VA 23507	4900073	09/29/2006	VA	ACS
St. Mary's Medical Center 450 Stanyan Street San Francisco, CA 94117	050457	10/02/2006	CA	ASMBS
Trinity Medical Center 800 Montclair Road Birmingham, AL 35213	010104	10/03/2006	AL	ASMBS
MeritCare Health System 720 4th Street North Fargo, ND 58122	350011	10/11/2006	ND	ASMBS
St. Lukes's/Roosevelt 1090 Amsterdam Avenue New York, NY 10025	330046	10/11/2006	NY	10th Floor ACS
Benefis Healthcare 1101 26th Street South Great Falls, MT 59405	270012	10/13/2006	MT	ASMBS
Mason General Hospital 901 Mountain View Drive Shelton, WA 98584	501336	10/13/2006	WA	ASMBS
Norton Hospital 200 East Chestnut Louisville, KY 40202	180088	10/16/2006	KY	ASMBS
Port Huron Hospital 1221 Pine Grove Avenue Port Huron, MI 48060	230216	10/16/2006	MI	ASMBS
Harper University Hospital 3990 John R. Street Detroit, MI 48201	230104	10/17/2006	MI	ASMBS
St. Luke Hospital 7380 Turfway Road Florence, KY 41042	180045	10/18/2006	KY	ASMBS
Twelve Oaks Medical Center Hospital 4200 Twelve Oaks Drive Houston, TX 77027	N/A	10/18/2006	TX	ASMBS
Cleveland Clinic Florida 3100 Weston Road Weston, FL 33331-3602	100289	10/19/2006	FL	ACS

Grinnell Regional Medical Center 210 Fourth Avenue Grinnell, IA 50112	N/A	10/19/2006	IA	Provider Numbers: Hospital: 160147, Surgical Group: 03108 ACS
Conway Medical Services 300 Singleton Ridge Road Conway, SC 29528	420049	10/11/2006	SC	ASMBS
Alta Bates Medical Center 350 Hawthorne Avenue Oakland, CA 94609	050043	10/23/2006	CA	ASMBS
Massachusetts General Hospital 55 Fruit Street Boston, MA 02114-2696	220071	10/23/2006	MA	ACS
Mayo Clinic-Saint Mary's Hospital 200 First Street SW Rochester, MN 55905	N/A	10/23/2006	MN	SMH: 24-0010 Part B General Medical: C01384 ACS
Saint Francis Hospital 6465 South Yale Avenue, #900 Tulsa, OK 74136	372308	10/23/2006	OK	ACS
Newton-Wellesley Hospital 2014 Washington Street Newton, MA 02462	220101	10/26/2006	MA	ACS
Mobile Infirmary Medical Center 5 Mobile Infirmary Circle Mobile, AL 36007	010113	10/27/2006	AL	ASMBS
Maine Medical Center 22 Bramhall Street Portland, ME 04102	200009	11/06/2006	ME	ASMBS
Magee Womens Hospital of UPMC 3000 Halket Street Pittsburgh, PA 15213	390114	11/13/2006	PA	ASMBS
Saint Francis Hospital and Medical Center 114 Woodland Street Hartford, CT 06105	070002	11/15/2006	CT	ASMBS
South Jersey Healthcare-Regional Medical Center 1505 West Sherman Avenue Vineland, NJ 08360	310032	11/20/2006	NJ	ASMBS
Overlook Hospital 99 Beauvoir Avenue Summit, NJ 07902	310051	11/21/2006	NJ	Nursing Administration Office ASMBS
Cedars Medical Center 1400 Northwest 12th Avenue Miami, FL 33136	100009	11/23/2006	FL	ASMBS
Memorial Hermann Memorial City Hospital 921 Gessner Road Houston, TX 77024	450610	11/27/2006	TX	ASMBS
Tufts-New England Medical Center 750 Washington Street Boston, MA 02111	220116	11/27/2006	MA	ASMBS
Allegheny General Hospital 320 East North Avenue Pittsburgh, PA 15212	390050	11/30/2006	PA	Fifth Floor, South Tower ASMBS
Northwest Medical Center 2801 North State Road 7 Margate, FL 33063	100189	11/30/2006	FL	ASMBS
Potomac Hospital 2300 Opitz Boulevard Woodbridge, VA 22191	490113	11/30/2006	VA	ASMBS
Baptist Health Medical Center - Little Rock 9601 I-630, Exit 7 Little Rock, AR 72205	040114	12/01/2006	AR	ASMBS

University of Washington Medical Center 1959 NE Pacific Street PO Box 356151 Seattle, WA 98195-6151	1326002049	12/05/2006	WA	ACS	
St. Luke's Regional Medical Center 333 North 1st Street Suite 120 Boise, ID 83702	130006	12/06/2006	ID	ASMBS	
University of Alabama at Birmingham Hospital 1530 3rd Avenue South Kracke Building 404 Birmingham, AL 35294-0016	010033	12/07/2006	AL	ACS	
Hackensack University Medical Center 30 Prospect Avenue Hackensack, NJ 07601	310001	12/08/2006	NJ	ACS	
Hialeah Hospital 651 East 25th Street Hialeah, FL 33013	100053	12/13/2006	FL	ASMBS	
Sts. Mary and Elizabeth Hospital 1850 Bluegrass Avenue Louisville, KY 40215	180040	12/15/2006	KY	Bariatric Office ASMBS	
Bon Secours Surgical Weight Loss-Maryview Medical Center 3636 High Street Portsmouth, VA 23707	490017	12/18/2006	VA	ASMBS	
Pomerado Hospital 15615 Pomerado Road Poway, CA 92064	050636	12/18/2006	CA	ASMBS	
Boston Medical Center 88 E. Newton Street D507-Department of Surgery Boston, MA 02118	220031	12/19/2006	MA	ACS	
Medcenter One, Inc. 300 North 7th Street Bismarck, ND 58501	350015	12/19/2006	ND	ASMBS	
Meriter Hospital 202 South Park Street Madison, WI 53715	520089	12/19/2006	WI	ASMBS	
University of Wisconsin Hospital & Clinics 600 Highland Avenue Madison, WI 53792	520098	12/19/2006	WI	ASMBS	
Women and Children's Hospital 4200 Nelson Road Lake Charles, LA 70605	190201	12/19/2006	LA	ASMBS	
Mount Carmel West Hospital 793 West State Street Columbus, OH 43222	360035	12/20/2006	OH	ASMBS	
Southcoast Hospitals Group-Tobey Hospital 43 High Street Wareham, MA 02571	220074	12/21/2006	MA	ASMBS	
Carilion Roanoke Memorial Hospital 1906 Belleview Avenue Roanoke, VA 24014	N/A	12/26/2006	VA	ASMBS	
Mercy General Health Partners 1500 Sherman Boulevard Muskegon, MI 49444	230004	12/26/2006	MI	ASMBS	
Mountainside Hospital 1 Bay Avenue Montclair, NJ 07042	310054	12/26/2006	NJ	ASMBS	
Park Plaza Hospital 1313 Hermann Drive Houston, TX 77004	450659	01/09/2007	TX	ASMBS	

