

yearly support of up to \$32,000 per student (a 12-month stipend of \$20,000 in addition to a tuition allowance of up to \$12,000) and up to \$20,000 support for a four to six week research collaboration at a NOAA facility. A maximum of \$84,000 may be provided to masters students (up to 2 years of support and one research collaboration opportunity) and up to \$168,000 may be provided to doctoral students (up to 4 years of support and up to two research collaboration opportunities).

Travel support will also be provided to Dr. Nancy Foster Scholarship Program recipients to attend a NOAA orientation in Silver Spring, MD, where they will also meet with National Marine Sanctuaries Program leadership and staff.

Statutory Authority: 16 U.S.C. 1445c-1 and 16 U.S.C.A. 1445c.

Catalog of Federal Domestic Assistance (CFDA) Number: 11.481, Educational Partnership Program.

Application Deadline: Complete applications must be received and validated by Grants.gov on or before 5 p.m. EST March 31, 2009.

Please Note: It may take Grants.gov up to two (2) business days to validate or reject the application. Please keep this in mind in developing your submission timeline. Completed applications must be received by the Program Manager between January 1, 2009, and March 31, 2009, at 5 p.m. Eastern Daylight Time, through Grants.gov.

Address for Submitting Proposals: Except for transcripts and letters of recommendation, as discussed in Sections IV.B.7. and IV.B.8. of the full Federal funding opportunity, applications must be submitted through Grants.gov. If an applicant does not have Internet access to complete the application through Grants.gov, hard copy applications may be submitted in one envelope to: Dr. Nancy Foster Scholarship Program, ATTN: Dr. Priti Brahma, NOAA Office of Education, 1315 East-West Highway, SSMC3, Room 10725, Silver Spring, MD 20910. Failure to submit all application items, except transcripts and letters of recommendation, in one envelope will result in disqualification of the application.

Information Contacts: Send requests for information to fosterscholars@noaa.gov or mail requests to Dr. Nancy Foster Scholarship Program, ATTN: Dr. Priti Brahma, Office of Education, 1315 East-West Highway, SSMC3, Room 10725, Silver Spring, MD 20910.

Eligibility: Only individuals who are United States citizens currently pursuing a masters or doctoral level degree in oceanography, marine biology

or maritime archaeology (including all science, engineering, and resource management of ocean and coastal areas) at a U.S. accredited graduate institution are eligible for an award under this scholarship program. In addition, students must have and maintain a minimum cumulative and term grade point average of 3.0 and maintain full-time student status for every term and for the duration of their award. Universities or other organizations may not apply on behalf of an individual.

Prospective scholars do not need to be enrolled, but must be admitted to a graduate level program in order to apply for this scholarship. Eligibility must be maintained for each succeeding year of support and annual reporting requirements, to be specified at a later date, will apply.

Cost Sharing Requirements: There are no matching requirements for this award.

Intergovernmental Review: Applications under this program are not subject to Executive Order 12372, Intergovernmental Review of Federal Programs.

2. Environmental Literacy Grants: Science On a Sphere Network Capacity Building

Summary Description: The NOAA Office of Education (OEd) is issuing a request for applications for projects designed to build capacity within NOAA's Science On a Sphere (SOS) Users Collaborative Network (Network) to enhance the educational use of spherical display systems as public exhibits. There are two goals for this program: (1) To improve the understanding of how spherical display systems can be used to enhance informal science education learning, and (2) to build environmental literacy among the general public through increased use of ocean, coastal, Great Lakes, weather, and climate data in informal education institutions. This FFO meets NOAA's Mission Goal to provide Critical Support for NOAA's Mission. It is required that the Principal Investigator (PI) for any application submitted to this opportunity be affiliated with a Network member institution. Members of the Network are those institutions that have received funding from NOAA related to spherical display systems or have purchased NOAA's SOS system to display in a public education setting. More information on the Network and an up-to-date list of members is available at: <http://www.oesd.noaa.gov/network>. It is anticipated that recommendations for funding under this announcement will be made by May 29, 2009, and that

projects funded under this announcement will have a start date no earlier than August 1, 2009. Note: An MS Word-formatted version of this announcement is available at http://www.oesd.noaa.gov/funding_opps.html.

Funding Availability: NOAA anticipates the availability of approximately \$500,000 of total Federal financial assistance from FY09 and FY10 for Environmental Literacy Grants for Science On a Sphere Network Capacity Building. NOAA will only consider projects that have an award period of one to three years. The total Federal amount that may be requested from NOAA shall not exceed \$100,000 including direct and indirect costs.

Applications requesting Federal support from NOAA of more than \$100,000 total for all years of the award will not be considered for funding through this announcement. The amount of funding available through this announcement will be dependent upon the final FY09 and FY10 appropriation. Publication of this notice does not oblige DOC/NOAA to award any specific project or to obligate any available funds. If an applicant incurs any costs prior to receiving an award agreement from an authorized NOAA Grants Officer, the applicant would do so solely at one's own risk of such costs not being included under the award.

Statutory Authority: Authority for this program is provided by the following 33 U.S.C. 893a(a).

Catalog of Federal Domestic Assistance (CFDA) Number: 11.469, Congressionally Identified Awards and Projects.

Application Deadline: The deadline for applications is 5:00 p.m. e.s.t. on February 19, 2009. Applications submitted through Grants.gov will have a date and time indication on them. Hard copy applications will be date and time stamped when they are received.

Please Note: It may take Grants.gov up to two (2) business days to validate or reject the application. Please keep this in mind in developing your submission timeline.

Address for Submitting Proposals: For non-Federal applicants, application should be submitted through grants.gov (<http://www.grants.gov>). For Federal applicants, please contact NOAA's Office of Education by contacting Carrie McDougall at Carrie.mcdougall@noaa.gov or (202) 482-0875 or John McLaughlin at john.mclaughlin@noaa.gov or (202) 482-2893 for application submission instructions. If an applicant does not have Internet access, paper applications will be accepted. Paper applications must be submitted with completed,

signed, original forms and one printed copy of the rest of the application. Applicants are also asked to provide a CD of the application, including scanned signed forms or forms with electronic signatures. Paper applications should be delivered to: Carrie McDougall, Dept. of Commerce, NOAA Office of Education, 1401 Constitution Avenue NW., Room 6863, Washington, DC 20230. See the Office of Education's frequently asked questions site http://www.oesd.noaa.gov/dataviz_faqs.html for more details. Please note: Paper applications submitted via the U.S. Postal Service can take up to 4 weeks to reach this office; therefore applicants are recommended to send paper applications via expedited shipping methods (e.g., Airborne Express, DHL, Fed Ex, UPS).

Information Contacts: Please visit the OEd Web site for further information at http://www.oesd.noaa.gov/funding_opps.html or contact Carrie McDougall at (202) 482-0875 or carrie.mcdougall@noaa.gov; or John McLaughlin at (202) 482-2893 or john.mclaughlin@noaa.gov. For those applicants without Internet access, hard copies of referenced documents may be requested from NOAA's Office of Education by contacting Carrie McDougall at (202) 482-0875 or John McLaughlin at (202) 482-2893 or sending a letter to Carrie McDougall, DOC/NOAA Office of Education, 1401 Constitution Avenue NW., Room 6863, Washington, DC 20230.

Eligibility: Eligible applicants are U.S. institutions of higher education, for-profit and non-profit organizations, and state, local, and Indian tribal governments and Federal agencies in the United States. Foreign institutions, foreign organizations and foreign government agencies are not eligible to apply. Individuals not affiliated with an eligible institution are not eligible to apply for funding under this announcement.

Please Note: Before non-NOAA Federal applicants may be funded, they must demonstrate that they have legal authority to receive funds from another Federal agency in excess of their appropriation.

Because this announcement is not proposing to procure goods or services from applicants, the Economy Act (31 U.S.C. 1535) is not an appropriate legal basis. The Department of Commerce/ National Oceanic and Atmospheric Administration (DOC/NOAA) is strongly committed to increasing the participation of Minority Serving Institutions (MSIs), i.e., Historically Black Colleges and Universities, Hispanic-serving institutions, Tribal

colleges and universities, Alaskan Native and Native Hawaiian institutions, and institutions that work in underserved communities. Applications are encouraged that involve any of the above types of institutions. An individual may serve as Principal Investigator (PI) on only one application through this funding opportunity. However, individuals may serve as co-PIs or key personnel on more than one application.

Cost Sharing Requirements: There are no cost-sharing requirements. Applicant resource commitment will, however, be considered in the competitive selection process (see the Federal Funding Opportunity Notice, section V.A.4. Evaluation Criteria, Project Costs).

Intergovernmental Review: Applications submitted to this funding opportunity are not subject to Executive Order 12372, Intergovernmental Review of Federal Programs.

Limitation of Liability

Funding for programs listed in this notice is contingent upon the availability of Fiscal Year 2009 appropriations. Applicants are hereby given notice that funds have not yet been appropriated for the programs listed in this notice. In no event will NOAA or the Department of Commerce be responsible for proposal preparation costs if these programs fail to receive funding or are cancelled because of other agency priorities. Publication of this announcement does not oblige NOAA to award any specific project or to obligate any available funds.

Universal Identifier

Applicants should be aware that they are required to provide a Dun and Bradstreet Data Universal Numbering System (DUNS) number during the application process. See the October 30, 2002 **Federal Register** (67 FR 66177) for additional information. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at 1-866-705-5711 or via the Internet <http://www.dunandbradstreet.com>.

National Environmental Policy Act (NEPA)

NOAA must analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA), for applicant projects or proposals which are seeking NOAA federal funding opportunities. Detailed information on NOAA compliance with NEPA can be found at the following NOAA NEPA Web site: <http://www.nepa.noaa.gov/>, including our NOAA Administrative Order 216-6 for

NEPA, <http://www.nepa.noaa.gov/NAO216-6-TOC.pdf>, NEPA Questionnaire, <http://www.nepa.noaa.gov/questionnaire.pdf>, and the Council on Environmental Quality implementation regulations, <http://ceq.eh.doe.gov/nepa/regs/ceq/toc-ceq.htm>. Consequently, as part of an applicant's package, and under their description of their program activities, applicants are required to provide detailed information on the activities to be conducted, locations, sites, species and habitat to be affected, possible construction activities, and any environmental concerns that may exist (e.g., the use and disposal of hazardous or toxic chemicals, introduction of non-indigenous species, impacts to endangered and threatened species, aquaculture projects, and impacts to coral reef systems). In addition to providing specific information that will serve as the basis for any required impact analyses, applicants may also be requested to assist NOAA in drafting an environmental assessment, if NOAA determines an assessment is required. Applicants will also be required to cooperate with NOAA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal. The failure to do so shall be grounds for not selecting an application. In some cases if additional information is required after an application is selected, funds can be withheld by the Grants Officer under a special award condition requiring the recipient to submit additional environmental compliance information sufficient to enable NOAA to make an assessment on any impacts that a project may have on the environment.

Compliance With Department of Commerce Bureau of Industry and Security Export Administration Regulations

(a) This clause applies to the extent that this financial assistance award involves access to export-controlled information or technology.

(b) In performing this financial assistance award, the recipient may gain access to export-controlled information or technology. The recipient is responsible for compliance with all applicable laws and regulations regarding export-controlled information and technology, including deemed exports. The recipient shall establish and maintain throughout performance of the financial assistance award effective export compliance procedures at non-NOAA facilities. At a minimum, these export compliance procedures must include adequate controls of physical, verbal, visual, and electronic

access to export-controlled information and technology.

(c) Definitions

(1) *Deemed export.* The Export Administration Regulations (EAR) define a deemed export as any release of technology or source code subject to the EAR to a foreign national, both in the United States and abroad. Such release is “deemed” to be an export to the home country of the foreign national. 15 CFR 734.2(b)(2)(ii).

(2) *Export-controlled information and technology.* Export-controlled information and technology is information and technology subject to the EAR (15 CFR parts 730 et seq.), implemented by the DOC Bureau of Industry and Security, or the International Traffic In Arms Regulations (ITAR) (22 CFR parts 120–130), implemented by the Department of State, respectively. This includes, but is not limited to, dual-use items, defense articles and any related assistance, services, software or technical data as defined in the EAR and ITAR.

(d) The recipient shall control access to all export-controlled information and technology that it possesses or that comes into its possession in performance of a financial assistance award, to ensure that access is restricted, or licensed, as required by applicable Federal laws, Executive Orders, and/or regulations.

(e) Nothing in the terms of this financial assistance award is intended to change, supersede, or waive any of the requirements of applicable Federal laws, Executive Orders or regulations.

(f) The recipient shall include this clause, including this paragraph (f), in all lower tier transactions (subawards, contracts, and subcontracts) under the financial assistance award that may involve access to export-controlled information technology.

NOAA Implementation of Homeland Security Presidential Directive—12

If the performance of a financial assistance award, if approved by NOAA, requires recipients to have physical

access to Federal premises for more than 180 days or access to a Federal information system, any items or services delivered under a financial assistance award shall comply with the Department of Commerce personal identity verification procedures that implement Homeland Security Presidential Directive -12, FIPS PUB 201, and the Office of Management and Budget Memorandum M-05-24. The recipient shall insert this clause in all subawards or contracts when the subaward recipient or contractor is required to have physical access to a Federally controlled facility or access to a Federal information system.

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of February 11, 2008 (73 FR 7696) are applicable to this solicitation.

Paperwork Reduction Act

This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The use of Standard Forms 424 and 424A, 424B, 424C, 424D, and SF-LLL has been approved by OMB under the respective control numbers 4040-0004, 0348-0044, 4040-0007, 0348-0041, 4040-0009, and 0348-0046. Notwithstanding any other provision of 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 subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

Executive Order 12866

This notice has been determined to be not significant for purposes of Executive Order 12866.

Executive Order 13132 (Federalism)

It has been determined that this notice does not contain policies with

Federalism implications as that term is defined in Executive Order 13132.

Administrative Procedure Act/Regulatory Flexibility Act

Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act or any other law for rules concerning public property, loans, grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Dated: December 22, 2008.

Maureen E. Wylie,

Acting Director, Acquisition and Grants Office.

[FR Doc. E8-30851 Filed 12-31-08; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 09-05]

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 09-05 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**

DEC 09 2008

**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. 09-05, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services estimated to cost \$1.110 billion. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey A. Wieringa".

**Jeffrey A. Wieringa
Vice Admiral, USN
Director**

Enclosures:

- 1. Transmittal**
- 2. Policy Justification**
- 3. Regional Balance (Classified Document Provided Under Separate Cover)**

Same ltr to:

House

**Committee on Foreign Affairs
Committee on Armed Services
Committee on Appropriations**

Senate

**Committee on Foreign Relations
Committee on Armed Services
Committee on Appropriations**

Transmittal No. 09-05**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:** Iraq
- (ii) **Total Estimated Value:**
- | | |
|--------------------------|------------------------|
| Major Defense Equipment* | \$.682 billion |
| Other | <u>\$.428 billion</u> |
| TOTAL | \$1.110 billion |
- (iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** 400 M1126 STRYKER Infantry Carrier Vehicles (ICVs) or 400 M1117 Armored Security Vehicles (ASVs), 400 M2 HB 50 cal Browning Machine Guns, 8 Heavy Duty Recovery Trucks, spare and repair parts, support equipment, publications and technical data, personnel training and training equipment, contractor engineering and technical support services, and other related elements of logistics support.
- (iv) **Military Department:** Army (VCV)
- (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:** DEC 09 2008

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Iraq –Light Armored Vehicles

The Government of Iraq has requested a possible sale of 400 M1126 STRYKER Infantry Carrier Vehicles (ICVs) or 400 M1117 Armored Security Vehicles (ASVs), 400 M2 HB 50 cal Browning Machine Guns, 8 Heavy Duty Recovery Trucks, spare and repair parts, support equipment, publications and technical data, personnel training and training equipment, contractor engineering and technical support services, and other related elements of logistics support. The estimated cost is \$1.110 billion.

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. This proposed sale directly supports the Iraq government and serves the interests of the Iraqi people and the U.S.

The proposed sale of the Stryker ICVs, along with the munitions and support vehicles, will be used to develop a viable police force which will ensure that Iraq Army can sustain themselves in their efforts to bring stability to Iraq and to prevent overflow of unrest into neighboring countries.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor is General Dynamics Land Systems Defense Group in Sterling Heights, Michigan. There are no known offset agreements proposed in connection with this potential sale.

With the volume and wide range of items and equipment in this proposed sale, levels of U.S. Government and Contractor technical assistance will be required but cannot be fully defined at this time. The use of existing, deployed U.S. military personnel will be maximized.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Dated: December 22, 2008.

Patricia L. Toppings,
OSD Federal Register Liaison Officer,
Department of Defense.

[FR Doc. E8-31074 Filed 12-31-08; 8:45 am]

BILLING CODE 5001-06-C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 09-06]

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 09-06 with attached transmittal, and policy justification.

Dated: December 22, 2008.

Patricia L. Toppings,
OSD Federal Register, Liaison Officer,
Department of Defense.

BILLING CODE 5001-06-M



**DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408**

DEC 09 2008

**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. 09-06, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services estimated to cost \$210 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,

A handwritten signature in black ink, appearing to read "Jeffrey A. Wieringa".

**Jeffrey A. Wieringa
Vice Admiral, USN
Director**

Enclosures:

- 1. Transmittal**
- 2. Policy Justification**
- 3. Regional Balance (Classified Document Provided Under Separate Cover)**

Same ltr to:

House

**Committee on Foreign Affairs
Committee on Armed Services
Committee on Appropriations**

Senate

**Committee on Foreign Relations
Committee on Armed Services
Committee on Appropriations**

Transmittal No. 09-06

**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:** Iraq
- (ii) **Total Estimated Value:**
- | | |
|--------------------------|----------------------|
| Major Defense Equipment* | \$135 million |
| Other | <u>\$ 75 million</u> |
| TOTAL | \$210 million |
- (iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** 20 T-6A Texan aircraft, 20 Global Positioning Systems (GPS) with CMA-4124 GNSSA card and Embedded GPS/Inertial Navigation System (INS) spares, ferry maintenance, tanker support, aircraft ferry services, site survey, unit level trainer, 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 (SAD)
- (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:** DEC 09 2008

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Iraq – T-6A Texan Aircraft

The Government of Iraq has requested a possible sale of 20 T-6A Texan aircraft, 20 Global Positioning Systems (GPS) with CMA-4124 GNSSA card and Embedded GPS/Inertial Navigation System (INS) spares, ferry maintenance, tanker support, aircraft ferry services, site survey, unit level trainer, 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 \$210 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. This proposed sale directly supports the Iraq government and serves the interests of the Iraq people and the U.S., as well as offering hope for a more stable and peaceful Middle East.

The Iraq Air Force's (IAF) current trainer fleet consists of Cessna 172 Skyhawks and Cessna 208B Caravans. The IAF needs to supplement or replace its current trainer fleet with these new aircraft to modernize its air force and to facilitate its transition to the AT-6 light-attack aircraft.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be:

**Hawker Beechcraft Corporation, Wichita, Kansas
Pratt & Whitney Corporation, Quebec, Canada and Bridgeport, West Virginia
Martin Baker, Middlesex, United Kingdom
Hartzel Propeller, Pique, Ohio
Canadian Marconi, Broken Arrow, Oklahoma
L-3 Vertex, Madison, Mississippi**

There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require multiple trips to Iraq involving U.S. Government and contractor representatives for technical reviews/support, program management, and training over a period of 10 years.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

DEPARTMENT OF DEFENSE**Department of the Navy****Notice of Public Hearings for the Draft Environmental Impact Statement/Overseas Environmental Impact Statement for the Gulf of Mexico Range Complex****AGENCY:** Department of the Navy, DoD.**ACTION:** Notice.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) as implemented by the Council on Environmental Quality Regulations (40 CFR Parts 1500–1508) and Executive Order 12114 Environmental Effects Abroad of Major Federal Actions, the Department of the Navy (Navy) has prepared and filed with the U.S. Environmental Protection Agency a Draft Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) for public release on January 2, 2009. The National Marine Fisheries Service (NMFS) is a cooperating agency for the EIS/OEIS. The Draft EIS/OEIS evaluates the potential environmental impacts over a 10-year planning horizon associated with Navy Atlantic Fleet training; research, development, testing, and evaluation (RDT&E) activities; and associated range capabilities enhancements (including infrastructure improvements) within the existing Gulf of Mexico (GOMEX) Range Complex.

The GOMEX Range Complex geographically encompasses offshore, near-shore, and onshore Operating Areas (OPAREAs), ranges, and special use airspace (SUA). *Components of the GOMEX Range Complex encompass:* 17,440 square nautical miles (nm²) of OPAREA sea space; 20,810 nm² of SUA off the coasts of Florida, Alabama, Mississippi, Louisiana, and Texas; 12,000 nm² of military operating areas over Florida, Alabama, Mississippi, and Texas; as well as 15 nm² of inland range areas in east-central Mississippi and east-central Texas.

The Navy will conduct four public hearings to receive oral and written comments on the Draft EIS/OEIS. Federal, state, and local agencies and interested individuals are invited to be present or represented at the public hearings. This notice announces the dates and locations of the public hearings for this Draft EIS/OEIS.

DATES AND ADDRESSES: Public hearings will be held on the following dates and locations:

1. February 2, 2009 at the Bay Point Marriott, 4200 Marriott Drive, Panama City Beach, FL 32408;

2. February 3, 2009 at the New World Inn, 600 South Palafox Street, Pensacola, FL 23502;

3. February 4, 2009 at the New Orleans Marriott, 555 Canal Street, New Orleans, LA 70130; and

4. February 6, 2009 at the Holiday Inn-Emerald Beach Hotel, 1102 South Shoreline Boulevard, Corpus Christi, TX 78401.

All meetings will start with an open house session from 5 p.m. to 7 p.m. followed by a formal public hearing presentation and public comment period from 7 p.m. to 9 p.m. The open house sessions will allow individuals to review the information presented in the GOMEX Range Complex Draft EIS/OEIS. Navy representatives will be available during the open house sessions to clarify information related to the Draft EIS/OEIS.

FOR FURTHER INFORMATION CONTACT:

Naval Facilities Engineering Command, Atlantic, 6506 Hampton Boulevard, Norfolk, VA 23508–1278, Attn: Code EV22TW (GOMEX EIS/OEIS PM), Fax: 757–322–4894 or <http://www.GOMEXRangeComplexEIS.com>.

SUPPLEMENTARY INFORMATION: A Notice of Intent to prepare the GOMEX Range Complex Draft EIS/OEIS was published in the **Federal Register** on August 31, 2007 (72 FR 50333–50335). Four public scoping meetings were held at the following dates and locations:

1. September 24, 2007 at the Gulf Coast Community College, Panama City, FL;

2. September 25, 2007 at the Pensacola Junior College (Warrington Campus), Pensacola, FL;

3. September 26, 2007 at the Alfred Bonnabel High School, Metairie, LA; and

4. September 28, 2007 at the Holiday Inn-Emerald Beach Hotel, Corpus Christi, TX.

The proposed action is to support and conduct current, emerging, and future training and RDT&E operations in the GOMEX Range Complex by maintaining baseline training and testing operations at current levels; modifying training and testing as necessary in support of the Fleet Readiness Training Plan (FRTP); and implementing enhanced range complex capabilities. The FRTP implements the Fleet Response Plan, which ensures continuous availability of agile, flexible, trained, and ready surge-capable (rapid response) forces. No major changes to GOMEX Range Complex facilities, operations, training, or RDT&E capacities over the 10-year planning period are expected from the proposed action. Rather, the proposed action will result in relatively small-

scale but critical range enhancements and changes to training and testing operations in the GOMEX Range Complex necessary for the Navy to maintain a state of military readiness commensurate with its national defense mission. The primary focus of the Draft EIS/OEIS is to address the recommended range enhancements and changes to current and future training and testing operations that have the potential to impact the environment.

The purpose for the proposed action is to: Achieve and maintain Fleet readiness using the GOMEX Range Complex to support and conduct current, emerging, and future training operations and RDT&E operations; expand warfare missions supported by the GOMEX Range Complex; and upgrade and modernize existing range capabilities to enhance and sustain Navy training and RDT&E. The need for the proposed action is to provide range capabilities for the training and equipping of combat-capable naval forces ready to deploy worldwide. In this regard, the GOMEX Range Complex furthers the Navy's execution of its Congressionally-mandated roles and responsibilities under Title 10 U.S.C. § 5062 by:

- Maintaining current levels of military readiness by training in the GOMEX Range Complex;
- Accommodating future increases in operational training tempo in the GOMEX Range Complex and supporting the rapid deployment of naval units or strike groups;
- Achieving and sustaining readiness of ships and squadrons so the Navy can quickly surge significant combat power in the event of a national crisis or contingency operation consistent with the FRTP;
- Supporting the acquisition and implementation into the Fleet of advanced military technology. The GOMEX Range Complex must adequately support the testing and training needed for new vessels, aircraft, and weapons systems; and
- Maintaining the long-term viability of the GOMEX Range Complex while protecting human health and the environment and enhancing the quality and communication capability and safety of the range complex.

Alternatives in this Draft EIS/OEIS were evaluated to ensure that they meet the purpose and the need of the proposed action, giving due consideration to range complex attributes such as the capability to support current and emerging Fleet tactical training and RDT&E requirements; the capability to support realistic, essential training at the level

and frequency sufficient to support the FRTP and the Tactical Training Theater Assessment and Planning Program; and the capability to support training requirements while following Navy Personnel Tempo of Operations guidelines. Reasonable alternatives were carried through the Draft EIS/OEIS analysis.

The Draft EIS/OEIS considers three alternatives as summarized below:

(1) *No Action Alternative*—maintains current operations to include surge consistent with the FRTP.

(2) *Alternative 1*—includes No Action Alternative plus eliminates Mine Warfare training (mine countermeasures and mine neutralization) within the GOMEX Range Complex, conducts new training associated with air-to-surface bomb training, and uses more Commercial Air Services aircraft for support of Air Intercept Control Exercise oppositional forces.

(3) *Alternative 2*—includes most elements of Alternative 1 but would implement additional enhancements to enable the GOMEX Range Complex to meet foreseeable needs. These include implementation of the Joint National Training Capability, elimination of High Explosive (HE) bomb use during major exercise air-to-surface bombing events, decreasing HE bomb use during unit level training, and increasing Non-Explosive Practice Munition (NEPM) bomb use during major exercises. Alternative 2 is considered the Preferred Alternative.

The decision to be made by the Assistant Secretary of the Navy (Installations & Environment) is to determine which alternatives analyzed in the Draft EIS/OEIS satisfy both the level and mix of training and RDT&E to be conducted and the range capabilities enhancements to be made within the GOMEX Range Complex that best meet the needs of the Navy given that all reasonably foreseeable environmental impacts have been considered.

This Draft EIS/OEIS evaluates the potential environmental effects of GOMEX Range Complex Navy Atlantic Fleet training, RDT&E activities, and associated range capabilities enhancements over a 10-year planning horizon. Alternatives are evaluated within twenty environmental resource areas according to identified stressors. The twenty environmental resource areas include, but are not limited to, water, air quality, marine communities, marine mammals, sea turtles, fish, essential fish habitat, seabirds, migratory birds, cultural, regional economy, and public health and safety. Identified stressors include, but are not limited to, vessel movements, aircraft

over flights, NEPMs, underwater detonations, and HE ordnance. The analysis includes an evaluation of the short term, long term, direct, indirect, and cumulative impacts as well as addresses methods to reduce or minimize impacts to affected resources. The analysis indicates that implementation of the No Action Alternative, Alternative 1, or Alternative 2 would not result in unavoidable significant adverse effects to resources analyzed. The analysis indicates no significant impact to resources in U.S. territorial waters and no significant harm to resources in non-territorial waters.

In accordance with 50 CFR 401.12, the Navy will prepare a biological evaluation to assess the potential effects of the proposed action on marine resources and anadromous fish protected under the Endangered Species Act (ESA). In accordance with the Marine Mammal Protection Act (16 U.S.C. 1371[a][5]), the Navy submitted a request for a Letter of Authorization for the incidental taking of marine mammals due to the proposed action. The Navy will submit a consultation package in accordance with legal requirements set forth under regulations implementing Section 7 of the ESA (50 CFR 402; 16 U.S.C 1536 (c)) for listed species under jurisdiction of the U.S. Fish and Wildlife Service and the NMFS.

The GOMEX Draft EIS/OEIS was distributed to Federal, State, and local agencies, elected officials, and other interested individuals and organizations on January 2, 2009. The public comment period will end on February 16, 2009. Copies of the GOMEX Draft EIS/OEIS are available for public review at the following libraries:

1. Bay County Public Library, 898 West 11th Street, Panama City, FL 32401;
2. Pensacola Public Library, 200 West Gregory Street, Pensacola, FL 32501;
3. West Florida Public Library—Southwest Branch, 12248 Gulf Beach Highway, Pensacola, Pensacola, FL 32507;
4. Walton County Coastal Library, 437 Greenway Trail, Santa Rosa Beach, FL 32459;
5. Meridian-Lauderdale County Public Library, 2517 Seventh Street, Meridian, MS 39301;
6. Ben May Main Library, 701 Government Street, Mobile, AL 36602;
7. East Bank Regional Library, 4747 West Napoleon Avenue, Metairie, LA 70001;
8. New Orleans Public Library—Main Library, 219 Loyola Avenue, New Orleans, LA 70112;

9. Central Library, 805 Comanche, Corpus Christi, TX 78401; and

10. Southmost Branch Library, 4320 Southmost Blvd, Southmost, TX 78522.

The GOMEX Draft EIS/OEIS is also available for electronic public viewing at <http://www.GOMEXRangeComplexEIS.com>. A paper copy of the executive summary or a single CD with the GOMEX Draft EIS/OEIS will be made available upon written request by contacting Naval Facilities Engineering Command, Atlantic Division; 6506 Hampton Blvd; Norfolk, VA 23508-1278; Attn: Code EV22TW (GOMEX EIS/OEIS PM); Fax: 757-322-4894.

Federal, State, and local agencies and interested parties are invited to be present or represented at the public hearing. Written comments can also be submitted during the open house sessions preceding the public hearings. Oral statements will be heard and transcribed by a stenographer; however, to ensure the accuracy of the record, all statements should be submitted in writing. All statements, both oral and written, will become part of the public record on the Draft EIS/OEIS and will be responded to in the Final EIS/OEIS. Equal weight will be given to both oral and written statements. In the interest of available time, and to ensure all who wish to give an oral statement have the opportunity to do so, each speaker's comments will be limited to three (3) minutes. If a long statement is to be presented, it should be summarized at the public hearing with the full text submitted either in writing at the hearing, or mailed or faxed to Naval Facilities Engineering Command, Atlantic Division; 6506 Hampton Blvd; Norfolk, VA 23508-1278; Attn: Code EV22TW (GOMEX EIS/OEIS PM), Fax: 757-322-4894. Comments may also be submitted on-line at <http://www.GOMEXRangeComplexEIS.com> during the comment period. All comments must be postmarked by February 16, 2009 to ensure they become part of the official record. All comments will be addressed in the Final EIS/OEIS.

Dated: December 22, 2008.

T. M. Cruz,

Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E8-31232 Filed 12-31-08; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF DEFENSE**Department of the Navy****Notice of Public Hearings for the Swimmer Interdiction Security System at Naval Base Kitsap—Bangor, Kitsap County, WA Draft Environmental Impact Statement**

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 (42 United States Code [U.S.C.] 4321); the Council on Environmental Quality (CEQ) Regulations for implementing the procedural provisions of NEPA (Title 40 Code of Federal Regulations [CFR] Parts 1500–1508); Department of the Navy Procedures for Implementing NEPA (32 CFR 775); Executive Order (EO) 12114, Environmental Effects Abroad of Major Federal Actions; and Department of Defense (DoD) regulations implementing EO 12114 (32 CFR Part 187), the Department of the Navy (Navy) has prepared and filed with the U.S. Environmental Protection Agency a Draft Environmental Impact Statement on December 17, 2008.

The DEIS evaluates the potential environmental impacts associated with construction and operation of a Swimmer Interdiction Security System at Naval Base Kitsap—Bangor (NBK—Bangor). A Notice of Intent for this Draft EIS was published in the **Federal Register** on February 12, 2007 (volume 72, number 28).

The Navy will conduct two public hearings to receive oral and written comments on the Draft EIS. Federal agencies, state agencies, Tribal Governments and local agencies and interested individuals are invited to be present or represented at the public hearings. This notice announces the dates and locations of the public hearings for this Draft EIS.

An open house session will precede the scheduled public hearing at each of the locations listed below and will allow individuals to review the information presented in the Draft EIS. Navy representatives will be available during the open house sessions to clarify information related to the Draft EIS.

DATES AND ADDRESSES: Both meetings will start with an open house session from 5 p.m. to 6:30 p.m. A presentation and formal public comment period will be held from 7 p.m. to 9 p.m. Public hearings will be held on the following dates and at the following locations:

1. February 11, 2009, Silverdale Community Center, 9729 Silverdale Way, NW, Silverdale, WA.

2. February 12, 2009, Tyee High School, 4424 S. 188th, SeaTac, WA.

FOR FURTHER INFORMATION CONTACT: Department of the Navy, SSC Pacific, 53560 Hull St., San Diego, CA, 92152, Attn: Mike Rothe Fax: 619–221–5251, e-mail: NBKEIS@spawar.navy.mil or <http://www.nbkeis.gcsaic.com>.

SUPPLEMENTARY INFORMATION: The proposed action is to install and operate a Swimmer Interdiction Security System (SISS) along the waterfront on Hood Canal at NBK-Bangor.

The purpose of the proposed action is to provide waterside security at NBK-Bangor capable of countering threats from intruders. The implemented system must be able to find, identify, and interdict surface and underwater intruders for engagement by harbor security forces. Several classified Navy instructions establish requirements for security and protection of assets at Navy bases, including NBK-Bangor. The project need is to comply with these Navy security requirements.

Three action alternatives have been identified as well as a no action alternative:

- **Marine Mammal Alternative:** This alternative would be composed of human/marine mammal teams that would support Navy operations and respond rapidly to security alerts. The system would involve stationing California sea lions, Atlantic bottlenose dolphins and human teams at the site. The animals would reside within in-water, closed circuit enclosures attached to a dock that would be connected to an existing pier at the NBK-Bangor waterfront. Upland temporary buildings would house support personnel and equipment. The Navy marine mammals would be deployed along the waterfront in conjunction with humans aboard small power boats. The marine mammals would respond to security alerts by finding, identifying, and interdicting intruder(s).