Renaissance Hospital Houston 2807 Little York Houston, TX 77093	450795	01/12/2007	TX	ASMBS
Penn State Milton S. Hershey Medical Center 500 University Drive Hershey, PA 17033	390256	01/18/2007	PA	ASMBS
Shawnee Mission Medical Center 9100 West 74th Street Shawnee Mission, KS 66204	170104	01/24/2007	KS	ASMBS
Morristown Memorial Hospital 100 Madison Avenue Morristown, NJ 07962	31-0015	01/25/2007	NJ	ACS
Alvarado Hospital 6655 Alvarado Road San Diego, CA 92120	050583	01/26/2007	CA	Alvarado Surgical Weight-Loss Program ASMBS
St. Francis Hospital 7th and Clayton Streets Wilmington, DE 19805	080003	01/29/2007	DE	ASMBS
Sacred Heart Medical Center 101 West 8th Avenue Spokane, WA 99220	500054	02/05/2007	WA	ASMBS
Ochsner Clinic Foundation 1514 Jefferson Highway New Orleans, LA 70121	190036	02/06/2007	LA	ASMBS
Northwest Specialty Hospital 1593 East Polston Avenue Post Falls, ID 83854	130066	02/07/2007	ID	ASMBS
Sacred Heart Hospital 421 Chew Street Allentown, PA 18102	390197	02/07/2007	PA	ASMBS
Rio Grande Regional Hospital 101 East Ridge Road McAllen, TX 78503	450711	02/12/2007	TX	ASMBS
Gundersen Lutheran Medical Center 1900 South Avenue La Crosse, WI 54601	520087	02/13/2007	WI	ASMBS
Kettering Medical Center 3535 Southern Boulevard Kettering, OH 45429	360079	02/16/2007	OH	ASMBS
Beth Israel Deaconess Medical Center 330 Brookline Avenue Boston, MA 02215	N/A	02/17/2006	MA	ACS
Shady Grove Adventist Hospital 9901 Medical Center Drive Rockville, MD 20850	210057	02/19/2007	MD	ASMBS
Pitt County Memorial Hospital 2100 Stantonsburg Road Greenville, NC 27835	340040	02/20/2007	NC	ASMBS
St. Cloud Hospital 1406 Sixth Avenue, North St. Cloud, MN 56303	240036	02/23/2007	MN	ASMBS
Virginia Mason Medical Center 1100 Ninth Avenue Seattle, WA 98101	500005	03/01/2007	WA	ASMBS
Southeast Georgia Health System 2415 Parkwood Drive Brunswick, GA 31520	110025	03/06/2007	GA	ASMBS
Baystate Medical Center 759 Chestnut Street Springfield, MA 01199	220077	03/13/2007	MA	ACS
PinnacleHealth Community Campus 4300 Londonderry Road c/o PO Box 8700 Harrisburg, PA 17109	390067	03/29/2007	PA	ASMBS

The Valley Hospital 223 North Van Dien Avenue Ridgewood, NJ 07450	310012	03/30/2007	NJ	ASMBS
Charleston Area Medical Center 800 Pennsylvania Avenue Charleston, WV 25302	510022	04/16/2007	WV	ASMBS
Presbyterian Hospital of Dallas 8200 Walnut Hill Lane Dallas, TX 75231	450462	04/16/2007	TX	ASMBS
Dekalb Medical Center 2701 North Decatur Road Decatur, GA 30033	110076	04/26/2007	GA	ASMBS
St. Francis Health Center 1700 SW 7th Street Topeka, KS 66606	170016	04/26/2007	KS	ASMBS
St. Mark's Hospital 1200 East 3900 South Salt Lake City, UT 84124	47007	04/26/2007	UT	ASMBS
Faulkner Hospital 1153 Centre Street Boston, MA 02130	220119	04/27/2007	MA	ACS
George Washington University Hospital 9000 23rd Street NW Washington, DC 20037	090001	08/14/2006	DC	ASMBS
William Beaumont Hospital – Royal Oak 3601 West Thirteen Mile Road Royal Oak, MI 48073-6769	230130	04/20/2007	MI	ACS
University Medical Center at Princeton 253 Witherspoon Street Princeton, NJ 08542	N/A	02/24/2006	NJ	ASMBS
Del Sol Medical Center 10201 Gateway West Suite 130 El Paso, TX 79925	45-0646	05/03/2007	TX	ACS
Winchester Hospital 41 Highland Avenue Winchester, MA 01890	220105	05/31/2007	MA	ASMBS
Lawrence Memorial Hospital – Hallmark Health System 170 Governors Avenue Medford, MA 02155	220070	05/31/2007	MA	ASMBS
The Methodist Hospital 6565 Fannin, NB1-001 Houston, TX 77030	450358	03/22/2007	TX	ACS
ValleyCare Health System 1111 East Stanley Boulevard Livermore, CA 94550	050283	06/07/2007	CA	ASMBS
The Presbyterian Hospital 200 Hawthorne Lane Charlotte, NC 28204	340053	06/06/2007	NC	ASMBS
Nix Hospital 414 Navarro Street San Antonio, TX 78205	450130	06/08/2007	TX	ASMBS