- **Sea Lions Only Alternative:** This alternative would be composed of human/sea lion teams that would support Navy operations and respond rapidly to security alerts. The system would involve stationing California sea lions and human teams at the site. Upland temporary buildings would house support personnel and equipment. The sea lions would reside within in-water, closed-circuit enclosures attached to a dock that would be connected to an existing pier at the NBK-Bangor waterfront, and would be deployed along the waterfront

in conjunction with humans aboard small power boats. The sea lions would respond to security alerts by finding, identifying, and interdicting intruder(s). This system lacks the biosonar of the dolphins and therefore this alternative would rely heavily on the initial NBK-Bangor detection and vectoring system to interdict intruders.

- **Combat Swimmers Alternative:** Combat swimmers would be stationed at an existing pier at the NBK-Bangor waterfront, and would be deployed along the waterfront aboard small power boats equipped with necessary dive support gear. Similar upland facilities would also be required. The Combat Swimmers would rely completely on the NBK-Bangor initial detection and vectoring system to arrive at a position to interdict the intruders.

- **Remote Operated Vehicle (ROV) Alternative:** ROVs would be stationed at an existing pier at the NBK-Bangor waterfront. In-water and upland facilities would be located at the same sites as the other action alternatives. ROVs would be deployed from a boat located and available for use at the waterfront and an operator would utilize sonar and bright lights on board the ROV to maneuver toward and interdict the intruder. The ROVs would rely completely on the NBK-Bangor initial detection and vectoring system to arrive at a position within range to interdict the intruders.

- **No action alternative:** Under this alternative, no SISS would be implemented. This would not meet the project purpose and need. No new facilities would be constructed. The existing initial detection and vectoring system would be used to alert for potential threats, and harbor security forces would find and attempt to apprehend intruders without the aid of an underwater interdiction system.

The Navy conducted a literature review and held discussions with subject matter experts to identify alternatives for implementing the SISS. Nine action alternatives were identified. These alternatives were evaluated to determine their ability to meet the minimum operational selection criteria. All but three were eliminated from further consideration. The Sea Lions Only alternative was added for consideration following scoping.

The Navy analyzed potential effects of its current and proposed activities on marine mammals, fish, sea turtles, marine flora and invertebrates, terrestrial wildlife, sediments and water quality, cultural resources, recreation, land and shoreline use, public health and safety, socioeconomics and environmental justice, and air quality.

No significant adverse impacts are identified for any resource area. In accordance with Section 7 of the Endangered Species Act, the Navy is seeking concurrence with NMFS and U.S. Fish and Wildlife Service (USFWS) for "may affect, not likely to adversely affect" determinations for federally listed species. The Navy is coordinating with the Washington Department of Ecology for a Coastal Consistency Determination under the Coastal Zone Management Act. Navy analysis has indicated that under the Clean Air Act requirements, no significant impacts would occur to the regional air quality, and under the Clean Water Act there would be no significant impacts to water quality. National Historic Preservation Act analysis indicated that no significant impacts to cultural resources would occur if the proposed action or alternatives were implemented. Implementation of the No Action Alternative or any of the proposed action alternatives would not disturb, adversely affect, or result in any takes of bald eagles. None of the alternatives would result in a significant adverse effect on the population of a migratory bird species.

The decision to be made by the Assistant Secretary of the Navy (Installations & Environment) is to determine which alternatives analyzed in the EIS best meet the needs of the Navy given that all reasonably foreseeable environmental impacts have been considered.

The Draft EIS was distributed to Federal, State, and local agencies, elected officials, and other interested individuals and organizations on December 24, 2008. The public comment period will end on March 1, 2009. Copies of the Draft EIS are available for public review at the following libraries:

- Aberdeen Timberland Library, 121 E. Market St., Aberdeen, WA.
- Hoodspout Timberland Library, N. 40 Schoolhouse Hill Road, Hoodspout, WA.
- Jefferson County Rural Library District, 620 Cedar Avenue, Port Hadlock, WA.
- Kitsap Regional Library, 1301 Sylvan Way, Bremerton, WA.
- North Mason Timberland Library, 23801 NE State Rt. 3, Belfair, WA.
- Ocean Shores Public Library, 573 Pt. Brown Ave. NW, Ocean Shores, WA.
- Port Townsend Public Library, 1220 Lawrence St., Port Townsend, WA.
- Poulsbo Branch Library, 700 NE Lincoln St., Poulsbo, WA.
- Seattle Central Library, 1000 Fourth Ave. Seattle, WA.

- Tacoma Main Library, 1102 Tacoma Ave. S., Tacoma, WA.
- Quinault Indian Nation Tribal Library, P.O. Box 189, Taholah, WA.
- Skokomish Tribal Center, N 80 Tribal Center Road, Shelton, WA.
- Valley View Library, 17850 Military Rd. S., SeaTac, WA.

The SISS Draft EIS is also available for electronic public viewing at: <http://www.nbkeis.gcsaic.com>. Additional information about access to the SISS DEIS is available by contacting Navy Region North West, Environmental Public Affairs Office, Attn: Sheila Murray, 1100 Hunley Road, Building 1100 Silverdale, WA, 98315, 360-396-4981.

Federal, State, and local agencies and interested parties are invited to be present or represented at the public hearing. Written comments can also be submitted during the open house sessions preceding the public hearings.

Oral statements will be heard and transcribed by a stenographer; however, to ensure the accuracy of the record, all statements should be submitted in writing. All statements, both oral and written, will become part of the public record on the Draft EIS and will be responded to in the Final EIS. Equal weight will be given to both oral and written statements. In the interest of available time, and to ensure all who wish to give an oral statement have the opportunity to do so, each speaker's comments will be limited to three (3) minutes. If a long statement is to be presented, it should be summarized at the public hearing with the full text submitted either in writing at the hearing, or mailed or faxed to Department of the Navy, SSC Pacific, 53560 Hull St., San Diego, CA 92152, Attn: Mike Rothe, Fax: 619-221-5251, e-mail: NBKEIS@spawar.navy.mil during the comment period. All written comments must be postmarked by March 1, 2009, to ensure they become part of the official record. All comments will be addressed in the Final EIS.

Dated: December 22, 2008.

T. M. Cruz,

Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E8-31200 Filed 12-31-08; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Information on Surplus Land at a Military Installation Designated for Disposal: NASJRB Willow Grove, PA—Jacksonville Road Housing and Shenandoah Woods Housing

AGENCY: Department of the Navy, DoD.
ACTION: Notice.

SUMMARY: This notice provides information on the surplus property at Naval Air Station Joint Reserve Base (NASJRB), Willow Grove, PA—Jacksonville Road Housing and Shenandoah Woods Housing.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Kesler, Director, Base Realignment and Closure Program Management Office, 1455 Frazee Road, San Diego, CA 92108-4310, telephone: 619-532-0993 or Mr. David Drozd, Director, Base Realignment and Closure Program Management Office, Northeast, 4911 South Broad Street, Philadelphia, PA 19112-1303, telephone: 215-897-4909.

SUPPLEMENTARY INFORMATION: In 2005, NASJRB Willow Grove, PA, was designated for closure under the authority of the Defense Base Closure and Realignment Act of 1990, Public Law 101-510, as amended (the Act). Pursuant to this designation, on January 23, 2006, land and facilities at this installation were declared excess to the Department of Navy (Navy) and available to other Department of Defense components and other Federal agencies. The Navy has evaluated all timely Federal requests and has made a decision on property required by the Federal Government.

Notice of Surplus Property: Pursuant to paragraph (7)(B) of Section 2905(b) of the Act, as amended by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the following information regarding the redevelopment authority for surplus property at NASJRB Willow Grove, PA, including Jacksonville Road Housing and Shenandoah Woods Housing is published in the **Federal Register**.

Redevelopment Authority: The local redevelopment authority for NASJRB Willow Grove, PA, is the Horsham Township Authority for NASJRB. The point of contact is Mr. Michael J. McGee, Executive Director, 1025 Horsham Road, Horsham, PA 19044, telephone: 215-643-3131.

Surplus Property Description: The following off-site housing components of NASJRB Willow Grove, known as Jacksonville Road Housing and

Shenandoah Woods Housing are surplus to the needs of the Federal Government.

Jacksonville Road Housing Area

a. *Land.* Jacksonville Road Housing consists of approximately 2.5 acres of improved fee simple land located in lower Bucks County, Warminster, PA. In general, the area will be available when the installation closes no later than September 2011.

b. *Buildings.* The following improvements, located on the above described Jacksonville Road Housing land, will also be available when the installation closes.

(1) Single-family homes (6 structures). Comments: Approximately 9,265 square feet. Three detached garage structures (shared use). Comments: Approximately 1,200 square feet.

(2) Paved areas (roads). Comments: Approximately 1,878 square yards consisting of roads and other similar pavements. Approximately 2,230 square yards consisting of other surface areas, i.e., driveways, sidewalks, etc.

Shenandoah Woods Housing Area

a. *Land.* Shenandoah Woods Housing consists of approximately 51 acres of improved and unimproved fee simple land located in lower Bucks County, Warminster, PA. In general, the area will be available when the installation closes no later than September 2011.

b. *Buildings.* The following improvements, located on the above described Shenandoah Woods Housing land, will also be available when the installation closes.

(1) Housing Quarters (40 structures). Comments: 199 townhouse units totaling approximately 337,184 square feet.

(2) Community support facilities (6 structures). Comments: Approximately 29,087 square feet. Includes recreation pavilion, ball field, mini-mart, equipment shed, etc.

(3) Paved areas (roads). Comments: Approximately 23,136 square yards consisting of roads and other similar pavements.

Redevelopment Planning: Pursuant to section 2905(b)(7)(F) of the Act, the Horsham Township Authority for NASJRB (the LRA) will conduct a community outreach effort with respect to the surplus property and will publish, within 30 days of the date of this notice, in a newspaper of general circulation in the communities within the vicinity of NASJRB Willow Grove, PA the time period during which the LRA will receive notices of interest from State and local governments, representatives of the homeless, and other interested parties. This

publication shall include the name, address and telephone number of the point of contact for the LRA who can provide information on the prescribed form and contents of the notices of interest.

Dated: December 22, 2008.

T. M. Cruz,

Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E8-31201 Filed 12-31-08; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Record of Decision for the Introduction of the P-8A Multi-Mission Maritime Aircraft into the U.S. Navy Fleet

AGENCY: Department of the Navy, DoD.
ACTION: Notice.

SUMMARY: The Department of the Navy (Navy), after carefully weighing the operational and environmental consequences of the proposed action, announces its decision to provide facilities and functions to support homebasing twelve P-8A Fleet squadrons and one Fleet Replacement Squadron at established maritime patrol home bases. The Navy considered applicable laws, regulations, and Executive Orders, including an analysis of the environmental effects of its actions under the requirements of Executive Order 12898 (*Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations*). The proposed action will be accomplished as set out in Alternative 5, described in the Final Environmental Impact Statement (EIS) as the preferred alternative. Implementation of the preferred alternative could begin immediately.

SUPPLEMENTARY INFORMATION: The Record of Decision (ROD) has been distributed to all those individuals who requested a copy of the Final EIS and agencies and organizations that received a copy of the Final EIS. The complete text of the Navy's Record of Decision (ROD) is available for public viewing on the project Web site at <http://www.mmaeis.com> along with copies of the FEIS and supporting documents. Single copies of the ROD will be made available upon request by contacting the Commander, Naval Facilities Engineering Command Atlantic, Attn: MMA PM, 6506 Hampton Blvd. Bldg A, Norfolk, VA 23508-1278; e-mail: chris.l.harding@navy.mil.

Dated: December 23, 2008.

T. M. Cruz,

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

[FR Doc. E8-31202 Filed 12-31-08; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

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

DATES: Interested persons are invited to submit comments on or before March 3, 2009.

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

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

collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: December 29, 2008.

James Hyler,

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

Institute of Education Sciences

Type of Review: New.

Title: Summer Reading Program Study.

Frequency: On Occasion.

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

Reporting and Recordkeeping Hour Burden:

Responses: 11,379.

Burden Hours: 611.

Abstract: The current OMB package requests clearance for the instruments to be used in the Summer Reading Program Study (SRP). The SRP study is a project designed to test a summer reading program's impact of reducing summer reading loss, especially for struggling readers. The data collection instruments will measure the background characteristics of the sample, the level of implementation and outcomes of the summer reading program.

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 3925. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202-4537. Requests may also be electronically mailed to ICDocketMgr@ed.gov or faxed to 202-401-0920. Please specify the complete title of the information collection when making your request.

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

[FR Doc. E8-31215 Filed 12-31-08; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Office of Innovation and Improvement; Overview Information; Women's Educational Equity Act Program (WEEA); Notice Inviting Applications for New Awards for Fiscal Year (FY) 2009

Catalog of Federal Domestic Assistance (CFDA) Number: 84.083A.

Note: The Department is not inviting applications under CFDA Number 84.083B (research and development grants) for FY 2009.

DATES: *Applications Available:* January 2, 2009.

Deadline for Transmittal of Applications: February 23, 2009.

Deadline for Intergovernmental Review: April 22, 2009.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the WEEA program is: (a) To promote gender equity in education in the United States; (b) to provide financial assistance to enable educational agencies and institutions to meet the requirements of title IX of the Educational Amendments of 1972 (20 U.S.C. 1681 *et seq.*); and (c) to promote equity in education for women and girls who suffer from multiple forms of discrimination based on sex, race, ethnic origin, limited English proficiency, disability, or age.

Note: Men and boys may participate in any program or activity assisted with funds under this program.

Priorities: This competition includes three absolute priorities and one competitive preference priority that are explained in the following paragraphs. These priorities are from the notice of final discretionary grant priorities for FY 2009, published in the **Federal Register** on November 21, 2008 (73 FR 70627).

Absolute Priorities: For FY 2009 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3) we consider only applications that meet Priority 3 and one or both of Priority 1 and Priority 2.

These priorities are:

Priority 1—Mathematics. Projects that support activities to enable students to achieve proficiency or advanced proficiency in mathematics.

Priority 2—Science. Projects that support activities to enable students to achieve proficiency or advanced proficiency in science.

Priority 3—Student Achievement Data. Projects that collect pre- and post-intervention test data to assess the effect of the projects on the academic achievement of student participants relative to appropriate comparison or control groups.

Note: All applicants must address Priority 3—Student Achievement Data. All applicants must also address either Priority 1—Mathematics or Priority 2—Science. Applicants may address both Priority 1—Mathematics and Priority 2—Science if they believe they have the capacity and personnel to successfully address both of these priorities. However, no additional points will be earned by addressing both the mathematics and science priorities.

Note: The Department suggests that applicants that are not part of a school system establish a relationship with their project's targeted school(s) to facilitate accessing the required pre- and post-intervention test data regarding proficiency and advanced proficiency.

Competitive Preference Priority: For FY 2009 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 10 points to an application, depending on how well the application meets this priority.

This priority is:

Secondary Schools. Projects that support activities and interventions aimed at improving the academic achievement of secondary school students who are at greatest risk of not meeting challenging State academic standards and not completing high school.

Program Authority: 20 U.S.C. 7283–7283g.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, and 99. (b) The notice of final discretionary grant priorities for FY 2009, published in the **Federal Register** on November 21, 2008 (73 FR 70627).

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.
Estimated Available Funds: \$1,827,714.

Contingent upon the availability of funds and the quality of applications,

we may make additional awards in FY 2010 from the list of unfunded applicants from this competition.

Estimated Range of Awards:
\$125,000–\$225,000.

Estimated Average Size of Awards:
\$182,770.

Estimated Number of Awards: 10.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 48 months.

III. Eligibility Information

1. *Eligible Applicants:* Public agencies; private nonprofit agencies; organizations, including community- and faith-based organizations; institutions; student groups; community groups; and individuals.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone, toll free: 1–877–433–7827. Fax: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: <http://www.ed.gov/pubs/edpubs.html> or at its e-mail address: edpubs@inet.ed.gov.

If you request an application package from ED Pubs, be sure to identify this program or competition as follows: CFDA number 84.083A.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer diskette) by contacting the person listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We strongly encourage you to limit the application narrative (Part III) to the equivalent of no more than 25 pages using the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the

application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the page limit does apply to all of the application narrative section (Part III).

3. *Submission Dates and Times:*
Applications Available: January 2, 2009.
Deadline for Transmittal of Applications: February 23, 2009.

Applications for grants under this program must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV.6. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual’s application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: April 22, 2009.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* We reference regulations outlining funding

restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the WEEA program, CFDA Number 84.083A, must be submitted electronically using the Governmentwide Grants.gov Apply site at <http://www.Grants.gov>. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

You may access the electronic grant application for the WEEA program at www.Grants.gov. You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number’s alpha suffix in your search (e.g., search for 84.083, not 84.083A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will

notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at <http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf>.

- To submit your application via Grants.gov, you must complete all steps in the Grants.gov registration process (see http://www.grants.gov/applicants/get_registered.jsp). These steps include (1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see <http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf>). You also must provide on your application the same D-U-N-S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via Grants.gov. In addition, you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for

SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

- You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.