Huntsville Hospital 101 Sivley Road Huntsville, AL 35801	010039	05/11/2007	AL	ASMBS
The Jewish Hospital 4777 Galbraith Road Cincinnati, OH 45236	360016	06/07/2007	OH	ASMBS
UCI Medical Center 101 The City Drive South Orange, CA 92868	050348	05/25/2007	CA	ACS
Kaiser Permanente Medical Center Richmond 901 Nevin Avenue Richmond, CA 94801	050075	05/24/2007	CA	ACS
Green Hospital 12395 El Camino Real San Diego, CA 92130	050424	06/21/2007	CA	ASMBS
Sutter Roseville Medical Center One Medical Plaza Roseville, CA 95661	050309	06/22/2007	CA	ASMBS
Munroe Regional Medical Center 1500 Southwest 1st Avenue Ocala, FL 34471	100062	06/05/2007	FL	ASMBS
Enloe Medical Center 251 Cohasset Road Chico, CA 95926	050039	06/11/2007	CA	ASMBS
St. Francis Hospital & Health Centers 1600 Albany Street Beech Grove, IN 46107	150033	06/15/2007	IN	ASMBS
Southern Surgical Hospital 1700 West Lindberg Drive Slidell, LA 70458	190270	06/21/2007	LA	ASMBS
Creighton University Medical Center 601 North 30th Street Omaha, NE 68131	280030	06/20/2007	NE	ASMBS
Peninsula Regional Medical Center 100 East Carroll Street Salisbury, MD 21801	210019	06/20/2007	MD	ASMBS
Wadley Regional Medical Center 1000 Pine Street Texarkana, TX 75501	450200	06/08/2007	TX	ASMBS
Vista Medical Center Hospital 4301 Vista Road Pasadena, TX 77504	450831	06/22/2007	TX	ASMBS
St. David's Medical Center 919 East 32nd Street Austin, TX 78705	450531	06/22/2007	TX	ASMBS
Sanford USD Medical Center 1305 West 18th Street Sioux Falls, SD 57117	430027	01/17/2006	SD	ASMBS
Weight Loss Surgery Program at Baylor 3600 Gaston Avenue Suite 360 Wadley Tower Dallas, TX 75246	N/A	06/20/2007	TX	ASMBS
Shelby Baptist Medical Center 1000 First Street N. Alabaster, AL 35007	010016	05/18/2007	AL	ACS
Lehigh Valley Hospital and Health Network Cedar Crest & I-78 PO Box 689 Allentown, PA 18105-1556	390133	05/29/2007	PA	ACS
West Hills Hospital 7300 Medical Center Drive West Hills, CA 91307	050481	06/27/2007	CA	ASMBS

Adirondack Medical Center 2233 State Route 86 Saranack Lake, NY 12983	330079	06/26/2007	NY	ASMBS
Middletown Regional Hospital 105 McKnight Drive Middletown, OH 45044	360076	06/25/2007	OH	ASMBS
Kaleida Health, Buffalo General 100 High Street Buffalo, NY 14203	300005	06/25/2007	NY	ASMBS
Miami Valley Hospital One Wyoming Street Dayton, OH 45409	N/A	06/25/2007	OH	ASMBS
Minimally Invasive Surgery Hospital 11217 Lakeview Avenue Lenexa, KS 66219	N/A	06/25/2007	KS	ASMBS
Saint Agnes Medical Center 1303 E. Herndon Avenue Fresno, CA 93720	05-0093	07/24/2007	CA	ASMBS
Sartori Memorial Hospital 515 College Street Cedar Falls, IA 50613	160040	07/17/2007	IA	ASMBS
Maimonides Medical Center 948 48th Street, 2nd floor Brooklyn, NY 11219	33-0194	07/10/2007	NY	ASMBS
Westchester Medical Center 95 Grasslands Road Valhalla, NY 10595	330234	07/17/2007	NY	ASMBS
Deaconess Hospital 311 Straight Street Cincinnati, OH 45219	36-0038	07/17/2007	OH	ASMBS
Northern Ohio Bariatric Center at Parma Hospital 6305 Powers Boulevard Parma, OH 44129	360041	07/10/2007	OH	ASMBS
Einstein at Elkins Park 60 E. Township Line Road Elkins Park, PA 19027	390142	07/10/2007	PA	ASMBS
Lahey Clinic Medical Center 41 Mall Road Burlington, MA 01805	220171	06/22/2007	MA	ACS
St. Francis Hospital 34515 Ninth Ave South Federal Way, WA 98003	500141	07/26/2007	WA	ACS
California Foundation for Health 1401 Garces Highway Delano, CA 93215	050608	07/10/2007	CA	d.b.a. Delano Regional Medical Center; ASMBS
Northeast Alabama Regional Medical Center 400 East 10th Street Anniston, AL 36207	010078	07/30/2007	AL	ASMBS
Trinity Medical Center 4343 N. Josey Lane Carrollton, TX 75010	45-0730	07/30/2007	TX	ASMBS
Gratiot Medical Center 300 E. Warwick Drive Alma, MI 48801	23-0030	07/30/2007	MI	ASMBS
Cuyuna Regional Medical Center 320 East Main Street Crosby, MN 56441	241353	08/20/2007	MN	ASMBS
Valley Medical Center 400 South 43rd Street Renton, WA 98055	500088	07/30/2007	WA	ASMBS

Renaissance Hospital Dallas 427 W. 20th Street Suite 300 Houston, TX 77008	670002	08/08/2007	TX	ASMBS
UPMC Presbyterian Shadyside 5230 Centre Avenue Pittsburgh, PA 15232	39-0114	08/20/2007	PA	ASMBS
Clarian North Medical Center 6625 Network Way Suite 100 Indianapolis, IN 46202	15-0161	08/20/2007	IN	ASMBS
Genesis Medical Center 1227 East Rusholme Street Davenport, IA 52803	160033	08/08/2007	IA	ASMBS
University General Hospital 7501 Fannin Street Houston, TX 77054	670019	08/08/2007	TX	ASMBS
Ellis Hospital 1101 Nott Street Schenectaday, NY 12308	330153	06/19/2007	NY	ASMBS
University of Texas Medical Branch 301 University Boulevard Galveston, TX 77555-1168	450018	08/16/2007	TX	ACS
UPMC Presbyterian Shadyside 5230 Centre Avenue Pittsburgh, PA 15232	39-0114	08/20/2007	PA	ABMS
Christiana Care Health Services 4755 Ogletown – Stanton Road Newark, DE 19718	080001	08/29/2007	DE	ASMBS
Stanford Hospital and Clinics 300 Pasteur Drive Stanford, CA 94305	050441	09/13/2007	CA	ACS
Summa Health Systems Hospital 95 Arch Street Suite 240 Akron, OH 44304	360020	09/21/2007	OH	ASMBS
Memorial Regional Hospital 3500 Johnson Street Hollywood, FL 33021	100038	09/11/2007	FL	ASMBS
Temple University Hospital 3401 North Broad Street Philadelphia, PA 19140	390027	09/21/2007	PA	ASMBS
Good Samaritan Hospital 2425 Samaritan Drive San Jose, CA 95124	50380	09/21/2007	CA	ASMBS
Johnson City Medical Center 400 North State of Franklin Road Johnson City, TN 37604	HSP440063	09/27/2007	TN	ASMBS
Providence Saint Joseph Medical Center 201 South Buena Vista Street Suite 425 Burbank, CA 91505	50235	N/A	CA	ASMBS – 09/17/2007; ACS – 09/05/2007
Baptist Bariatric Center of Excellence 1000 West Moreno Street Pensacola, FL 32501	10-0093	09/27/2007	FL	ASMBS
Hillcrest Hospital 2104 Woodruff Road Greenville, SC 29607	43-0037	10/10/2007	SC	ASMBS
Fairway Medical 67252 Industry Lane Covington, LA 70433	190267	10/10/2007	LA	ASMBS
John T. Mather Memorial Hospital 75 North Country Road Port Jefferson, NY 11777	JTM 33-0185	10/10/2007	NY	ASMBS

Lenox Hill Hospital 110 East 59th Street, Suite 8A New York, NY 10022	10003F8	10/10/2007	NY	ASMBS
Easton Hospital 250 South 21st Street Easton, PA 18042	390162	10/10/2007	PA	ASMBS
Medical City Dallas Hospital 7777 Forest Lane, Suite 240A Dallas, TX 75230	000340	10/10/2007	TX	ASMBS
St Vincent's East 50 Medical Park East Drive Birmingham, AL 35235	010011	10/10/2007	AL	ASMBS
Northside Hospital 1000 Johnson Ferry Road Atlanta, GA 30342	11-0161	10/10/2007	GA	ASMBS
Missouri Bariatric Services 1000 W. Nifong Boulevard, Building 2, Suite 210 Columbia, MO 65203	000011108	10/10/2007	MO	ASMBS
Presbyterian Hospital of Plano 6200 West Parker Road Plano, TX 75093	45-0771	10/10/2007	TX	ASMBS
Norton Suburban Hospital 315 East Broadway Louisville, KY 40202	180088	10/10/2007	KY	ASMBS
Sky Ridge Medical Center 10101 RidgeGate Parkway Lone Tree, CO 80124	060112	10/30/2007	CO	ASMBS
St. Mary Medical Center 1050 Linden Avenue Long Beach, CA 90813	050191	10/30/2007	CA	ASMBS
Scott and White Hospital 2401 S. 31st Street Temple, TX 76508	450054	10/24/2007	TX	ACS
The Methodist Hospitals, Inc. 303 East 89th Avenue Merrillville, IN 46410	150132	10/30/2007	IN	ASMBS
Parkview Community Hospital 3865 Jackson Street Riverside, CA 92503	050102	10/30/2007	CA	ASMBS
Evergreen Hospital 12040 NE 128th Street Kirkland, WA 98034	500124	10/30/2007	WA	ASMBS
University of Maryland Medical Center 22 South Greene Street Baltimore, MD 21201-1595	21002	11/05/2007	MD	ACS
Montefiore Medical Center 111 East 210th Street Bronx, NY 10467	330059	11/07/2007	NY	Group #: 330059, Dr. Karen Gibbs #: 140341, Dr. Pratibha Vemulapalli #: 3097H1; ACS
Emory Crawford Long Hospital 1364 Clifton Road, NE Atlanta, GA 30322	110078	11/13/2007	GA	ACS
El Camino Hospital 2500 Grant Road Mountain View, CA 94039	050308	11/19/2007	CA	ASMBS
Northeast Baptist Hospital 8811 Village Drive San Antonio, TX 78217	450058	11/19/2007	TX	ASMBS

University of Iowa Hospitals and Clinics 4624 JCP Bariatric Surgery Iowa City, IA 52242	160058	11/19/2007	IA	ASMBS
El Camino Hospital 2500 Grant Road Mountain View, CA 94039	050308	11/19/2007	CA	ASMBS
Aspirus Wausau Hospital 333 Pineridge Boulevard Wausau, WI 54401	52-0030	11/28/2007	WI	ASMBS
Eastern Idaho Regional Medical Center 2860 Channing Way Suite 102 Idaho Falls, ID 83404	13-0018	12/10/2007	ID	ASMBS
Mount Sinai Medical Center 4701 North Meridian Avenue Miami Beach, FL 33140	10-0034	12/11/2007	FL	ASMBS
North Florida Regional Medical Center 6400 Newberry Road Suite 106 Gainesville, FL 32605	21536	12/27/2007	FL	ASMBS
Baylor Regional Medical Center at Plano 470 Alliance Boulevard Plano, TX 75093	45-0890	01/04/2008	TX	ASMBS
Memorial Medical Center 1800 Coffee Road Suite 30 Modesto, CA 95350	050557	01/04/2008	CA	ASMBS
Pennsylvania Hospital 800 Spruce Street 2 Cathcart Philadelphia, PA 19107	39-0226	01/08/2008	PA	ASMBS
Houston Northwest Medical Center 710 FM 1960 Road West Houston, TX 77090	450638	01/08/2008	TX	ASMBS
St. Bernadine Medical Center 2101 North Waterman Avenue San Bernadino, CA 92404	05-0129	01/04/2008	CA	ASMBS
UCLA Medical Center 10833 Le Conte Avenue CHS 72-236 Los Angeles, CA 90095	050262	01/08/2008	CA	ASMBS
Lourdes Medical Center Burlington County 218-A Sunset Road Willingboro, NJ 08046	310061	01/30/2008	NJ	ASMBS
Sacred Heart Medical Center 1200 Hilyard Street Suite S-570 Eugene, OR 97401	380033	01/23/2008	OR	ASMBS
Salt Lake Regional Medical Center 1050 East South Temple Salt Lake City, UT 84102	460003	02/11/2008	UT	ASMBS
Kaiser Permanente-South San Francisco 1200 El Camino Real South San Francisco, CA 94080	050070	01/30/2008	CA	ASMBS
Chilton Memorial Hospital 97 West Parkway Pompton Plains, NJ 07444	310017	02/12/2008	NJ	ASMBS
Mary Imogene Bassett Hospital One Atwell Road Cooperstown, NY 13326	330136	02/12/2008	NY	ASMBS
Sharp Memorial Hospital 7901 Frost Street – 5 South /ACC San Diego, CA 92123	0150100	02/11/2008	CA	ASMBS