- Your electronic application must comply with any page-limit requirements described in this notice.

- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1-800-518-4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your

application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system; and
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Beverly A. Farrar, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W242, Washington, DC 20202-5950. Fax: (202) 205-5630.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention:

(CFDA Number 84.083A), LBJ Basement Level 1, 400 Maryland Avenue, SW., Washington, DC 20202-4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.083A), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202-4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC, time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

V. Application Review Information

Selection Criteria: The selection criteria for this competition are from WEEA and 34 CFR 75.210 of EDGAR. The maximum possible score for each criterion is indicated in parentheses after each criterion. Each criterion also includes the factors that the reviewers will consider in determining how well an application meets the criterion. The maximum score for all of the criteria is 100 points. The note following selection criterion (5) is guidance to help applicants in preparing the applications and is not required by statute or regulations. The selection criteria are as follows:

(1) *Project as a component of a comprehensive plan (15 points).* The Secretary reviews each application to determine the extent to which the project is a significant component of a comprehensive plan for education equity and compliance with title IX of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*) in the particular local educational agency, institution of higher education, vocational-technical institution, or other education agency or institution.

(2) *Implementing an institutional change strategy (15 points).* The Secretary reviews each application to determine the extent to which the project would implement an institutional change strategy with long-term impact that will continue as a central activity of the applicant after the grant has been terminated.

(3) *Quality of project services (20 points).* The Secretary considers the quality of the services to be provided by the proposed project. In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers the following factors:

(a) The extent to which the services to be provided by the proposed project are appropriate to the needs of the intended recipients or beneficiaries of those services.

(b) The likelihood that the services to be provided by the proposed project will lead to improvements in the achievement of students as measured against rigorous academic standards.

(4) *Quality of the management plan (25 points).* The Secretary considers the quality of the management plan for the proposed project. In determining the

quality of the management plan for the proposed project, the Secretary considers the following factors:

(a) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, time lines, and milestones for accomplishing project tasks.

(b) The extent to which the time commitments of the project director and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(c) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate.

(5) *Quality of the project evaluation (25 points).* The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(a) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(b) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings.

Note: Applicants may wish to consider using the evaluation plan to shape the development of the project from the beginning of the grant period. Applicants also may wish to include benchmarks to monitor progress toward specific project objectives and also outcome measures to assess the impact on teaching and learning or other important outcomes for project participants. Grantees will be expected to report on the progress of their evaluation through the required annual performance report as discussed in VI.3 below.

VI. Award Administration Information

1. **Award Notices:** If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. **Administrative and National Policy Requirements:** We identify administrative and national policy requirements in the application package and reference these and other

requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting*: At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to <http://www.ed.gov/fund/grant/apply/appforms/appforms.html>.

4. *Performance Measures*: Under the Government Performance and Results Act of 1993 (GPRA), the Secretary has established the following five performance measures for assessing the effectiveness of this program. Grantees funded under this competition will be expected to collect and report to the Department data related to these measures. Applicants should discuss in the application narrative how they propose to collect these data. These GPRA performance measures are (1) the percentage of female students served by the WEEA program who achieve proficiency on State mathematics assessments; (2) the percentage of female students served by the WEEA program who achieve advanced proficiency on State mathematics assessments; and/or (3) the percentage of female students served by the WEEA program who achieve proficiency on State science assessments; (4) the percentage of female students served by the WEEA program who achieve advanced proficiency on State science assessments; and (5) the percentage of WEEA projects whose female participants demonstrate statistically significant higher mean increases in achievement compared to mean increases of a comparison group, based on pre- and post-test data.

All applicants will be expected to collect and report data for GPRA performance measure 5. Applicants will be expected to collect and report data on measures 1 through 4 based upon the absolute priority addressed in their application and the targeted proficiency level. For example, if the applicant proposes to develop a program that

focuses on helping students achieve proficiency on State mathematics assessments, data would be collected and reported only on GPRA performance measures 1 and 5. Applicants should discuss in the application narrative how they propose to collect these data.

Notes for the GPRA measures: If the applicant uses an instrument other than assessments used for No Child Left Behind of 2001 (NCLB) purposes or for other State-level assessments, the applicant is encouraged to demonstrate that the instrument is both of the following:

(1) Valid for the subject and age range of students included in the project. Validity is the extent to which the test measures what it was supposed to (e.g. mathematics aptitude). There are several types of validity including content, construct, and predictive validity. Evidence of validity is often available from the publisher of the assessment instrument.

(2) Reliable with regard to the consistency and repeatability of measurement. Several types of reliability are routinely established, including the internal consistency of an instrument (how well different items on an instrument measure the same construct) and test/retest reliability (the consistency of measurement at two different points in time). Evidence of reliability is often available from the publisher of the assessment instrument.

Applicants should adhere to the following criteria when constructing a comparison group for reporting on the fifth GPRA measure. The comparison group should (1) match WEEA participants on a baseline measure of the achievement outcome, baseline demographics, or both; (2) be a group of no less than 20 students, and should be a group whose size is no less than 50 percent of the number of project participants; and (3) not receive WEEA project services.

For GPRA purposes, "proficiency" and "advanced proficiency" are defined as follows: (1) "Proficiency" is defined as the State standard for "proficient" for the purposes of NCLB-reporting, or its equivalent for standardized State tests; and (2) "Advanced proficiency" is defined as the State standard for "advanced proficient" for purposes of NCLB-reporting, or its equivalent for standardized State tests.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Beverly A. Farrar, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W242, Washington, DC 20202–

5950. Telephone: (202) 205–3145 or by e-mail: oiweea@ed.gov.

If you use a TDD, call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer diskette) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

Dated: December 29, 2008.

Amanda L. Farris,

Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. E8–31226 Filed 12–31–08; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8589–2]

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 **Federal Register** dated April 6, 2008 (73 FR 19833).

Draft EISs

EIS No. 20080360, ERP No. D-NOA-D91001-00, Amendment 1 to the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP), Updating and Revising Essential Fish Habitat (EFH) for Atlantic Highly Migratory Species (HMS), consider additional Habitat Area of Particular Concern (HAPC) and Analyze Fishing Impacts, Chesapeake Bay, MD, Delaware Bay, DE, Great Bay, NJ and Outer Bank off NC

Summary: While EPA has no objection to the proposed action, it did request clarification on fishing gear impacts and monitoring plans. Rating LO.

EIS No. 20080426, ERP No. D-BLM-J01083-WY, South Gillette Area Coal Lease Applications, WYW172585, WYW173360, WYW172657, WYW161248, Proposal to Lease Four Tracts of Federal Coal Reserves, Belle Ayr, Coal Creek, Caballo, and Cordero Rojo Mines, Wyoming Powder River Basin, Campbell County, WY

Summary: EPA expressed environmental concerns about the potential for adverse impacts to air quality in the Powder River Basin. Rating EC2.

EIS No. 20080447, ERP No. D-AFS-F65072-WI, Camp Four Vegetation Project, Proposes Vegetation and Road Management Activities, Desired Future Condition (DFC), Medford-Park Falls Ranger District, Chequamegon-Nicolet National Forest, Price County, WI

Summary: EPA does not object to the preferred alternative. Rating LO.

Final EISs

EIS No. 20080423, ERP No. F-AFS-J65517-SD, West Rim Project, Proposes to Implement Multiple Resource Management Actions, Northern Hills Ranger District, Black Hills National Forest, Lawrence County, SD

Summary: No formal comment letter was sent to the preparing agency.

EIS No. 20080455, ERP No. F-AFS-J65403-00, Southern Rockies Canada Lynx Amendment, Preferred Alternative is Alternative F, Incorporating Management Direction for Canada Lynx Habitat by Amending Land and Resource Management Plans, for Arapaho-Roosevelt, Pike-San Isabel, Grand Mesa-Uncompahgre-Gunnison, San Juan, Rio Grande and Medicine Bow-Routt National Forests, Implementation, CO and WY

Summary: EPA supports the new, modified preferred alternative which should reduce potential adverse impacts to the Canada lynx. However, we have concerns that adequate resources may

not be available for monitoring and adaptive management, and continuing analysis and research regarding lynx conservation and recovery.

EIS No. 20080465, ERP No. F-AFS-J65488-WY, Battle Park Cattle and Horse (C&H) and Mistymoon Sheep and Goat (S&G) Allotment Project, Proposes to Continue Livestock Grazing on both Allotments, Powder River Ranger District, Bighorn National Forest, Bighorn County, WY

Summary: EPA continues to have concerns about the adaptive management plan and the frequency of monitoring environmental impacts.

EIS No. 20080473, ERP No. F-USN-E11064-FL, Mayport Naval Station Project, Proposed Homeporting of Additional Surface Ships, Several Permits, Mayport, FL

Summary: EPA's previous concerns have been resolved; therefore, EPA does not object to the proposed action.

Dated: December 29, 2008.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E8-31216 Filed 12-31-08; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-8589-1]

Environmental Impacts 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 12/22/2008 Through 12/26/2008 Pursuant to 40 CFR 1506.9.

EIS No. 20080535, Draft EIS, BLM, MT, Indian Creek Mine Expansion, Proposed Mine Expansion would include Quarry Areas, Mine Facilities, Ore Storage Sites, Soil Salvage Stockpiles, Haul Roads, and Overburden Disposal Areas, Issuing Operating Permit #00105 and Plan of Operation #MTM78300, Broadwater County, MT, *Comment Period Ends:* 03/02/2009, *Contact:* David Williams 406-533-7655.

EIS No. 20080536, Final EIS, COE, CA, Berth 97-109 (China Shipping) Container Terminal Project, Construction and Operation, Issuance of section 404 (CWA) and Section 10 Rivers and Harbor Act Permits, Port of Los Angeles, Los Angeles County, CA, *Wait Period Ends:* 02/02/2009,

Contact: Dr. Spencer D. MacNeil 805-585-2152.

EIS No. 20080537, Draft EIS, BLM, NV, Ely Energy Center, Construction and Operation 1500 MW Coal-Fired Power Plant and Associated Features, White Pine, Lincoln, Clark, Nye, Elko and Nevada Counties, NV, *Comment Period Ends:* 04/03/2009, *Contact:* Joe Incardine 801-524-3833.

EIS No. 20080538, Second Draft Supplement, NRC, VA, North Anna Power Station Unit 3, Combined License (COL) application for Construction and Operation a Based-Load Nuclear Power Plant, (NUREG-1917), in the Town of Mineral, Louisa County, VA, *Comment Period Ends:* 03/16/2009, *Contact:* Alicia Williamson 301-415-1878.

EIS No. 20080539, Draft EIS, USA, 00, Gulf of Mexico Range Complex (GOMEX), Proposed Action is to Support and Conduct Current and Emerging Training and RDT&E Operations, TX, MS, AL and FL, *Comment Period Ends:* 02/17/2009, *Contact:* Karen M. Foskey 703-602-2859.

EIS No. 20080540, Draft EIS, AFS, ID, Nez Perce National Forest (NPNF), Proposed Designated Routes and Areas for Motor Vehicle Use (DRMVU), Implementation, Idaho County, ID, *Comment Period Ends:* 02/25/2009, *Contact:* Alexandra Botello 208-983-1950.

EIS No. 20080541, Final EIS, UPS, CA, Aliso Viejo Incoming Mail Facility, Proposed Construction and Operation of a Mail Processing Facility on a 25-Acre Parcel, Aliso Viejo, Orange County, CA, *Wait Period Ends:* 02/02/2009, *Contact:* Emmy Andrews 650-615-7200.

EIS No. 20080542, Draft EIS, AFS, NV, Martin Basin Rangeland Project, Reauthorizing Grazing on Eight Existing Cattle and Horse Allotments: Bradshaw, Buffalo, Buttermilk, Granite Peak, Indian, Martin Basin, Rebel Creek, and West Side Flat Creek, Santa Rosa Ranger District, Humboldt-Toiyabe National Forest, NV, *Comment Period Ends:* 02/17/2009, *Contact:* Vern Keller 775-355-5356.

Amended Notices

EIS No. 20080523, Draft EIS, BLM, 00, UNEV Pipeline Project, Construction of a 399-mile Long Main Petroleum Products Pipeline, Salt Lake, Tooele, Juab, Millard, Iron, and Washington Counties, UT, and Lincoln and Clark Counties, NV, *Comment Period Ends:* 03/19/2009, *Contact:* Joe Incardine 801-524-3833. Revision to FR Notice

Published 12/19/2008: Correction to Title and Comment Period.

Dated: December 29, 2008.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E8-31218 Filed 12-31-08; 8:45 am]

BILLING CODE 6560-50-P

Irvine, California; to acquire up to 18 percent of Heritage Bank, National Association, New York, New York.

Board of Governors of the Federal Reserve System, December 29, 2008.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E8-31199 Filed 12-31-08; 8:45 am]

BILLING CODE 6210-01-S

Dated: December 29, 2008.

Russell H. Pentz,

Assistant Deputy Associate Administrator, Office of Travel, Transportation, and Asset Management.

[FR Doc. E8-31231 Filed 12-31-08; 8:45 am]

BILLING CODE 6820-14-P

FEDERAL RESERVE SYSTEM

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

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

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 26, 2009.

A. Federal Reserve Bank of San Francisco (Tracy Basinger, Director, Regional and Community Bank Group) 101 Market Street, San Francisco, California 94105-1579:

1. *Carpenter Fund Manager GP, LLC, Carpenter Fund Management, LLC, Carpenter Community Bancfund, L.P., Carpenter Community Bancfund-A, L.P., Carpenter Community Bancfund-CA, L.P., CCFW, Inc., and SCJ, Inc., all of*

GENERAL SERVICES ADMINISTRATION

Federal Travel Regulation (FTR); Relocation Allowances; Notice of GSA Bulletin FTR 09-03

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

ACTION: Notice of a bulletin.

SUMMARY: On December 11, 2007, the General Services Administration (GSA) published FTR Amendment 2007-06 in the *Federal Register* (72 FR 70234) specifying that the Internal Revenue Service (IRS) Standard Mileage Rate for moving purposes would be the rate at which agencies will reimburse an employee for using a privately-owned vehicle for relocation on a worldwide basis. The amendment indicated that the change to the IRS Standard Mileage Rate for moving purposes applied to relocations on and after September 25, 2007, and that GSA would publish a bulletin announcing any changes to that rate made by the IRS thereafter. On November 24, 2008, the IRS announced that as of January 1, 2009, the relocation mileage rate would decrease to \$0.24 per mile for the 12 month period ending on December 31, 2009. Thus, the reimbursement rate for relocation will also be \$0.24 for the same period. GSA Bulletin FTR 09-03 may be found at <http://www.gsa.gov/federaltravelregulation>.

DATES: The bulletin announced in this notice became effective December 12, 2008, and applies to relocations performed on or after January 1, 2009 until December 31, 2009.

FOR FURTHER INFORMATION CONTACT: Mr. Ed Davis, Office of Governmentwide Policy (M), Office of Travel, Transportation, and Asset Management (MT), General Services Administration at (202) 208-7638 or via e-mail at ed.davis@gsa.gov. Please cite FTR Bulletin 09-03.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Solicitation of Written Comments on Draft Centers for Disease Control and Prevention's Immunization Safety Office Scientific Agenda

AGENCY: Department of Health and Human Services, Office of the Secretary.
ACTION: Notice.

SUMMARY: The National Vaccine Program Office (NVPO) is soliciting public comment on the Centers for Disease Control and Prevention's Immunization Safety Office (ISO) draft Scientific Agenda related to scientific research questions in vaccine safety.

DATES: Comments on the draft ISO Scientific Agenda should be received no later than 5 p.m. on February 2, 2009.

ADDRESSES: Electronic responses are preferred and may be addressed to vaccinesafetyRFI@hhs.gov. Written responses should be addressed to National Vaccine Program Office, U.S. Department of Health and Human Services, 200 Independence Avenue, SW., Room 443-H, Washington, DC 20201, Attention: Vaccine Safety RFI.

FOR FURTHER INFORMATION CONTACT: Ms. Kirsten Vannice, National Vaccine Program Office, Department of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Room 443-H, Washington, DC 20201; telephone (202) 690-5566; fax 202-260-1165; e-mail vaccinesafetyRFI@hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Ensuring the optimal safety of vaccines and immunizations is important to everyone. NVPO is located within the Office of Public Health and Science within the Office of the Secretary, Department of Health and Human Services (HHS), and has responsibility for coordinating and ensuring collaboration among the many Federal agencies involved in vaccine and immunization activities. NVAC is a statutory Federal advisory committee that provides advice and makes recommendations to the Director of the National Vaccine Program on matters related to the program.

Vaccine safety research is done from the time vaccine development begins through when it is licensed and used routinely. Within HHS, vaccine and vaccine safety research during the development process is supported primarily by the National Institutes of Health. The Food and Drug Administration then carefully reviews safety and effectiveness information in deciding whether a vaccine should be licensed. After licensure, when a vaccine is used in children, adolescents or adults, its safety is monitored and further scientific studies are done to assure that the vaccine is safe, to evaluate potential safety problems, or to identify ways that the vaccine can be used more safely.