Doctors Hospital at White Rock Lake 9440 Poppy Drive Dallas, TX 75218	450678	01/30/2008	TX	ASMBS
Rhode Island Hospital 2 Dudley Street Suite 470 Providence, RI 02905	410007	02/25/2008	RI	ASMBS
Munson Medical Center 1105 Sixth Street Traverse City, MI 49684	23-0097	02/19/2008	MI	ASMBS
DayOne Health at 900 N. Michigan Surgical Center 409 West Huron Suite 300 Chicago, IL 60613	538810	02/19/2008	IL	ASMBS
USC University Hospital 1500 San Pablo Los Angeles, CA 90033	05-0696	01/30/2008	CA	ASMBS
Lexington Medical Center 2720 Sunset Boulevard West Columbia, SC 29169-4810	See other information	01/14/2008	SC	ACS; NPI: Hospital Services 1356366314; Professional Services 1144248097
Saint Clare's Hospital 400 West Blackwell Street Dover, NJ 07801	310050	03/17/2008	NJ	ASMBS
Hartford Hospital 85 Seymour Street, Suite 415 Hartford, CT 06106	07-0025	03/25/2008	CT	ASMBS
Singing River Hospital 2809 Denny Avenue Pascagoula, MS 39581	250040	03/17/2008	MS	ASMBS
St. John's Regional Health Center 1235 East Cherokee Street Springfield, MO 65804	260065	03/17/2008	MO	ASMBS
Willis Knighton Health System 2551 Greenwood Road Suite 340 Shreveport, LA 71103	190111	03/17/2008	LA	ASMBS
Cottage Health System PO Box 689 Pueblo at Bath Street Santa Barbara, CA 93102-0689	030596	02/25/2008	CA	ASMBS
Syosset Hospital 221 Jericho Turnpike Syosset, NY 11791	330106	02/19/2008	NY	ASMBS
The Hospital of Central Connecticut 1000 Grand Street New Britain, CT 06050	070035	03/11/2008	CT	ASMBS
Stringfellow Memorial Hospital 105 Windsor Lane Rainbow City, AL 35906	01-0038	03/11/2008	AL	ASMBS
Providence Alaska Medical Center 3200 Providence Drive Anchorage, AK 99519-6604	02-0001	03/17/2008	AK	ASMBS
The Reading Hospital and Medical Center 2603 Keiser Boulevard Wyomissing, PA 19610	390044	03/25/2008	PA	ASMBS
Good Samaritan Hospital 255 Lafayette Avenue Suffern, NY 10901	330158	03/25/2008	NY	ASMBS
San Joaquin Community Hospital 2819 H Street Bakersfield, CA 93301	04055	04/01/2008	CA	ASMBS

Lowell General Hospital 295 Varnum Avenue Lowell, MA 01854		02/22/2008	MA	Medicare: 220063; Medicaid Inpatientt #: 100228; Medicaid Outpatient #: 1201069; ACS
Memorial Health University Medical Center 4700 Waters Avenue Savannah, GA 31404	11-0036	04/08/2008	GA	ASMBS
Christiana Care Health Services 3506 Kennett Pike Wilmington, DE 19807	080001	04/18/2008	DE	ACS
Abington Memorial Hospital 1235 Old York Road, Suite G-28 Abington, PA 19001	390231	04/21/2008	PA	ASMBS
Gateway Medical Center 1771 Madison Street Clarksville, TN 37043	440035	04/21/2008	TN	ASMBS
Westchester Medical Center 95 Grasslands Road Valhalla, NY 10595	W94181	04/07/2008	NY	ACS
High Point Regional Health System 601 N. Elm Street High Point, NC 27261	34-0004	05/02/2008	NC	ACS
Desert Regional Medical Center 1150 North Indian Canyon Drive Palm Springs, CA 92262	05-0243	05/12/2008	CA	ASMBS
Southwest General Hospital 7400 Barlite Boulevard San Antonio, TX 78224	450697-A	05/22/2008	TX	ASMBS
Muhlenberg Regional Medical Center Park Avenue and Randolph Road Plainfield, NJ 07061	310063	06/02/2008	NJ	ASMBS
St. Mary's Medical Center 407 East 3rd Street Duluth, MN 55805	240002	06/09/2008	MN	ASMBS
St. Charles Medical Center - Bend 2500 NE Neff Road Bend, OR 97701	380047	06/30/2008	OR	ASMBS
Bay Area Hospital 1775 Thompson Road Coos Bay, OR 97420	380090	06/30/2008	OR	ASMBS
Saint Elizabeth Regional Medical Center 555 South 70th Street Lincoln, NE 68510	280020	07/21/2008	NE	ASMBS 6th Floor Surgical Unit
Holston Valley Medical Center 130 Ravine Street Kingsport, TN 37660	44-0017	07/29/2008	TN	ASMBS
Holy Cross Hospital 1500 Forest Glen Road Silver Spring, MD 20910	210004	07/29/2008	MD	ACS
North Carolina Baptist Hospital Medical Center Boulevard Winston Salem, NC 27157	340047	07/29/2008	NC	ASMBS
Flagler Hospital 400 Health Park Boulevard St. Augustine, FL 32086	100090	07/31/2008	FL	ASMBS
Torrance Memorial Medical Center 3330 Lomita Boulevard Torrance, CA 90505	05-0351	08/02/2008	CA	ASMBS

St. John Macomb-Oakland Hospital 27483 Dequindre Road Madison Heights, MI 48701	230195	08/07/2008	MI	ASMBS Suite 204
Nebraska Methodist Hospital 10060 Regency Circle Omaha, NE 68114	280040	08/07/2008	NE	ASMBS
Marquette General Hospital 580 West College Avenue Marquette, MI 49855	23-0054	08/07/2008	MI	ASMBS
Sacred Heart Hospital 5149 North 9th Avenue Suite G-32 Pensacola, FL 32504	100025	08/19/2008	FL	ASMBS
Central Mississippi Medical Center 1850 Chadwick Drive Jackson, MS 39204	250072	08/26/2008	MS	ASMBS
Vista Hospital of Dallas 2696 West Walnut Street Garland, TX 75042	450315	08/26/2008	TX	ASMBS
St. Alexius Medical Center 1555 Barrington Road Hoffman Estates, IL 60169	14-0290	08/26/2008	IL	ASMBS
Alexian Brothers Medical Center 800 Biesterfield Road Elk Grove Village, Illinois 60007	14-0290	08/26/2008	IL	ASMBS 6th Floor
Alegent Health Immanuel Medical Center 6828 North 72nd Street Suite 5500 Omaha, NE 68122	280081	08/29/2008	NE	ASMBS
MountainView Hospital 3100 North Tenya Way Las Vegas, NV 89128	290039	09/03/2008	NV	ASMBS
Southwest Washington Medical Center 400 NE Mother Joseph Place Vancouver, WA 98664	500050	09/08/2008	WA	ASMBS
JFK Medical Center 5301 South Congress Avenue Atlantis, FL 33462	100080	09/18/2008	FL	ASMBS
McLaren Regional Medical Center 401 South Ballenger Highway Flint, MI 48532	230141	09/24/2008	MI	ASMBS
Cheyenne Regional Medical Center 2301 House Avenue, Suite 500 Cheyenne, WY 82001	530014	09/24/2008	WY	ASMBS
St. Mary Mercy Hospital 14555 Levan Road, Suite 311 Livonia, MI 48154	12200126	09/25/2008	MI	ASMBS
Altru Health System 1000 South Columbia Road Grand Forks, ND 58206	350019	09/25/2008	ND	ASMBS
Lutheran Hospital of Indiana Bariatric Center 7836 West Jefferson, Suite 101 Ft. Wayne, IN 46804	150017	09/25/2008	IN	ASMBS
Seton Medical Center 1201 West 38th Street Austin, TX 78705	450056	09/25/2008	TX	ASMBS