The Center for Disease Control and Prevention's (CDC) Immunization Safety Office (ISO) has significant responsibility for monitoring and studying the safety of vaccines after they are licensed and used in the United States (<http://www.cdc.gov/vaccinesafety>). ISO has drafted a scientific agenda that identifies vaccine safety issues to consider for scientific study over the next five years, in addition to any new questions that may arise. Since not all questions and issues can be addressed at once, setting priorities is important. The draft ISO Scientific Agenda can be found at: http://www.cdc.gov/vaccinesafety/00_pdf/draft_agenda_recommendations_080404.pdf and the addendum at http://www.cdc.gov/vaccinesafety/00_pdf/draft_recommendations_add_080410.pdf.

ISO has requested a review of the draft Scientific Agenda by the National Vaccine Advisory Committee (NVAC).

The NVAC review of the draft ISO Scientific Agenda will include providing recommendations on the agenda contents and on priorities for scientific research either done or funded by ISO. Public and stakeholder input will be important to the development of the NVAC recommendations, along with the expertise of the NVAC and NVAC Vaccine Safety Working Group members. Public and stakeholder input is being requested by written comment in response to this RFI; at community meetings taking place in Ashland, OR, Birmingham, AL, and Indianapolis, IN; at a meeting of stakeholders; and at a meeting of the NVAC Vaccine Safety Working Group (for more information, see <http://www.hhs.gov/nvpo/nvac/PublicEngagement.html>).

Through this RFI, HHS is seeking comments from everyone, including stakeholders and the broad public. Comments received will be available for

public viewing and will be presented in an open meeting on February 4, 2009, to the NVAC Vaccine Safety Working Group.

II. Information Request

NVPO, on behalf of the NVAC Vaccine Safety Working Group requests input in three broad areas: (1) Concerns about vaccines and immunization safety, (2) comments on what values, considerations, or factors are most important to consider in prioritizing scientific research, and (3) specific comments on the draft ISO Scientific Agenda. Responders may address one or all of the topics below.

(1) *Concerns about vaccines and immunization safety:* What are your primary concerns about the safety of vaccines and immunization? Why are those concerns most important to you? If interested, please share any personal experience that may further explain your concerns and their importance. [Provide up to 3 pages for an answer to this question]

(2) *Comments on what values or factors are most important to consider in prioritizing scientific research:* What values, considerations, or factors are most important to you in deciding what vaccine and immunization safety research should be conducted first? Why are these values, considerations, and factors most important to you? Examples of values or factors that you may consider include, but are not limited to, the frequency, severity, or duration of an event; the age, number of people, or vulnerability of persons exposed to a vaccine; the amount of scientific or public concern; and whether or not a vaccine is required for child-care or school entry or as a condition for employment. [Provide up to 3 pages for an answer to this question]

(3) *Specific comments on the ISO draft scientific agenda:* The draft CDC ISO Scientific Agenda can be viewed and downloaded from the CDC Web site (internet address is provided in the Background section, above).

a. Please provide any general comments on the draft ISO Scientific Agenda.

b. The following questions relate to the 30 items identified as potential 5-year research needs (see page 27 of draft ISO Scientific Agenda for a condensed list):

i. What scientific issues should be included in the draft ISO Scientific Agenda that are not there now, or what issues that are currently included should be removed? Why should these issues be added or deleted?

ii. What issues in the draft ISO Scientific Agenda are most important to you and should be made a priority to study and what issues are least important to you? Why are they the highest or lowest priorities?

[Provide up to 3 pages for an answer to this question]

III. Potential Responders

HHS invites input from a broad range of individuals and organizations that have interests in vaccines and vaccine safety. Some examples of these organizations include but are not limited to the following:

- General public;
- Advocacy groups and public interest organizations;
- State and local governments;
- State and local public health departments;
- Vaccine manufacturing industry, distributors and other businesses;
- Health care professional societies and organizations.

When responding, please self-identify with any of the above or other categories (include all that apply) and your name. Anonymous submissions will not have their comments posted.

The submission of written materials in response to the RFI should not exceed 9 pages (3 pages for each of the three broad topics), not including appendices and supplemental documents. Responders may submit other forms of electronic materials to demonstrate or exhibit concepts of their written responses. Any information you submit will be made public. Consequently, do not send proprietary, commercial, financial, business confidential, trade secret, or personal information that you do not wish to be made public.

Public Access: Responses to this RFI will be available to the public on the NVAC Web site at <http://www.hhs.gov/nvpo/nvac/PublicEngagement/RFIResponses.html>. You may access public comments received from this RFI by going to the above Web site.

Dated: December 22, 2008.

Raymond A. Strikas,

Acting Director, National Vaccine Program Office, U.S. Department of Health and Human Services.

[FR Doc. E8-31196 Filed 12-31-08; 8:45 am]

BILLING CODE 4150-44-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration**

[Docket No. FDA-2008-D-0516]

Guidance for Industry and Food and Drug Administration Staff; Class II Special Controls Guidance Document: Nucleic Acid Amplification Assay for the Detection of Enterovirus RNA; Availability**AGENCY:** Food and Drug Administration, HHS.**ACTION:** Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance entitled "Class II Special Controls Guidance Document: Nucleic Acid Amplification Assay for the Detection of Enterovirus RNA." This guidance document describes a means by which an enterovirus nucleic acid assay may comply with the requirement of special controls for class II devices. Elsewhere in this issue of the **Federal Register**, FDA is publishing a final rule codifying the classification of the enterovirus nucleic acid assays into class II (special controls). This guidance document is immediately in effect as the special control for an enterovirus nucleic acid assay, but it remains subject to comment in accordance with the agency's good guidance practices (GGPs).

DATES: Submit written or electronic comments on this guidance at any time. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the guidance document entitled "Class II Special Controls Guidance Document: Nucleic Acid Amplification Assay for the Detection of Enterovirus RNA" to the Division of Small Manufacturers, International, and Consumer Assistance (HFZ-220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 240-276-3151. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

Submit written comments concerning this guidance to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to <http://www.regulations.gov>. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Uwe Scherf, Center for Devices and Radiological Health (HFZ-440), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 240-276-0725.

SUPPLEMENTARY INFORMATION:**I. Background**

Elsewhere in this issue of the **Federal Register**, FDA is publishing a final rule codifying the classification of the enterovirus nucleic acid assays into class II (special controls) under section 513(f)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c(f)(2)). This guidance document will serve as the special control for an enterovirus nucleic acid assay device. Section 513(f)(2) of the act provides that any person who submits a premarket notification under section 510(k) of the act (21 U.S.C. 360(k)) for a device that has not previously been classified may, within 30 days after receiving an order classifying the device in class III under section 513(f)(1) of the act, request FDA to classify the device under the criteria set forth in section 513(a)(1) of the act. FDA shall, within 60 days of receiving such a request, classify the device by written order. This classification shall be the initial classification of the device. Consistent with the statute, on March 16, 2007, FDA issued an order classifying the enterovirus nucleic acid assay into class II with special controls. Because the device has been classified into class II with the guidance document as a special control, FDA has determined, under § 10.115(g)(2) (21 CFR 10.115(g)(2)), that it is not feasible to allow for public participation before implementing this guidance document. Therefore, FDA is issuing this guidance document as a level 1 guidance document that is immediately in effect. FDA will consider any comments that are received in response to this notice to determine whether to amend the guidance document.

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (§ 10.115). The guidance represents the agency's current thinking on nucleic acid amplification assays for the detection of enterovirus RNA. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by using the Internet. To receive "Class II Special Controls Guidance Document: Nucleic Acid Amplification Assay for the Detection of Enterovirus RNA," you may either send an e-mail request to dsmica@fda.hhs.gov to receive an electronic copy of the document or send a fax request to 240-276-3151 to receive a hard copy. Please use the document number 1665 to identify the guidance you are requesting.

CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with Internet access. Updated on a regular basis, the CDRH home page includes device safety alerts. **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturer's assistance, information on video conferencing and electronic submissions, Mammography Matters, and other device-oriented information. The CDRH Web site may be accessed at <http://www.fda.gov/cdrh>. A search capability for all CDRH guidance documents is available at <http://www.fda.gov/cdrh/guidance.html>. Guidance documents are also available at <http://www.regulations.gov>.

IV. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 USC 3501-3520) (the PRA). The collections of information in part 807 (21 CFR part 807), subpart E including § 807.87, have been approved under OMB Control No. 0910-0120; the collections of information in 21 CFR part 812 have been approved under OMB Control No. 0910-0078; the collections of information in 21 CFR parts 50 and 56 have been approved under OMB Control No. 0910-0130; and the collections of information in 21 CFR 809.10 have been approved under OMB Control No. 0910-0485. In addition, FDA concludes that the labeling statement in Section 7, *Intended Use*, of the guidance does not constitute a "collection of information" under the PRA. Rather, this labeling statement is "public disclosure of information originally supplied by the Federal government to the recipient for the purpose of disclosure to the public" (5 CFR 1320.3(c)(2)).

V. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Revised comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Please note that on January 15, 2008, the FDA Division of Dockets Management Web site transitioned to the Federal Dockets Management System (FDMS). FDMS is a Government-wide, electronic docket management system. Electronic comments or submissions will be accepted by FDA only through FDMS at <http://www.regulations.gov>.

Dated: December 16, 2008.

Daniel G. Schultz,

Director, Center for Devices and Radiological Health.

[FR Doc. E8-31214 Filed 12-31-08; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2008-N-0038]

Blood Products Advisory Committee; Notice of Meeting; Amendment

AGENCY: Food and Drug Administration, HHS

ACTION: Notice.

The Food and Drug Administration (FDA) is announcing an amendment to the notice of the Blood Products Advisory Committee. This meeting was announced in the **Federal Register** of December 9, 2008 (73 FR 74725). The amendment is being made to reflect a change in the *Agenda* portion of the document.

FOR FURTHER INFORMATION CONTACT:

Contact Person: William Freas or Pearline K. Muckelvene, Center for Biologics Evaluation and Research (HF71-71), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301-827-0314, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area), code 3014519516. Please call the Information Line for up-to-date information on this meeting. A notice in the **Federal**

Register about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the agency's Web site and call the appropriate advisory committee hot line/phone line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 9, 2008, FDA announced that a meeting of the Blood Products Advisory Committee would be held on January 9, 2009. On page 74725, in the first column, in the 13th line of the *Agenda* portion of the document, after the phrase "Acid Constructs" the following has been added:

"Included in the update will be an overview of the Center of Veterinary Medicine's review of the new animal drug application pertaining to the genetically engineered animals producing milk that contains recombinant Antithrombin III and of the environmental assessment for that application."

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to the advisory committees.

Dated: December 24, 2008.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E8-31187 Filed 12-29-08; 11:15 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2008-N-0038]

Cardiovascular and Renal Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Cardiovascular and Renal Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on February 3, 2009, from 8 a.m. to 5 p.m.

Location: Hilton Washington DC/ Silver Spring, Maryland Ballroom, 8727 Colesville Rd., Silver Spring, MD. The hotel phone number is 301-589-5200.

Contact Person: Elaine Ferguson, Center for Drug Evaluation and Research (HFD-21), Food and Drug Administration, 5600 Fishers Lane, (for express delivery, 5630 Fishers Lane, rm. 1093), Rockville, MD 20857, 301-827-7001, FAX: 301-827-6776, email: elaine.ferguson@fda.hhs.gov, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area), code 3014512533. Please call the Information Line for up-to-date information on this meeting. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the agency's Web site and call the appropriate advisory committee hot line/phone line to learn about possible modifications before coming to the meeting.

Agenda: The committee will discuss new drug application (NDA) 22-307, prasugrel hydrochloride film coated oral tablets, 5 milligrams (mg) and 10 mg, Eli Lilly and Company, for the proposed indication for use in acute coronary syndrome.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at <http://www.fda.gov/ohrms/dockets/ac/acmenu.htm>, click on the year 2008 and scroll down to the appropriate advisory committee link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before January 16, 2009. Oral presentations from the public will be scheduled between approximately 1 p.m. to 2 p.m. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before January 9, 2009. Time allotted for each presentation may be limited. If

the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by January 12, 2009.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Elaine Ferguson at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at <http://www.fda.gov/oc/advisory/default.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: December 19, 2008.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E8-31217 Filed 12-31-08; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Committee on Organ Transplantation; Request for Nominations for Voting Members

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is requesting nominations to fill vacancies on the Advisory Committee on Organ Transplantation (ACOT). The ACOT was established by the Amended Final Rule of the Organ Procurement and Transplantation Network (OPTN) (42 CFR Part 121) and, in accordance with Public Law 92-463, was chartered on September 1, 2000.

DATES: The agency must receive nominations on or before February 2, 2009.

ADDRESSES: All nominations should be submitted to the Executive Secretary,

Advisory Committee on Organ Transplantation, Healthcare Systems Bureau, HRSA, Parklawn Building, Room 12-105, 5600 Fishers Lane, Rockville, Maryland 20857. Federal Express, Airborne, UPS, etc., mail delivery should be addressed to Executive Secretary, Advisory Committee on Organ Transplantation, Healthcare Systems Bureau, HRSA, at the above address.

FOR FURTHER INFORMATION CONTACT: Remy Aronoff, Executive Secretary, Advisory Committee on Organ Transplantation, at (301) 443-3300 or e-mail Remy.Aronoff@hrsa.hhs.gov.

SUPPLEMENTARY INFORMATION: As provided by 42 CFR 121.12 (64 FR 56661), the Secretary established the Advisory Committee on Organ Transplantation. The Committee is governed by the Federal Advisory Committee Act (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

The ACOT advises the Secretary, acting through the Administrator, HRSA, on all aspects of organ procurement, allocation, and transplantation, and on other such matters that the Secretary determines. One of its principal functions is to advise the Secretary on ways to maximize Federal efforts to increase living and deceased organ donation nationally. Other matters that recently have been reviewed by the ACOT include:

- Accreditation of all establishments required to be registered with the FDA as manufacturers of human cells, tissues, and cellular- and tissue-based products;
- Concerns about U.S. citizens traveling abroad in order to receive organ transplants (also known as transplant tourism);
- Collection of data on the long-term health status of living donors;
- Organ Procurement and Transplantation Network development and distribution within the transplant community of a set of practice guidelines to be followed with respect to public solicitation of organ donors, both living and deceased; and
- Standards of coverage for living donors relating to future adverse events.

The ACOT consists of up to 25 members, including the Chair. Members and Chair shall be selected by the Secretary from individuals knowledgeable in such fields as organ donation, health care public policy, transplantation medicine and surgery, critical care medicine and other medical specialties involved in the identification

and referral of donors, non-physician transplant professions, nursing, epidemiology, immunology, law and bioethics, behavioral sciences, economics and statistics, as well as representatives of transplant candidates, transplant recipients, organ donors, and family members. To the extent practicable, Committee members should represent the minority, gender and geographic diversity of transplant candidates, transplant recipients, organ donors and family members served by the OPTN. In addition, the Director, Centers for Disease Control and Prevention; the Administrator, Centers for Medicare and Medicaid Services; the Commissioner, Food and Drug Administration; the Director, National Institutes of Health; and the Director, Agency for Healthcare Research and Quality (or the designees of such officials) serve as non-voting ex-officio members.

Specifically, HRSA is requesting nominations for voting members of the ACOT representing: Health care public policy; transplantation medicine and surgery, including pediatric and heart/lung transplantation; critical care medicine; nursing; epidemiology and applied statistics; immunology; law and bioethics; behavioral sciences; economics and econometrics; organ procurement organizations; transplant candidates/recipients; transplant/donor family members; and living donors. Nominees will be invited to serve a 4-year term beginning after July 2009.

HHS will consider nominations of all qualified individuals with a view to ensuring that the Advisory Committee includes the areas of subject matter expertise noted above. Individuals may nominate themselves or other individuals, and professional associations and organizations may nominate one or more qualified persons for membership on the ACOT. Nominations shall state that the nominee is willing to serve as a member of the ACOT and appears to have no conflict of interest that would preclude the ACOT membership. Potential candidates will be asked to provide detailed information concerning financial interests, consultancies, research grants, and/or contracts that might be affected by recommendations of the Committee to permit evaluation of possible sources of conflicts of interest.

A nomination package should include the following information for each nominee: (1) A letter of nomination stating the name, affiliation, and contact information for the nominee, the basis for the nomination (*i.e.*, what specific attributes, perspectives, and/or skills does the individual possess that would

benefit the workings of ACOT), and the nominee's field(s) of expertise; (2) a biographical sketch of the nominee and a copy of his/her curriculum vitae; and (3) the name, return address, and daytime telephone number at which the nominator can be contacted.

The Department of Health and Human Services has special interest in assuring that women, minority groups, and the physically disabled are adequately represented on advisory committees; and therefore, extends particular encouragement to nominations for appropriately qualified female, minority, or disabled candidates.

Dated: December 21, 2008.

Elizabeth M. Duke,

Administrator, HRSA.

[FR Doc. E8-31219 Filed 12-31-08; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; the Impact of Clinical Research Training and Medical Education at the Clinical Center on Physician Careers in Academia and Clinical Research

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 Clinical Center, the National Institutes of Health will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget for review and approval.