St. Elizabeth and St. Joseph Surgical 452 Broadway Street Youngstown, OH 44504	36-0161	09/25/2008	OH	ASMBS
Henry Ford Macomb Hospital – Warren Campus 13355 East 10 Mile Road Warren, MI 48089	230204	10/07/2008	MI	ASMBS
Saint Alphonsus Regional Medical Center 1055 North Curtis Road Boise, ID 83706	130007	10/07/2008	ID	ASMBS
Riverside Methodist Hospital 3535 Olentangy River Road Columbus, OH 43214	36-0006	10/21/2008	OH	ASMBS
Lawrence Hospital Center 55 Palmer Avenue Bronxville, NY 10708	330061	11/05/2008	NY	ACS
Winthrop University Hospital 120 Mineola Boulevard Suite 320 Mineola, NY 11501	330167	11/10/2008	NY	ASMBS
St. John's Regional Medical Center 1700 North Rose Avenue #380 Oxnard, CA 93030	050082	12/02/2008	CA	ASMBS
Floyd Medical Center PO Box 233 Rome, GA 30162	110054	01/07/2009	GA	ASMBS
Hazleton General Hospital 700 East Broad Street Hazleton, PA 18201	390185	04/20/2009	PA	ASMBS
Memorial Hermann Texas Medical Center 6411 Fannin Street Houston, TX 77030	45-0068	01/29/2009	TX	ACS
Mercy Medical Center 1111 6th Avenue Des Moines, IA 50314-9906	160083	01/28/2009	IA	ASMBS
Northwest Medical Center 1980 W. Hospital Drive Suite 200 Tucson, AZ 85741	03-0085	04/06/2009	AZ	ASMBS
Plaza Medical Center of Fort Worth 900 8th Avenue PAT-Bariatrics Ft. Worth, TX 76104	450672	03/20/2009	TX	ASMBS
SUNY Upstate Medical University 750 E. Adams Street, University Hospital Syracuse, NY 13210	NPI #: 1578554630	03/27/2009	NY	ACS; General Acute Care Hospital Number: 330241
Winchester Medical Center Bariatric Program 1840 Amherst Street Winchester, VA 22601	490005	03/20/2009	VA	ASMBS

Addendum XVI—FDG-PET for Dementia and Neurodegenerative Diseases Clinical Trials

In a National Coverage Determination for fluorodeoxyglucose positron emission tomography (FDG-PET) for Dementia and Neurodegenerative Diseases (220.6.13) we indicated that an FDG-PET scan is considered reasonable and necessary in patients with mild cognitive impairment or early dementia only in the context of an approved clinical trial that contains patient safeguards and protections to ensure proper administration, use, and evaluation of the FDG-PET scan.

Facility name	Provider Number	Date approved	State	Name of Trial	Principal Investigator
UCLA Medical Center 10833 Le Conte Avenue Los Angeles, CA 90095	HW13029	06/07/2006	CA	Early and Long-Term Value of Imaging Brain Metabolism	Dr. Daniel Silverman
Santa Monica-UCLA Medical Center 1245 16th Street Suite 105 Santa Monica, CA 90404	W11817A	01/12/2007	CA	N/A	N/A
University of Buffalo 3435 Main Street Buffalo, NY 14214	14414A	03/12/2007	NY	Metabolic Cerebral Imaging in Incipient Dementia (MCI-ID)	Dr. Daniel Silverman
Center for Alzheimer's Care, Imaging and Research (University of Utah) 650 Komas Drive Suite 106-A Salt Lake City, UT 84108	460009	02/17/2009	UT	Metabolic Cerebral Imaging in Incipient Dementia (MCI-ID)	Norman Foster, M.D.
Medical University of South Carolina 169 Ashley Avenue PO Box 250322 Charleston, SC 29425	1073605879	02/17/2009	SC	N/A	Kenneth Spicer

[FR Doc. E9–14486 Filed 6–25–09; 8:45 am]
BILLING CODE 4120–01–C



Federal Register

Friday,
June 26, 2009

Part III

The President

Executive Order 13509—Establishing a White House Council on Automotive Communities and Workers

Federal Register
Vol. 74, No. 122
Friday, June 26, 2009

Presidential Documents

Title 3—

The President

Executive Order 13509 of June 23, 2009

Establishing a White House Council on Automotive Communities and Workers

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy.* Over the last decade, the United States has experienced a decline in employment in the auto industry and among part suppliers. This decline has accelerated dramatically over the past year, with more than 400,000 jobs being lost in the industry. Unemployment in the automotive sector in towns and cities across the country has reached levels not seen in decades, with resulting increases in poverty and high home foreclosure rates.

The purpose of this order is to establish a coordinated Federal response to issues that particularly impact automotive communities and workers and to ensure that Federal programs and policies address and take into account these concerns.

Sec. 2. *White House Council on Automotive Communities and Workers.* There is established within the Executive Office of the President the White House Council on Automotive Communities and Workers (Council).

(a) *Membership.* The Council shall consist of the following members:

(1) the Secretary of Labor and the Assistant to the President for Economic Policy and Director of the National Economic Council, who shall serve as Co-Chairs of the Council;

(2) the Secretary of the Treasury;

(3) the Secretary of Defense;

(4) the Attorney General;

(5) the Secretary of the Interior;

(6) the Secretary of Agriculture;

(7) the Secretary of Commerce;

(8) the Secretary of Health and Human Services;

(9) the Secretary of Housing and Urban Development;

(10) the Secretary of Transportation;

(11) the Secretary of Energy;

(12) the Secretary of Education;

(13) the Secretary of Veterans Affairs;

(14) the Chair of the Council of Economic Advisers;

(15) the Administrator of the Environmental Protection Agency;

(16) the Director of the Office of Management and Budget;

(17) the United States Trade Representative;

(18) the Administrator of General Services;

(19) the Administrator of the Small Business Administration;

(20) the Senior Advisor and Assistant to the President for Intergovernmental Affairs and Public Engagement;

(21) the Assistant to the President and Cabinet Secretary;

(22) the Assistant to the President and Director of the Domestic Policy Council;

(23) the Chair of the Council on Environmental Quality;

(24) the Assistant to the President for Energy and Climate Change; and

(25) the heads of such other executive departments, agencies, and offices as the President may, from time to time, designate.

A member of the Council may designate, to perform the Council functions of the member, a senior-level official who is a part of the member's department, agency, or office, and who is a full-time officer or employee of the Federal Government.

(b) *Administration.* The Co-Chairs shall convene regular meetings of the Council, determine its agenda, and direct its work. The Director for Recovery of Auto Communities and Workers (Director of Recovery) shall serve as Executive Director of the Council and shall coordinate the Council's activities. At the direction of the Co-Chairs, the Council may establish subgroups consisting exclusively of Council members or their designees, as appropriate.

Sec. 3. *Mission and Functions.* The Council shall perform the following functions, to the extent permitted by law:

(a) Provide leadership and coordinate the development of policies and programs across executive departments and agencies to ensure a coordinated Federal response to issues that have a distinct impact on automotive communities and workers;

(b) Advise the President on the effects of pending legislation and executive branch policy proposals on automotive communities and workers;

(c) Provide recommendations to the President on changes to Federal policies and programs to address issues of special importance to automotive communities and workers; and

(d) Help ensure that officials across the executive branch, including officials on existing committees or task forces addressing automotive issues, advance the President's agenda for automotive communities and support the Director of Recovery's coordination of Federal economic adjustment assistance activities. Such support may include the use of personnel, technical expertise, and available financial resources. It may be used to provide a coordinated Federal response to the needs of individual States, regions, municipalities, and communities adversely affected by auto industry changes.

Sec. 4. *Outreach.* Consistent with the objectives set forth in this order, the Council, in accordance with applicable law, in addition to regular meetings, shall conduct outreach to representatives of nonprofit organizations, business, labor, State and local government agencies, elected officials, and other interested persons that will assist in bringing to the President's attention concerns, ideas, and policy options for expanding and improving efforts to revitalize automotive communities.

Sec. 5. *Termination.* The Council shall terminate 2 years after the date of this order unless extended by the President.

Sec. 6. *General Provisions.* (a) The heads of executive departments and agencies shall assist and provide information to the Council, consistent with applicable law, as may be necessary to carry out the functions of the Council. Each executive department and agency shall bear its own expense for participating in the Council.

(b) Executive departments and agencies shall afford consideration to requests from automotive communities for Federal technical assistance, financial resources, excess or surplus property, or other resources.

(c) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to an executive department, agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(d) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(e) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
June 23, 2009.

[FR Doc. E9–15368
Filed 6–25–09; 8:45 am]
Billing code 3195–W9–P

Reader Aids

Federal Register

Vol. 74, No. 122

Friday, June 26, 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, JUNE

26077–26280 1
26281–26510 2
26511–26770 3
26771–26932 4
26933–27070 5
27071–27242 8
27243–27422 9
27423–27678 10
27679–27902 11
27903–28148 12
28149–28438 15
28439–28590 16
28591–28862 17
28863–29110 18
29111–29392 19
29393–29588 22
29589–29930 23
29931–30210 24
30211–30458 25
30459–30906 26

CFR PARTS AFFECTED DURING JUNE

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.

2 CFR

1 28149
182 28149

3 CFR

Proclamations:
8387 26929
8387 (Correction) 27677
8388 26931
8389 27067
8390 27069
8391 28593
8392 28595
8393 29931

Executive Orders:
13509 30903

Administrative Orders:
Memorandums:
Memo. of May 27, 2009 26277
Memo. of June 12, 2009 28591
Memo. of June 8, 2009 28863
Memo. of June 17, 2009 29393
Notices:
Notice of June 12, 2009 28437
Notice of June 18, 2009 29391
Notice of June 22, 2009 30209
Notice of June 24, 2009 30457
Presidential Determinations:
No. 2009-19 of June 5, 2009 27903
No. 2009-20 of June 12, 2009 28865
No. 2009-21 of June 12, 2009 28867

5 CFR

332 30459
532 28597
1600 29111

Proposed Rules:
894 26302

6 CFR

Proposed Rules:
5 ..... 30240, 30241, 30243

7 CFR

28 26771
220 28154
301 ..... 26774, 27071, 27423
319 26511
457 ..... 26281, 28154
916 28869
917 28869
981 28872
1467 26281

Proposed Rules:
205 26591
319 27456
352 27456
360 27456
361 27456
868 30015
920 26806
1205 26810
1209 26984
1220 27467

8 CFR

1 26933
100 26933
103 26933
204 26933
207 26933
208 26933
211 26933
212 26933
214 ..... 26514, 26933
216 26933
236 26933
244 26933
245 26933
248 26933
264 26933
274a 26514, 26933
301 26933
316 26933
320 26933
322 26933
324 26933
327 26933
328 26933
329 26933
330 26933
334 26933
392 26933

10 CFR

50 28112
52 28112
72 ..... 26285, 27423
170 27642
171 27642

Proposed Rules:
50 ..... 26303, 27724
52 27724
70 26814
72 ..... 26310, 27469
110 29614
430 26816
431 26596
440 27945

11 CFR

9430 27905

12 CFR

225.....26077, 26081
229.....26515
337 .....26516, 27679, 27683
370.....26521, 26941
619.....28597
620.....28597
621.....28597
701.....29933, 29934
1410.....28156

Proposed Rules:

34.....27386
208.....27386
365.....27386
563.....27386
610.....27386
617.....29143
761.....27386
1212.....27470
1230.....26989
1233.....28636
1731.....28636
1770.....26989

13 CFR

120 .....27243, 27426, 29589

14 CFR

23.....26777
25.....26946, 26948
33.....29592
34.....26778
36.....27076
39 .....26288, 26291, 27684, 27686, 27689, 27691, 27693, 27695, 27698, 27702, 27704, 27906, 27908, 27911, 27913, 27915, 27917, 28439, 29112, 29116, 29118, 29121, 29123, 29126, 29936
71 .....27076, 27077, 27078, 29938, 29939
95.....26779
97 .....28156, 28158, 29592, 29593

Proposed Rules:

21.....28449
23.....26818
27.....28449
39 .....26312, 26315, 26317, 26322, 26994, 27254, 27257, 27260, 27474, 27476, 27725, 27946, 29144, 29148, 29630, 29632, 30017, 30018, 30020, 30211
71 .....30022, 30023, 30024, 30025, 30245, 30247