Proposed Collection: Title: The impact of clinical research training and medical education at the Clinical Center on physician careers in academia and

clinical research: *Type of Information Collection Request:* New. *Need and Use of Information Collection:* This study will assess the value of the training programs administered by the Office of Clinical Research Training and Medical Education. The primary objective of the survey is to determine if training programs have had an impact on whether the trainees are performing clinical research, hold an academic appointment, have National Institutes of Health funding sources as well as to obtain information from the trainees as to what part of the National Institutes of Health medical education program they feel could be improved upon, the quality of the mentoring program, and how their National Institutes of Health training has contributed to their current clinical competence. *Frequency of response:* On occasion. *Affected Public:* Physicians, dentists, medical students, dental students, nurses, and PhDs. 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
Doctoral Level	625	1	0.5	312.5
Students	100	1	0.5	50
Nurses	100	1	0.5	50
Total				362.5

There are no Capital Costs, Operating Costs, and/or Maintenance Costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of 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 used; (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 Linda Wisniewski, Nurse Consultant, Office of Clinical Research Training and Medical Education, CC, NIH, Building 10, Room 1N252B, 9000 Rockville Pike, Bethesda, MD 20892 or 301-496-9425 or e-mail your request, including your address to: wisniewskil@cc.nih.gov.

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: December 24, 2008.

Laura Lee,

Project Clearance Liaison, Warren Grant Magnuson Clinical Center, National Institutes of Health.

[FR Doc. E8-31240 Filed 12-31-08; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive

Boulevard, Suite 325, Rockville, Maryland 20852-3804; telephone: 301/496-7057; fax: 301/402-0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Novel Inhibitor of NF-kappa B Pathway

Description of Technology: Many tumors and blood cell cancers show overactivation of the NF-kappa B signal transduction pathway. This overactivation is associated with cancer forming in the colon, liver and other epithelial sites. In addition, there is evidence that overactivation leads to tumor formation and metastasis. However, this pathway is key for normal immunity, so any inhibition of NF-kappa B overactivation must avoid diminishing the body's ability to fight infection.

This invention claims a compound that inhibits NF-kappa B activation without affecting other transcription factors such as AP-1 and SRE binding proteins. It appears to function by blocking IKK beta and is effective at low micromolar concentrations without affecting cell proliferation or cell survival. At this low concentration, NF-kappa B is reduced to basal levels so this novel compound has prospects for preventing or treating cancer without being detrimental to immunity. In addition, because NF-kappa B overactivation contributes to a variety of inflammatory disorders including colitis, diabetes, prostatitis, and pancreatitis this compound has therapeutic applications beyond cancer.

Applications:

- Therapeutic for the chemoprevention or treatment of cancers associated with the overactivation of NF-kappa B signaling pathway.

- Therapeutic for the treatment of inflammatory disorders related to NF-kappa B overactivation.

- Reagent for the diagnosis of conditions related to overexpression of NF-kappa B.

Advantages:

- Highly specific inhibitor that allows targeting NF-kappa B without inhibiting other transcription factors.

- Effective at preventing carcinogenesis without affecting normal cell proliferation and survival.

- Therapeutic for treatment of cancer that will not compromise the immune system.

Development Status:

Market: Cancer is the second leading cause of death in the U.S. and it is estimated that 1.4 million Americans develop cancer in a year.

Inventors: Curtis J. Henrich *et al.* (NCI).

Publications: None related to invention have been published.

Patent Status: U.S. Provisional Application No. 61/098,977 filed 22 Sep 2008 (HHS Reference No. E-295-2008/0-US-01).

Licensing Status: Available for exclusive or non-exclusive licensing.

Licensing Contact: Sabarni K. Chatterjee, Ph.D.; 301-435-5587; chatterjeesa@mail.nih.gov.

Collaborative Research Opportunity: The National Cancer Institute (SAIC-Frederick) is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize around development of analogs and/or further investigations of mechanism of action of the compound. Please contact John D. Hewes, Ph.D. at 301-435-3121 or hewesj@mail.nih.gov for more information.

Method for Predicting and Detecting Tumor Metastasis

Description of Technology: Detecting cancer prior to metastasis greatly increases the efficacy of treatment and the chances of patient survival. Although numerous biomarkers have been reported to identify aggressive tumor types and predict prognosis, each biomarker is specific for a particular type of cancer, and no universal marker that can predict metastasis in a number of cancers have been identified. In addition, due to a lack of reliability, several markers are typically required to determine the prognosis and course of therapy.

The inventors discovered a novel CPE splice variant designated CPE-Δ N and found its expression levels increase according to the presence of cancer and metastasis wherein this variant is upregulated in tumors and further increased in metastatic cancer. This data has been demonstrated both in vitro and in vivo experiments and in liver, breast, prostate, colon, and head and neck cancers. Metastatic liver cells treated with CPE-Δ N siRNA reversed the cells from being metastatic and arrested cells from further metastasis. Thus, this novel CPE isoform is a biomarker for predicting metastasis and its inhibitors have an enormous potential to increase patient survival.

Applications:

- Method to prognose multiple types of cancer and determine likelihood of metastasis.

- Method to prevent and treat cancer with CPE inhibitors.

- Method to determine the stage of cancer development.

- CPE-Δ N pharmaceutical compositions.

Development Status: The technology is currently in the pre-clinical stage of development.

Market:

- Global cancer market is worth more than eight percent of total global pharmaceutical sales.

- Cancer industry is predicted to expand to \$85.3 billion by 2010.

Inventors: Y. Peng Loh *et al.* (NICHD).
Patent Status: U.S. Provisional Application No. 61/080,508 filed 14 Jul 2008 (HHS Reference No. E-234-2008/0-US-01).

Licensing Status: Available for exclusive or non-exclusive licensing.

Licensing Contact: Jennifer Wong; 301-435-4633; wongje@mail.nih.gov.

Collaborative Research Opportunity: The National Institute of Child Health and Human Development, Laboratory of Development Neurobiology, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize Method for Predicting and Detecting Tumor Metastasis. Please contact John D. Hewes, Ph.D. at 301-435-3121 or hewesj@mail.nih.gov for more information.

Dated: December 23, 2008.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E8-31238 Filed 12-31-08; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the

Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852-3804; telephone: 301/496-7057; fax: 301/402-0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Knockout of Aryl Hydrocarbon Receptor (AhR) and Its Binding Partner Aryl Hydrocarbon Receptor Nuclear Translocator (Arnt) Each in Separate Mouse Models

Description of Technology: The technology relates to two separate knockout mouse models of related transcription factors that bind each other. The aryl hydrocarbon receptor (AhR) and the aryl hydrocarbon receptor nuclear translocator (Arnt) protein are transcription factors that play an important role in mediating the effects of man-made environmental toxins. They also play a role in mammalian development and physiological homeostasis. Members of the PAS domain/bHLH family of transcription factors, they are obligate dimerization partners with each other and other members of this family, such as hypoxia-inducible factor 1alpha (HIF1alpha). These transcription factors have been shown to be important in a number of specific tissues including ovary, vascular endothelium, keratinocytes, T-cells, and liver.

Available for licensing is a knockout mouse line in which the AhR receptor has been knocked-out, and a mouse line containing a floxed allele of the Arnt gene. The Arnt mouse line can be used to disrupt the Arnt gene in different tissues by breeding the Arnt-floxed mice with transgenic mice in which the Cre recombinase is under the control of tissue-specific promoters. These mice may be used as a research tool for drug development where PAS/bHLH transcription factors are targeted.

Applications:

- Tool for drug studies targeting PAS/bHLH transcription factors.
- Tool to probe the role of the Arnt protein in a tissue-specific manner.

Inventors: Frank J. Gonzalez and Pedro M. Fernandez-Salguero (NCI).

Related Publications:

1. S Tomita, CJ Sinal, SH Yim, and FJ Gonzalez. Conditional disruption of the aryl hydrocarbon receptor nuclear translocator (Arnt) gene leads to loss of target gene induction by the aryl hydrocarbon receptor and hypoxia-inducible factor 1alpha. *Mol Endocrinol.* 2000 Oct;14(10):1674-1681.
2. SH Yim, Y Shah, S Tomita, HD Morris, O Gavrilova, G Lambert, JM Ward, and FJ Gonzalez. Disruption of

the Arnt gene in endothelial cells causes hepatic vascular defects and partial embryonic lethality in mice. *Hepatology.* 2006 Sep;44(3):550-560.

3. P Fernandez-Salguero *et al.* Immune system impairment and hepatic fibrosis in mice lacking the dioxin-binding Ah receptor. *Science* 1995 May 5;268(5211):722-726.

Patent Status: HHS Reference Nos. E-046-2009/0 and E-047-2007/0—Research Tools. Patent protection is not being pursued for these technologies.

Licensing Status: This technology is available as a research tool under a Biological Materials License.

Licensing Contact: Steve Standley, Ph.D.; 301-435-4074; ssstand@mail.nih.gov.

Collaborative Research Opportunity: The National Cancer Institute, Laboratory of Metabolism, Center for Cancer Research, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize this technology. Please contact John D. Hewes, Ph.D. at 301-435-3121 or hewesj@mail.nih.gov for more information.

Recombineering Vector

Description of Technology: Transgenic mouse models have become a common experimental tool for unraveling gene function. Bacterial artificial chromosome (BAC) mediated transgenesis has proven to be a highly reliable way to obtain accurate transgene expression for *in vivo* studies of gene expression and function. A rate-limiting step in characterizing large numbers of genes by this approach has been the speed and ease by which BACs can be modified. NIH investigators have developed a highly efficient recombineering vector that can be used for modifying BACs in bacteria. This new vector contains tetracycline and chloramphenicol resistance as well as the ccdB gene that encodes a protein that interferes with *E. coli* DNA gyrase. This vector can be propagated in ccdB resistant *E. coli* strains but not in other strains (DH5a, Top10, DH10B, etc.) unless the ccdB is replaced by DNA inserts flanked by attB1 and attB2 sites. This vector was generated to modify BAC plasmids by RecA-mediated recombination.

The vector disclosed here bypasses the rate-limiting step in recombineering protocols; the efficient cloning of a modifying vector. It is well suited for efficient production of engineered BACs for use in a variety of *in vivo* studies.

Applications:

- The fusion of fluorescent protein or cre recombinase genes to a gene of interest.

- Generation of dominant negative mutations.
- Introduction of gene mutations that would mimic disease conditions.
- Insertion of lox sites for conditional deletion of transgenes.
- Generation of knock-out or knock-in constructs.

Inventors: Rafael C. Casellas and Susan E. Lim (NIAMS).

Patent Status: HHS Reference No. E-026-2009/0—Research Material. Patent protection is not being pursued for this technology.

Licensing Status: Available for Biological Material Licensing.

Licensing Contact: Suryanarayana (Sury) Vepa, Ph.D., J.D.; 301-435-5020; vepas@mail.nih.gov.

Collaborative Research Opportunity: The NIAMS/NIH Genomics and Immunity group is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize the engineering of mouse transgenic constructs using the new vector and BAC recombineering. Please contact Rafael Casellas, Ph.D. at 301-402-7858 or e-mail to casellar@mail.nih.gov for more information.

Dated: December 22, 2008.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E8-31239 Filed 12-31-08; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2008-0017]

Voluntary Private Sector Accreditation and Certification Preparedness Program

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Public meeting notice.

SUMMARY: This notice announces the date, time, location, and discussion topics for a stakeholder meeting open to the public to engage in dialogue with Department of Homeland Security (DHS) leadership and program managers regarding the Voluntary Private Sector Preparedness Accreditation and Certification Program (PS-Prep).

DATES: Tuesday, January 13, 2009, 9 a.m.–2:30 p.m.

ADDRESSES: The meeting will be held at the U.S. Chamber of Commerce, 1615 H Street, NW., Washington, DC 20062.

Instructions: Any stakeholder or member of the public who wishes to attend the public meeting or make a presentation is requested to provide his or her name and contact details, to include e-mail address and telephone number, no later than 5 p.m. Eastern Standard Time, Friday, January 9, 2009 via e-mail to the PS-Prep Program at privatesectorpreparedness@hsi.dhs.gov, or via telephone at (703) 416-8407. Everyone who plans to attend the meeting is respectfully requested to be present and seated by 8:45 a.m. Persons with disabilities who require special assistance should indicate this in their admittance request and are encouraged to identify anticipated special needs as early as possible. Although every effort will be made to accommodate all members of the public, seating is limited and will be allocated on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Mr. Donald Grant, Incident Management Systems Integration Division, National Preparedness Directorate, National Integration Center, 500 C Street, SW., Washington, DC 20472. Phone: 202-646-3850 or e-mail: FEMA-NIMS@dhs.gov.

SUPPLEMENTARY INFORMATION: On December 24, 2008, the Federal Emergency Management Agency (FEMA), Department of Homeland Security (DHS), published a notice “Voluntary Private Sector Accreditation and Certification Preparedness Program,” announcing PS-PREP, a DHS

program established under the authority of Title IX of the 9/11 Recommendations Act, Public Law 110-53, 121 Stat. 266, 338 (Aug. 3, 2007) (9/11 Recommendations Act). See 73 FR 79140; also available at <http://www.regulations.gov/search/index.jsp>. As discussed in the notice, DHS is developing PS-PREP to raise the level of private sector preparedness through a number of means, including: (i) Establishing a system for DHS to adopt private sector preparedness standards; (ii) encouraging creation of those standards; (iii) developing a method for a private sector entity to obtain a certification of conformity with a particular DHS-adopted private sector standard, and encouraging such certification; and (iv) making preparedness standards adopted by DHS more widely available.

The December 24 notice seeks recommendations from private sector stakeholders and the public at large regarding the private sector standards that DHS should adopt, both initially and over time. 73 FR at 79142. The December 24 notice also states that DHS intends to hold two public meetings in Washington, DC to provide a forum for public comment. 73 FR at 79145.

This notice announces the first of those meetings. FEMA is hosting a public meeting to discuss issues of interest pertaining to the PS-Prep Program. The purpose of this meeting is to provide an open forum for additional comment and dialogue with DHS on the PS-Prep Program. Individuals desiring to participate will have the opportunity to make a brief, formal or informal, presentation of not more than 10 minutes and then, if desired, engage in a questions and answers session with

DHS staff responsible for implementing the PS-Prep Program. The specific issues to be discussed at this meeting will follow the information requested in the December 24 notice: Adoption of private sector preparedness standards; comments regarding a maturity model process improvement approach; small business participation and concerns; comments regarding the business case; and comments regarding the accreditation process and certification process.

Public attendance is encouraged. This will assist with the preparation of meeting materials and seating arrangements.

Dennis R. Schrader,
Deputy Administrator, National Preparedness Directorate, Federal Emergency Management Agency.

[FR Doc. E8-31155 Filed 12-31-08; 8:45 am]

BILLING CODE 9110-10-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Revocation of Customs Broker License

AGENCY: U.S. Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: General notice.

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 U.S.C. 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker license is canceled with prejudice.

Name	License No.	Issuing port
Miguel A. Delgado	11634	Miami.

Dated: December 22, 2008.

Daniel Baldwin,

Assistant Commissioner, Office of International Trade.

[FR Doc. E8-31230 Filed 12-31-08; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV-040-07-5101-ER-F164; N-82076; 8-08807; TAS: 14X5017]

Notice of Availability of the Ely Energy Center Draft Environmental Impact Statement, White Pine County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA) 42 U.S.C. 4321 *et seq.*, the

Bureau of Land Management (BLM) has prepared a Draft Environmental Impact Statement (Draft EIS) for rights-of-way applications for the Ely Energy Center (EEC), a coal-fired electricity generating power plant and associated facilities north of Ely, Nevada, in White Pine County.

DATES: Written comments on the EEC Draft EIS must be received by the BLM within 90 days following the date the Environmental Protection Agency publishes the Notice of Availability in the **Federal Register**. Public meetings will be held in Las Vegas, Ely, Elko and Reno, Nevada. The date, time, and

location of the meetings will be made available at least 15 days before each meeting through public notices, media news releases, and/or mailings.

ADDRESSES: Written comments should be addressed to: EEC Project Manager, BLM Ely District Office, HC 33 Box 33500, Ely, NV 89301-9408, or sent by e-mail to EEC_DEIS@blm.gov.

Copies of the EEC DEIS are available in the Ely District Office and may also be reviewed or downloaded at: http://www.blm.gov/nv/st/en/fo/ely_field_office. In addition, the Draft EIS and associated documents will be available for review at the following locations: University of Nevada-Reno, Getchell Library, Government Publication Dept., Reno, Nevada; Washoe County Library, 301 South Center Street, Reno, Nevada; White Pine County Library, 950 Campton Street, Ely, Nevada; Clark County Library, 1401 E. Flamingo Rd., Las Vegas, Nevada.

A limited number of copies of the document will be available at the following BLM offices: Ely District Office, 702 North Industrial Way, Ely, Nevada; Elko District Office, 3900 Idaho Street, Elko, Nevada; Southern Nevada District Office, 4701 North Torrey Pines, Las Vegas, Nevada; Nevada State Office, 1340 Financial Boulevard, Reno, Nevada; Bureau of Land Management, 18th and C Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Joe Incardine, 801-524-3833.

SUPPLEMENTARY INFORMATION: The proposed Ely Energy Center is a 1,500 megawatt (MW) coal-fired power plant that would be located north of McGill, Nevada, at one of two alternative sites. The primary purposes of the EEC and related transmission interconnections is to provide company-generated, base-load electricity for Sierra Pacific Power Company and Nevada Power customers and to connect their electric systems in northern and southern Nevada, allowing the power generated by the EEC to be transported throughout the state. Sierra Pacific Power Company applied for rights-of-way (ROWs) in accordance with Title V of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1761) and the regulations under 43 CFR 2800, with the BLM for the following features: A coal-fired power plant site, transmission lines and substations, a well field and water line, rail line, and access roads. The BLM action is to consider issuing ROWs for the construction of the power plant and for the construction and operation of the ancillary facilities. Also, as provided for in Decision LR 21 of the Ely Resource Management Plan,

the BLM would dispose of the power plant site to Sierra Pacific Power Company.

The BLM issued the *Notice of Intent to Prepare an Environmental Impact Statement for a Proposed Coal-Fired Electric Power Plant; Nevada*, in the **Federal Register** on January 26, 2007, with a 60-day public scoping period. Five public scoping meetings were held in February 2006. Issues identified from scoping comments include air quality impacts, emissions of greenhouse gases and impacts from water drawdown resulting from operation of the plant. Issues identified in scoping comments have been addressed in the Draft EIS.

There are three alternatives analyzed in the Draft EIS: The Proposed Action; Alternative 1, which relocates the plant to a site further to the north; and No Action.

The EEC would consist of two coal-fired 750-MW (nominal) supercritical steam turbine units using hybrid cooling systems with an expected commercial life of 50 years or longer. Water for cooling and other purposes would be obtained from a well field in the Steptoe Valley Hydrographic Basin and brought by pipeline to the plant site. Coal would be transported from the Powder River Basin in Wyoming via rail along the existing Northern Nevada Railroad or a new line running south from the Shafter, Nevada, siding for up to 100 miles (less for the northern site) of the Union Pacific east-west line. Two new 500-kV electric power transmission lines, each up to 270 miles in length, would provide a north-south interconnection to supply demand centers for Nevada consumers and tie into the EEC. The specific facilities would include the two new 500-kV power lines, expansion of the existing 500-kV Harry Allen Switching Station, and either one new 500-kV switching station at the EEC and expansion of the 500/345 kV Robinson Summit switching station, or one new 500/345-kV switching station at the EEC site.

Public comments and information submitted including names, street addresses, and e-mail addresses of respondents will be available for public review and disclosure at the above address during regular business hours (7:30 a.m. to 4:30 p.m.), Monday through Friday, except holidays. Before including your address, phone 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.

Authority: 43 CFR 2800.

John F. Ruhs,

Ely District Manager.

[FR Doc. E8-31220 Filed 12-31-08; 8:45 am]

BILLING CODE 4310-HC-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-933-1430-01; DK-G08-0001; IDI-04790, IDI-15482]

Public Land Order No. 7722; Revocation of Secretarial Order dated October 29, 1908, and Partial Revocation of Public Land Order No. 1703; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes in its entirety a Secretarial Order insofar as it affects 135.20 acres of National Forest System land within the Kaniksu National Forest withdrawn from surface entry and mining and reserved for use of the Forest Service for the Ethel Ranger Station. This order partially revokes Public Land Order No. 1703 insofar as it affects a 0.64 acre parcel of National Forest System land reserved for use by the United States Army Corps of Engineers for flood control purposes in connection with the Albeni Falls Project. This order also opens 80.64 acres of the lands to surface entry. The remaining lands will remain closed to surface entry and mining due to an overlapping withdrawal.

DATES: *Effective Date:* February 2, 2009.

FOR FURTHER INFORMATION CONTACT: Jackie Simmons, BLM Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho 83709, 208-373-3867.

SUPPLEMENTARY INFORMATION: The revocation is needed to facilitate a Forest Service land conveyance pursuant to the United States Forest Service's Small Tracts Act (16 U.S.C. 1185 (2000)).

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (2000), it is ordered as follows:

1. The Secretarial Order dated October 29, 1908, which withdrew National Forest System lands for the Ethel Ranger Station, is hereby revoked in its entirety as to the following described lands:

Boise Meridian

Kaniksu National Forest

T. 54 N., R. 1 W.,
Sec. 10, lot 2, S $\frac{1}{2}$ NE $\frac{1}{4}$.

The area described contains 135.20 acres in Bonner County.

2. Public Land Order No. 1703, which withdrew National Forest System lands from surface entry and mining and reserved them for use of the United States Army Corps of Engineers for flood control purposes in connection with the Albeni Falls Project, is hereby revoked insofar as it affects the following described lands:

Boise Meridian

T. 54 N., R. 1 W.,

Sec. 10, lot 2, that portion commencing in the center of Section 10 at a found 2 $\frac{1}{2}$ inches and 30 inches long aluminum pipe with a standard 3 $\frac{1}{4}$ inch aluminum cap set by Bureau of Land Management (BLM) and being buried 10 inches below the surface of road 278, to which a tamarack marked "C $\frac{1}{4}$ S10 BT" and having a diameter of 15 inches bears north 64° 3/4' east and a distance of 41.6 feet, also to which a lodgepole pine marked "C $\frac{1}{4}$ S10 B 10" and have a diameter of 17 inches bears south 44° west and a distance of 33.7 feet; thence south 89° 48' west, a distance of 649.8 feet (9.83 chains) along the east-west centerline of said Section 10 to the northeast corner of government lot 5 and a found 2 $\frac{1}{2}$ inches and 30 inches long aluminum pipe with a standard 3 $\frac{1}{4}$ inch aluminum cap set by BLM, said corner of government lot 5 also being the POINT OF BEGINNING and the southwest corner of subject property; thence north a distance of 65.0 feet to the northwest corner of subject property and a set 3/4 inch and 24 inches long rebar with a 3 $\frac{3}{4}$ inch aluminum cap; thence north 89° 48' east, a distance of 431.8 feet to the northeast corner of subject property and a set 3/4 inch and 24 inches long rebar with a 3 $\frac{3}{4}$ inch aluminum cap; thence south a distance of 65.0 feet to the southeast corner of subject property and a set 3/4 inch and 24 inches long rebar with a 3 $\frac{3}{4}$ inch aluminum cap, said southeast corner being located on said east-west centerline of said Section 10; thence south 89° 48' west, a distance of 431.8 feet to the POINT OF BEGINNING of subject property.

The area described contains 0.64 acres, more or less in Bonner County.

3. At 9 a.m. on February 2, 2009, the lands described as the S $\frac{1}{2}$ NE $\frac{1}{4}$, of sec. 10, T. 54 N., R. 1 W., Boise Meridian, and the lands described in Paragraph 2 above and aggregating 80.64 acres, shall be opened to such forms of disposition as may by law be made of National Forest System lands, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law.

Dated: December 12, 2008.

C. Stephen Allred,*Assistant Secretary—Land and Minerals Management.*

[FR Doc. E8-31229 Filed 12-31-08; 8:45 am]

BILLING CODE 3410-11-P**DEPARTMENT OF THE INTERIOR****Bureau of Land Management****[CA-930; CACA 7670 and CACA 7672]****Public Land Order No. 7723; Partial Revocation of Lighthouse Withdrawals Created by Two Executive Orders and Transfer of Administrative Jurisdiction; California****AGENCY:** Bureau of Land Management, Interior.**ACTION:** Public land order.

SUMMARY: This order partially revokes the withdrawals created by two Executive Orders insofar as they affect approximately 700 acres of public lands reserved for lighthouse purposes. This order also transfers administrative jurisdiction of the lands to the National Park Service to be managed as part of the Channel Islands National Park. The United States Coast Guard has determined the reservations are no longer needed.

DATES: January 2, 2009.**FOR FURTHER INFORMATION CONTACT:**

Duane Marti, BLM California State Office (CA-930), 2800 Cottage Way, Suite W-1834, Sacramento, California 95825-1886; 916-978-4675.

SUPPLEMENTARY INFORMATION: The public lands comprise Anacapa Island, which consists of three islets, and Cat Rock; all of which are located in the Pacific Ocean, approximately 14 miles west of the coast of California. The Act of Congress dated March 5, 1980 (16 U.S.C. 410ff and 410ff-1 (2000)), established the Channel Islands National Park and authorized the Secretary of the Interior to transfer administrative jurisdiction of Federal property located within the park boundary to the National Park Service. The lands have been and will continue to be closed to all forms of appropriation under the public land laws, including mining and mineral leasing.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (2000), it is ordered as follows:

1. The withdrawals created by Executive Orders dated September 11,

1854 and January 26, 1867, which withdrew public lands from surface entry and mining and reserved them for lighthouse purposes, are hereby revoked insofar as they affect the following lands:

San Bernardino Meridian

Unsurveyed T. 2 S., Rgs. 24 and 25 W.

All of that part of the Anacapa Island Lighthouse Reservation, a group of three islets known as Anacapa Island, including the following described parcels of land:

Parcel 1 All of the land comprising the east islet of the group lying eastward of West Longitude 119° 23' 38" (North American Datum 1927) comprising 106.88 acres, more or less;

Parcel 2 All of the land comprising the middle islet lying between West Longitude 119° 23' 21" and 119° 23' 30" and south of Latitude 34° 00' 14" North comprising 7.68 acres, more or less;

Parcel 3 All of the land comprising the west islet, lying westward of West Longitude 119° 26' 10" comprising 46.72 acres, more or less; and

Parcel 4 The entire area of Cat Rock, which lies off the southern extremity of the west islet comprising 0.5 acre more or less; and all the remaining lands originally withdrawn for lighthouse purposes and incorporated into the Channel Islands National Monument by Presidential Proclamation No. 2281, containing 538.22 acres, more or less.

The areas described aggregate approximately 700 acres in Ventura County.

2. Subject to valid existing rights, the administrative jurisdiction of the public lands described above in Paragraph 1 is hereby transferred to the National Park Service, pursuant to Section 202 of the Act of Congress dated March 5, 1980, (16 U.S.C. 410ff-1 (2000)).

3. The public lands described above in paragraph 1 are located within the exterior boundary of the Channel Islands National Park, and shall be administered as part of that park in accordance with applicable Federal laws and regulations.

Dated: December 16, 2008.

C. Stephen Allred,*Assistant Secretary—Land and Minerals Management.*

[FR Doc. E8-31242 Filed 12-31-08; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****[NM-120-1430-ET; NMMN 113684]****Public Land Order No. 7721; Withdrawal of National Forest System Land for Water Canyon Recreation Area Expansion; New Mexico****AGENCY:** Bureau of Land Management, Interior.**ACTION:** Public land order.

SUMMARY: This order withdraws 65 acres of National Forest System land from location and entry under the United States mining laws for a period of 20 years on behalf of the Forest Service to protect the expansion to the Water Canyon Recreation Area. The land has been and will remain open to such forms of disposition as may by law be made of National Forest System land and to mineral leasing.

DATES: *Effective Date:* January 2, 2009.

ADDRESSES: Socorro Field Office Manager, Bureau of Land Management, 901 S. Highway 85, Socorro, New Mexico 87801, and to the U.S. Forest Service Supervisor, Cibola National Forest, 2113 Osuna Road, NE., Suite A., Albuquerque, New Mexico 87113.

FOR FURTHER INFORMATION CONTACT: Doug Williams, Cibola National Forest, at the above address or at (505) 346-3869.

SUPPLEMENTARY INFORMATION: The Forest Service will manage the land to protect the unique recreational and historical values and the investment of Federal funds at the Water Canyon Recreation Area. This is an expansion of the original recreation area which was withdrawn by Public Land Order No. 1155 (20 FR 3876 (1955)).

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (2000), it is ordered as follows:

1. Subject to valid existing rights, the following described National Forest System land is hereby withdrawn from location and entry under the United States mining laws, (30 U.S.C. Ch.2 (2000)), to protect the unique recreational and historical values and the investment of Federal funds at the expansion of the Water Canyon Recreation Area:

New Mexico Principal Meridian*Cibola National Forest*

T. 3 S., R. 3 W.,

Sec. 27, S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$,NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described contains 65 acres in Socorro County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of National Forest System land under lease, license, or permit, or governing the disposal of the mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (2000), the Secretary determines that the withdrawal shall be extended.

Dated: December 12, 2008.

C. Stephen Allred,*Assistant Secretary—Land and Minerals Management.*

[FR Doc. E8-31244 Filed 12-31-08; 8:45 am]

BILLING CODE 3410-11-P**DEPARTMENT OF THE INTERIOR****Bureau of land management****[NM-030-1920-ET; NMMN 117830]****Public Land Order No. 7724; Withdrawal of Public Land for Customs and Border Protection; New Mexico****AGENCY:** Bureau of Land Management, Interior.**ACTION:** Public land order.

SUMMARY: This order withdraws 20 acres of public land from surface entry and mining for a period of 20 years and transfers administrative jurisdiction to the Department of Homeland Security, Customs and Border Protection for their Deming Station Forward Operating Base.

DATES: *Effective Date:* January 2, 2009.

ADDRESSES: Las Cruces District Manager, Bureau of Land Management, 1800 Marquess Street, Las Cruces, New Mexico 88005, and to the U.S. Department of Homeland Security, Customs and Border Protection, 441 Duncan Highway, Lordsburg, New Mexico 88045.

FOR FURTHER INFORMATION CONTACT: Lori Allen, Bureau of Land Management, at the above address or at (575) 525-4454.

SUPPLEMENTARY INFORMATION: This withdrawal and transfer of administrative jurisdiction will allow for improved effectiveness of operations

and protection of the Federal capital investment in the Deming Station Forward Operating Base.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (2000), it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2 (2000)), and administrative jurisdiction is transferred to the Department of Homeland Security, Customs and Border Protection for the Deming Station Forward Operating Base:

New Mexico Principal Meridian

T. 29 S., R. 12 W.,

Sec. 3, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described contains 20 acres in Luna County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of public land under lease, license, or permit or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (2000), the Secretary determines that the withdrawal shall be extended.

Dated: December 17, 2008.

C. Stephen Allred,*Assistant Secretary—Land and Minerals Management.*

[FR Doc. E8-31243 Filed 12-31-08; 8:45 am]

BILLING CODE 4310-VC-P**DEPARTMENT OF THE INTERIOR****National Park Service****Notice of Inventory Completion: Bishop Museum, Honolulu, HI; Correction**

AGENCY: National Park Service, Interior.
ACTION: Notice; correction.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession and control of the Bishop Museum, Honolulu, HI. The

human remains were removed from the Island of Kauai, HI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

This notice corrects a Notice of Inventory Completion published in the **Federal Register** on August 13, 2007, (FR Doc E7-15822, Page 45269), by amending the list of Native Hawaiian Organizations determined to be culturally affiliated with the human remains removed from sites on the Island of Kauai.

In the **Federal Register** of August 13, 2007, the notice is corrected by substituting the following for paragraphs 10 and 11:

Officials of the Bishop Museum have determined that, pursuant to 25 U.S.C. 3001 (9-10), the human remains described above represent the physical remains of a minimum of six individuals of Native Hawaiian ancestry. Officials of the Bishop Museum also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native Hawaiian human remains and Hui Malama I Na Kupuna O Hawaii Nei and Kauai/Niihau Island Burial Council. Based upon information provided regarding geographical relationship and kinship traditions, Bishop Museum has determined the Kauai/Niihau Island Burial Council to be the most appropriate claimant.

Representatives of any other Indian tribe or Native Hawaiian organization that believes itself to be culturally affiliated with the human remains should contact Betty Lou Kam, Vice President, Cultural Resources, Bishop Museum, 1525 Bernice Street, Honolulu, HI 96817, telephone (808) 808-4144, before February 2, 2009. Repatriation of the human remains to the Kauai/Niihau Island Burial Council may proceed after that date if no additional claimants come forward.

The Bishop Museum is responsible for notifying Hui Malama I Na Kupuna O Hawaii Nei and Kauai/Niihau Island Burial Council that this notice has been published.

Dated: December 8, 2008

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E8-30904 Filed 12-31-08; 8:45 am]

BILLING CODE 4312-50-S

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332-505]

Use of the "First Sale Rule" for Customs Valuation of U.S. Imports

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation.

SUMMARY: Pursuant to section 15422(c)(1) of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-234) and section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), the Commission has instituted investigation No. 332-505, *Use of the "First Sale Rule" for Customs Valuation of U.S. Imports*, for the purpose of preparing the report required by section 15422(c)(1).

DATES:

April 30, 2009: Deadline for filing written submissions.

February 2010: Anticipated transmittal of Commission report to Congress.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://www.usitc.gov/secretary/edis.htm>.

FOR FURTHER INFORMATION CONTACT: For information specific to this investigation, contact project leader Michael Ferrantino (202-205-3241 or michael.ferrantino@usitc.gov) or deputy project leader Nannette Christ (202-205-3263 or nannette.christ@usitc.gov). For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202-205-3091 or william.gearhart@usitc.gov). The media should contact Margaret O'Laughlin, Office of External Relations (202-205-1819 or margaret.olaughlin@usitc.gov). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet site (<http://www.usitc.gov>). Persons with mobility impairments who will need special assistance in gaining access to the Commission should

contact the Office of the Secretary at 202-205-2000.