15 CFR

301.....30462

16 CFR

1500.....27248

Proposed Rules:

321.....26118, 26130
322.....26118, 26130
437.....29149

17 CFR

210.....30211
211.....27427
229.....30211
239.....26782
274.....26782

Proposed Rules:

200.....29024
232.....29024
240.....29024
249.....29024
274.....29024

18 CFR

Proposed Rules:

40.....30027

19 CFR

101.....28601
122.....28601

20 CFR

Proposed Rules:

416.....27727
606.....30402
617.....27262
618.....27262
665.....27262
671.....27262

21 CFR

129.....30211
165.....30211
510.....26951
520 .....27706, 28874, 30463
522.....26951
524.....26782
558.....27919

23 CFR

192.....28441
470.....28441
625.....28441
634.....28160, 28441
650.....28441
655.....28441
772.....28441
971.....28441
972.....28441
973.....28441
1206.....28441
1208.....28441
1210.....28441
1215.....28441

Proposed Rules:

635.....29634

26 CFR

1 .....27079, 27080, 27868, 27920
20.....27079, 27080
25.....27080
602.....27868

Proposed Rules:

1.....27947, 30249
20.....26597
31.....30249

27 CFR

9.....29395
40.....29401
41.....29401
44.....29401
45.....29401

Proposed Rules:

40.....29433
41.....29433
44.....29433
45.....29433

28 CFR

0.....29128
2.....28602, 29940

Proposed Rules:

16.....26598

29 CFR

4001.....27080, 30212
4022.....28161
4044.....28161
4901.....27080, 30212
4902.....27080, 30212

Proposed Rules:

1910.....30250

30 CFR

49.....28606

Proposed Rules:

74.....27263
250.....28639

31 CFR

30.....28394
285.....27432, 27707
356.....26084
Ch. V.....29742
538.....27433

Proposed Rules:

103.....26996
285.....27730

32 CFR

65.....30212
706.....29420

Proposed Rules:

199.....29435

33 CFR

1.....27435
25.....27435
66.....27435
70.....27435
72.....27435
100.....27435, 30220
110.....27435
117 .....26087, 26293, 26294, 26295, 26296, 26952, 27249, 27442, 29422, 29941, 29944, 29945, 29947, 30224, 30225
133.....27435
135.....27435
136.....27435
137.....27435
138.....27435
155.....27435
157.....27435
161.....27435
165 .....26087, 26089, 26297, 26782, 26785, 26786, 26954, 27435, 27932, 27934, 27936, 27938, 28163, 28165, 28609, 28612, 28614, 29129, 29131, 29134, 29422, 29423, 29435, 29428, 29947, 30464
166.....27435

Proposed Rules:

100 .....26138, 26326, 27478, 29436, 30256
110 .....26328, 27000, 27948
117.....26820, 30031
146.....29439
165 .....26138, 26823, 27481, 27953, 28199, 29151, 29447

36 CFR

223.....26091
261.....26091

Proposed Rules:

1253.....27956

38 CFR

1.....29430
3.....26956, 26958
4.....26958
9.....26788
17.....30227
38.....26092

39 CFR

20.....26959
3020.....26789

40 CFR

1.....30228
35.....28443
40.....30228
51.....26098, 29595
52 .....26098, 26099, 26103, 26525, 27442, 27708, 27711, 27714, 27716, 28444, 28447, 28616, 30235, 30466
55.....28875
58.....30469
59.....29595
60.....29948
62 .....27444, 27718, 27720, 27722
63.....30228, 30366
72.....27940
73.....27940
74.....27940
77.....27940
78.....27940
80.....29948
82.....29952
112.....29136
158.....29957
161.....29957
180 .....26527, 26536, 26543, 27447, 28616, 29958, 29963, 29966, 29969, 29972, 29975, 29979, 30470
260.....30228
261.....30228
262.....30228
266.....30228
271.....30228
300.....26962
721.....29982, 29998
750.....30228
761.....30228

Proposed Rules:

51.....27002, 28451
52 .....26141, 26600, 27084, 27731, 27737, 27738, 27957, 27973, 28467, 29450, 29451, 29452, 30259, 30481, 30485
60.....28451
61.....28451
62.....27444
63 .....26142, 27265, 28451
81.....27957, 27973
93.....27085
180.....30487
191.....28468
194.....28468
300.....27003
799.....28654
Ch. VI.....30259

41 CFR

102-118.....30475

Proposed Rules:

102-139.....30493

42 CFR

412.....26546

Proposed Rules:
8.....29153
412.....26600
441.....29453

44 CFR

64.....26569, 28624
65 .....26572, 26577, 28627
67.....28166, 28629

Proposed Rules:
67 .....26636, 26640, 28202

45 CFR

681.....26793

47 CFR

73 .....26299, 26300, 26801, 26802, 27454, 27944, 29998
74.....26300, 29607
78.....29607
90.....27455
400.....26965

Proposed Rules:
1.....26329
64.....28471
73 .....26826, 27484, 27985, 30034
74.....29636
78.....29636

48 CFR

Ch. 1.....28426, 28434
2.....26981
22.....26981
25.....28426
32.....28430
43.....28430
52 .....26981, 28426, 28430
53.....28430
546.....26107
552.....26107

Proposed Rules:
2.....26646
4.....26646
12.....26646
39.....26646
52.....26646
704.....30499
713.....30499
714.....30499
715.....30499
744.....30499
752.....30499
1545.....29650
1552.....29650

49 CFR

1.....26981
192.....30476
195.....30476
541.....29999
572.....29862
661.....30237
1570.....30477

Proposed Rules:
107.....29456
387.....27485
541.....27493
575.....29452
578.....28204
581.....28209
605.....30499

50 CFR

17 .....26488, 28776, 29344
216.....26580
218 .....28328, 28349, 28370
224.....29344
226.....29300
622.....29430, 30001
635 .....26110, 26803, 28635, 30479
648 .....26589, 27251, 27252, 30002, 30012
660.....26983, 29431
665.....27253
679 .....26804, 26805, 30013

Proposed Rules:
17 .....27004, 27266, 27271, 27588, 29456
226.....27988
229.....27739
300.....26160, 29158
622 .....26170, 26171, 26827, 26829, 30034
635.....26174
665.....29158
679.....26183, 27498

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 ''P L U S'' (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.

H.R. 2346/P.L. 111–32

Supplemental Appropriations Act, 2009 (June 24, 2009; 123 Stat. 1859)

Last List June 24, 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.