Background: Section 15422(c)(1) of the Food, Conservation, and Energy Act of 2008 ("2008 Act"), enacted on May 22, 2008, requires the Commission to submit a report to the House Committee on Ways and Means and the Senate Committee on Finance that contains certain customs transaction valuation information compiled by the Commission from information furnished to the Commission by the Commissioner of U.S. Customs and Border Protection (CBP). Section 15422(c)(2) requires that the Commission include the following information in its report:

(1) The aggregate number of importers that declare the transaction value of the imported merchandise is determined on the basis of the method described in section 15422(a)(2) of the 2008 Act, including a description of the frequency of the use of such method;

(2) The tariff classification of such imported merchandise under the Harmonized Tariff Schedule of the United States (HTS) on an aggregate basis, including an analysis of the tariff classification of such imported merchandise on a sectoral basis;

(3) The aggregate transaction value of such imported merchandise, including an analysis of the transaction value of such imported merchandise on a sectoral basis; and

(4) The aggregate transaction value of all merchandise imported into the United States during the 1-year period specified in section 15422(a)(3).

To assist the Commission in preparing its report, section 15422(b) of the 2008 Act requires that the Commissioner of CBP provide monthly reports to the Commission, covering the period August 20, 2008-August 19, 2009, that include (1) the number of importers that declare the transaction value of the imported merchandise is determined on the basis of first or earlier sale, (2) the tariff classification of such imported merchandise under the HTS, and (3) the transaction value of such imported merchandise. The 2008 Act requires the Commission to submit its report 90 days after receipt of the final monthly report from CBP. The Commission expects to receive the final monthly report from CBP in November 2009 and therefore expects to transmit its report to the committees in February 2010.

The Commission has also instituted this investigation under section 332(g) of the Tariff Act of 1930 to facilitate docketing of submissions and public access to Commission records through the Commission's EDIS electronic records system.

Written Submissions: The Commission does not plan to hold a public hearing in the course of this investigation. Interested parties are, however, invited to submit written statements containing information and their views. All such statements should be addressed to the Secretary and should be received not later than 5:15 p.m., April 30, 2009. All statements must conform with the provisions of section 201.8 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.8), which requires that a signed original (or a copy designated as an original) and fourteen (14) copies of each document be filed. In the event that confidential treatment of the document is requested, at least four (4) additional copies must be filed, in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). The Commission's rules do not authorize filing submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the rules (see *Handbook for Electronic Filing Procedures*, http://www.usitc.gov/secretary/fed_reg_notices/rules/documents/handbook_on_electronic_filing.pdf); persons with questions regarding electronic filing should contact the Office of the Secretary at 202-205-2000.

Any submission that contains confidential business information must also conform with the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the "confidential" or "non-confidential" version, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available in the Office of the Secretary for inspection by interested parties.

The Commission anticipates that the report it sends to the committees in this investigation will be made available to the public in its entirety. Consequently, the report that the Commission sends to the committees will not contain any confidential business information. Any confidential business information received by the Commission in this investigation and used in preparing its report will not be published in a manner that would reveal the operations of the firm supplying the information.

Issued: December 29, 2008.

By order of the Commission.
Marilyn R. Abbott,
Secretary to the Commission.
 [FR Doc. E8-31228 Filed 12-31-08; 8:45 am]
BILLING CODE 7020-02-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA-2008-0043]

Addenda to the Memorandum of Understanding: To Formalize the Working Relationship Between the Department of Energy and the Department of Labor

AGENCY: The Department of Labor; Occupational Safety and Health Administration (OSHA).

ACTION: Addenda to Memorandum of Understanding between the Department of Labor and the Department of Energy: (1) the construction of the Theory and Computing Sciences (TCS) building at the Argonne National Laboratory in Illinois; transfer of employee safety and health authority from the Department of Energy (DOE) to the Occupational Safety and Health Administration (OSHA); (2) the operations of six existing buildings and support facilities at the East Tennessee Technology Park in Oak Ridge, Tennessee; transfer of employee safety and health authority from DOE to the Tennessee Occupational Safety and Health Administration.

SUMMARY: This document is a notice of addenda to the August 28, 1992 interagency Memorandum of Understanding (MOU) between the U.S. Department of Labor and the U.S. Department of Energy. That MOU states that DOE has exclusive authority over the occupational safety and health of contractor employees at DOE Government-Owned and Contractor-Operated facilities (GOCOs). In addition, the MOU between the departments dated July 25, 2000, on safety and health enforcement at privatized facilities and operations provides that OSHA has regulatory authority over occupational safety and health at certain privatized facilities and operations on DOE land leased to private enterprises. This action is taken in accordance with the MOU of July 25, 2000, which establishes specific interagency procedures for the transfer of occupational safety and health coverage for such privatized facilities and operations from DOE to OSHA and state agencies acting under state plans approved by OSHA pursuant to section

18 of the Occupational Safety and Health Act of 1970 (OSH Act), 29 U.S.C. 667. The MOUs may be found on the internet via the OSHA Web page <http://www.osha.gov> under the "D" for Department of Energy Transition Activities.

DATES: The effective date for the publication of this notice January 2, 2009.

FOR FURTHER INFORMATION: Contact Ms. MaryAnn Garrahan, Office of Technical Programs and Coordination Activities, Room N-3655, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone (202) 693-2110; fax (202-693-1644). Access electronic copies of this notice at OSHA's Web site, <http://www.osha.gov>, by selecting **Federal Register**, "Date of Publication," and then "2008."

SUPPLEMENTARY INFORMATION: The U.S. Department of Energy (DOE) and the Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor (DOL) entered into a Memorandum of Understanding (MOU) on August 10, 1992, delineating regulatory authority over the occupational safety and health of contractor employees at DOE government-owned or leased, contractor-operated (GOCO) facilities. In general, the memorandum of understanding recognizes that DOE exercises statutory authority under section 161(f) of the Atomic Energy Act of 1954, as amended, [42 U.S.C. 2201(f)], relating to the occupational safety and health of private-sector employees at these facilities.

Section 4(b)(1) of the Occupational Safety and Health Act of 1970, 29 U.S.C. 653(b)(1), exempts from OSHA authority working conditions with respect to which other federal agencies have exercised statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health. The 1992 MOU acknowledges DOE's extensive regulation of contractor health and safety which requires contractor compliance with all OSHA standards as well as additional requirements prescribed by DOE, and concludes with an agreement by the agencies that the provisions of the Occupational Safety and Health Act will not apply to GOCO sites for which DOE has exercised its authority to regulate occupational safety and health under the Atomic Energy Act.

In light of DOE's policy emphasis on privatization activities, OSHA and DOE entered into a second Memorandum of Understanding on July 25, 2000; that establishes interagency procedures to address regulatory authority for

occupational safety and health at specified privatized facilities and operations on DOE sites. The 2000 Memorandum of Understanding specifically covers facilities and operations on lands that have been leased to private enterprises, which are not conducting activities for or on behalf of DOE, and where there is no likelihood that any employee exposure to radiation from DOE sources would be 25 millirems per year (mrem/yr) or more.

In a letter dated February 27, 2007, DOE requested that OSHA accept occupational safety and health regulatory authority at two locations pursuant to the MOU on Safety and Health Enforcement at Privatized Facilities and Operations, dated July 25, 2000. The request was for OSHA to accept regulatory oversight for the construction phase of the Theory and Computing Sciences (TCS) building at the Argonne National Laboratory in Illinois, as well as the transfer of oversight for six existing buildings and support facilities at the East Tennessee Technology Park (ETTP) in Oak Ridge, Tennessee.

OSHA's Regional Office in Chicago, IL, working with OSHA's Aurora Area Office, determined that OSHA should accept authority for the construction phase of the Theory and Computing Sciences (TCS) building at the Argonne National Laboratory in Illinois. The Aurora Area Office has been in contact with the DOE, as well as with the general contractor, regarding the construction phase of the project. These offices are satisfied with DOE assurances that (1) this facility is operationally independent of DOE activities during the construction phase, (2) there is no likelihood that any employee exposure to radiation will be 25 millirems per year (mrem /yr) or more, and (3) the transfer of authority to OSHA is free from regulatory gaps, and does not diminish the safety and health protection of the employees. OSHA, therefore, accepted health and safety regulatory authority for the construction phase of the TCS building. When construction of the TCS is complete, DOE will contact OSHA to inform it of the type of work to be performed at the completed TCS.

OSHA's Regional Office in Atlanta, GA, working with the OSHA Nashville Area Office, and the Tennessee Occupational Safety and Health Administration (TOSHA), determined that TOSHA is willing to accept authority for the six existing buildings and support facilities at the East Tennessee Technology Park in Oak Ridge, Tennessee that were transferred

by deed to the Community Reuse Organization of East Tennessee (CROET). TOSHA is satisfied with DOE assurances that (1) there is no likelihood that any employee at these facilities will be exposed to radiation levels that will be 25 millirems per year (mrem/yr) or more, and (2) transfer of authority to TOSHA is free from regulatory gaps, and does not diminish the safety and health protection of the employees. Therefore, TOSHA accepted and maintains health and safety regulatory authority over buildings K-1007, K-1225, K-1330, K-1400, K-1580, K-1007A, and K-1036. Accordingly, after reviewing pertinent information, OSHA and TOSHA, in a letter to DOE dated December 18, 2007, agreed to accept regulatory authority for occupational safety and health over these sites.

This **Federal Register** notice provides public notice and serves as an addendum to the 1992 OSHA/DOE MOU. This document was prepared under the direction of Thomas M. Stohler, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, DC 20210. This action is taken pursuant to section 8(g) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657(g)) and Secretary of Labor's Order No. 5-2007 (72 FR 31159).

Signed at Washington, DC, December 15, 2008.

Thomas M. Stohler,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. E8-31135 Filed 12-31-08; 8:45 am]

BILLING CODE 4510-26-P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 09-04]

Report on the Selection of Eligible Countries for Fiscal Year 2009

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: This report is provided in accordance with section 608(d)(1) of the Millennium Challenge Act of 2003, Public Law 108-199, Division D, (the "Act"), 22 U.S.C. 7708(d)(1).

The Act authorizes the provision of Millennium Challenge Account ("MCA") assistance under section 605 of the Act to countries that enter into compacts with the United States to support policies and programs that advance the progress of such countries in achieving lasting economic growth

and poverty reduction, and are in furtherance of the Act. The Act requires the Millennium Challenge Corporation ("MCC") to take steps to determine the countries that, based on their demonstrated commitment to just and democratic governance, economic freedom, and investing in their people, as well as the opportunity to reduce poverty and generate economic growth in the country, will be eligible to receive MCA assistance during the fiscal year. These steps include the submission of reports to appropriate congressional committees and the publication of notices in the **Federal Register** that identify, among other things:

1. The countries that are "candidate countries" for MCA assistance during FY09 based on their per-capita income levels and their eligibility to receive assistance under U.S. law, and countries that would be candidate countries but for specified legal prohibitions on assistance (section 608(a) of the Act; 22 U.S.C. 7708(a));

2. The criteria and methodology that the Board of Directors of MCC (the Board) will use to measure and evaluate the relative policy performance of the candidate countries consistent with the requirements of section 607 of the Act in order to select "MCA eligible countries" from among the "candidate countries" (section 608(b) of the Act, 22 U.S.C. 7708(b)); and

3. The list of countries determined by the Board to be "MCA eligible countries" for FY09, with justification for eligibility determination and selection for compact negotiation, including which of the MCA eligible countries the Board will seek to enter into MCA compacts (section 608(d) of the Act, 22 U.S.C. 7708(d)).

This is the third of the above-described reports by MCC for fiscal year 2009 (FY09). It identifies countries determined by the Board to be eligible under section 607 of the Act for FY09 (22 U.S.C. 7706) and countries with which the Board will seek to enter into compacts under section 609 of the Act, as well as the justification for such decisions.

Eligible Countries

The Board met on December 11, 2008 to select countries that will be eligible for MCA compact assistance under section 607 of the Act for FY09. The Board selected the following countries as eligible for such assistance for FY09: Colombia, Indonesia, Jordan, Malawi, Moldova, the Philippines, Senegal, and Zambia.

In accordance with the Act and with the "Report on the Criteria and Methodology for Determining the

Eligibility of Candidate Countries for Millennium Challenge Account Assistance in Fiscal Year 2009” submitted to the Congress on October 9, 2008, selection was based primarily on a country’s overall performance in relation to three broad policy categories: (1) “Ruling Justly”; (2) “Encouraging Economic Freedom”; and (3) “Investing in People.” The Board relied upon 17 transparent and independent indicators to assess to the maximum extent possible policy performance and demonstrated commitment in these three areas as a basis for determining which countries would be eligible for MCA compact assistance. In determining eligibility, the Board considered if a country performed above the median in relation to its peers on at least half of the indicators in the Ruling Justly and Economic Freedom policy categories, above the median on at least three of five indicators in the Investing in People policy category, and above the median on the “Control of Corruption” indicator. The Board also took into account whether the country performed substantially below the median on any indicator and if so, whether it is taking appropriate action to address the shortcomings. Scorecards reflecting each country’s performance on the indicators are available on MCC’s Web site at <http://www.mcc.gov>.

The Board also considered whether any adjustments should be made for data gaps, lags, trends, or recent events since the indicators were published, as well as strengths or weaknesses in particular indicators. Where appropriate, the Board took into account additional quantitative and qualitative information, such as evidence of a country’s commitment to fighting corruption and promoting democratic governance, and its effective protection of human rights. In addition, the Board considered the opportunity to reduce poverty and promote economic growth and poverty reduction in a country, in light of the overall context of the information available, as well as the availability of appropriated funds.

Three countries were selected as eligible for the first time in FY09. Indonesia and Zambia, both low income candidates, were selected under section 606(a) of the Act (22 U.S.C. 7705(a)). Colombia, a lower middle income candidate, was selected under section 606(b) (22 U.S.C. 7705(b)) of the Act. All three of these countries: (1) Performed above the median in relation to their peers on at least half of the indicators in each of the three policy categories; (2) performed above the median on corruption; and (3) in cases where they performed substantially below the

median on an indicator, demonstrated that actions to address the problem are being taken or had data that did not accurately reflect their policy performance.

Indonesia meets MCC’s indicator criteria for the first time in FY09, after having made steady progress improving its Control of Corruption score over the past several years. The Government of Indonesia has demonstrated a strong commitment to fighting corruption: anti-corruption institutions have been strengthened and high-level anti-corruption investigations and prosecutions have become increasingly common. In addition to anti-corruption reforms, the Government has initiated a series of reforms to improve the investment climate. Indonesia is in its second year of a successful Threshold program that has focused on reducing corruption and improving immunization rates.

Zambia meets MCC’s indicator criteria for the first time this year, performing above the median on 16 of 17 indicators. Anti-corruption efforts are a high priority for the Government of Zambia, and performance on the Control of Corruption indicator has improved in recent years. Zambia is also nearing the end of a successful anti-corruption Threshold Program. In recent years, Zambia has moved to a relatively open environment for investment and has demonstrated prudent macroeconomic management.

Colombia meets the indicator criteria for the second year in row. The Government of Colombia has pursued a significant reform agenda, including major tax, civil service, and justice sector reforms. Colombia has also been cited as a top reformer by the World Bank’s *Doing Business* report for two years in a row. In addition, President Uribe’s strategy to expand the professional armed forces and promote a strong state presence throughout the country has yielded significant results in terms of improving security. While the U.S. Government provides a substantial amount of assistance to Colombia through other accounts, the majority has gone toward counternarcotics aid.

Five countries selected as eligible for MCA assistance in FY09 were previously selected as eligible in at least one prior fiscal year; however, because they have not yet signed a compact agreement, they needed to be reselected as eligible for FY09 funds. Four of these countries were in the low income category: Malawi, Moldova, the Philippines, and Senegal. One country, Jordan, was in the lower middle income category.

The Board reselected these countries based on their continued performance since their prior selection. The Board determined that no material change has occurred in the performance of these countries on the indicator criteria since the FY08 selection that would justify not including them in the FY09 eligible country list. Only one of the countries—the Philippines—did not meet the indicator criteria, performing just below the median on the Control of Corruption indicator; however, MCC does not believe that the Philippines has demonstrated a pattern of action inconsistent with the selection criteria (i.e., a serious policy reversal) since it was last selected as eligible. The Board also stressed that the Philippines must meet the selection criteria, particularly the Control of Corruption indicator, before it would approve a compact.

Country partners which are implementing compacts must show a commitment to maintain and improve their policy performance. Once we sign a compact with these countries, they will not need to be reselected annually. MCC’s Board closely evaluates a country’s policy performance throughout the life of the compact. While MCC’s indicators work well as a transparent way of identifying those countries that are most committed to sound development policies and for discerning trends over the medium-term, they are not as well-suited for tracking incremental progress from year-to-year. Countries may be *generally* maintaining performance but not meet the criteria in a given year due to factors such as:

- Graduation from the low income country category to the lower middle income country category,
- Data improvements and revisions,
- Last year’s introduction of two new indicators and the requirement that countries pass three of the five indicators in the Investing in People category,
- Increases in peer-group medians,
- Slight declines in performance.

Once MCC has made a commitment to a country through a signed compact, MCC continues to work with that country—even if it doesn’t meet the indicator criteria each year—as long as it has not demonstrated a pattern of actions inconsistent with the eligibility criteria. If it is determined that a country has demonstrated a significant policy reversal, the Board can hold it accountable by applying the Suspension and Termination Policy.

For those countries that have not demonstrated a significant policy reversal but do not meet the indicator criteria, MCC will invite these countries