

**Appendix A**  
**Federal Register Notice**

at each of the three alternative locations that would occur as a result of implementing the proposed action and responds to public comments. Impacts at alternative sites would result from construction and training activities. Each of the impacts can be mitigated.

The Army invited full public participation to promote open communication and better decision making. All persons and organizations that have an interest in the permanent stationing of the 2/25th SBCT were urged to participate in this NEPA evaluation process. The public has provided input and comments at scoping meetings and public meetings held at all potential alternative stationing locations for the 2/25th. The Army held scoping meetings in January and February 2007 and Draft EIS meetings in September and October 2007. Responses to the public comments are addressed in this FEIS.

The FEIS is available for review at <http://www.aec.army.mil>.

Dated: February 15, 2008.

**Addison D. Davis, IV,**

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

[FR Doc. 08-793 Filed 2-21-08; 8:45 am]

BILLING CODE 3170-08-M

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Intent To Prepare Draft Environmental Impact Statement for Updated Water Control Manuals for the Apalachicola-Chattahoochee-Flint River Basin

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** The U.S. Army Corps of Engineers (Corps), Mobile District, intends to prepare an update and revision of the water control manuals for the Apalachicola-Chattahoochee-Flint (ACF) River Basin. Concurrent with that revision, a Draft Environmental Impact Statement (EIS) will be prepared, as required by the National Environmental Policy Act (NEPA). The Draft EIS will address updated operating criteria and guidelines for managing the water storage and release actions of agency water managers and associated environmental impacts.

**FOR FURTHER INFORMATION CONTACT:** Questions about the manual update or NEPA process can be answered by: Mr. Brian Zettle, Inland Environment Team,

Environment and Resources Branch, Planning and Environmental Division, U.S. Army Engineer District-Mobile, Post Office Box 2288, Mobile, AL 36628-0001; Telephone (251) 690-2115; or delivered by electronic facsimile at (251) 694-3815; or E-mail:

*brian.a.zettle@usace.army.mil*. You may also request to be included on the mailing list for public distribution of notices, meeting announcements and documents associated with the preparation and review of the Draft EIS.

#### SUPPLEMENTARY INFORMATION:

**Background.** Water control manuals are guidance documents that assist Federal water managers in the operation of individual and multiple interdependent Federal reservoirs on the same river system. They provide technical, historical, hydrological, geographic, demographic, policy and other information that guide the proper management of reservoirs during times of high water, low water, and normal conditions. The manuals contain water control plans for each of the reservoirs within the basin system and specify how the various reservoir projects will be operated as a balanced system. The manuals also contain drought plans and zones to assist Federal water managers in knowing when to reduce or increase reservoir releases and conserve storage in the Federal reservoirs, and how to ensure the safety of dams during extreme conditions such as floods. The authority and guidance for the Corps to prepare and update these manuals may be found in Section 7 of the 1944 Flood Control Act, and the following Corps of Engineer Regulations: ER 1110-2-240, ER 1110-2-241, ER 1110-2-1941 and ER 1110-2-8156.

The ACF Basin provides water resources for multiple purposes from northwestern GA down, along the Alabama-Georgia border and then into Florida and the Gulf Coast at Apalachicola Bay, extending a distance of approximately 540 miles along the Chattahoochee and Apalachicola Rivers and an additional 350 miles on the Flint River, and encompassing an area of approximately 19,600 square miles. The master operating manual for the ACF River Basin dates to 1958, prior to the completion of most of the reservoir projects in the basin, and the individual reservoir project water control manuals were last updated at various dates as far back as the 1970s and 1980s, with primarily administrative updates approved in the 1990s. There are 16 major dams and reservoirs (five Federal and 11 non-Federal) located in the basin. The Federal projects owned and operated by the Corps include Buford

Dam and Lake Lanier, West Point Dam and Lake, Walter F. George Dam and Lake, George W. Andrews Dam and Lake located on the Chattahoochee River; and Jim Woodruff Dam and Lake Seminole located on the Apalachicola River at the confluence of the Chattahoochee and Flint River. The authorized project purposes at the Corps lakes include flood control, hydropower, navigation, water supply, water quality, fish and wildlife conservation, and recreation.

Other non-Federal reservoirs located on the Chattahoochee River and Flint River include power projects owned and operated by the Georgia Power Company and Crisp County, Georgia. The non-Federal power lakes are primarily run-of-river projects that do not impact Federal project operations significantly, but operations between the Georgia Power projects and the Federal projects are coordinated as necessary to meet downstream water quality and water supply demands.

In 1989, a draft master manual for the ACF basin was proposed which described operations current at that time. This draft manual was never finalized due to the initiation of litigation by the State of Alabama, which is still ongoing. However, since that time, Corps operations have continued to conform with the operations described in the 1989 draft manual and other more recently updated water control manuals for the various Federal projects. The new manuals will eventually replace any current ones and will address the basin-wide management of those water resources.

Public participation throughout the water control manual revision process is essential. The Corps invites full public participation at all stages to promote open communication and better decision making. All persons, stakeholders, and organizations that have an interest in water-related resources in the ACF basin, including minority, low-income, disadvantaged and Native American groups, are urged to participate in this NEPA environmental analysis process. Assistance will be provided upon request to anyone having difficulty understanding how to participate. Dates and locations for public scoping meetings will be announced by future publication in the **Federal Register** and in the local news media. Tentative dates for publication of the draft water control manuals and EIS and other opportunities for public involvement will also be announced at that time. Public comments are welcomed anytime throughout the NEPA process.

*Cooperating Agencies.* The lead responsibility for this action rests with the Corps. The Corps intends to coordinate and/or consult with an interagency team of Federal and State agencies during scoping and preparation of the draft EIS. A decision will be made during the scoping process whether other agencies will serve in an official role as cooperating agencies.

*Scoping.* The Alabama-Coosa-Tallapoosa Rivers (ACT)/Apalachicola-Chattahoochee-Flint Rivers (ACF) Comprehensive Study from 1990 to 1997 and ACF Compact negotiations from 1997 to 2004 involved the States (Alabama, Florida and Georgia), stakeholders and the public in identifying areas of concern; collecting and developing water resource, environmental, and socioeconomic data; and developing tools to assist in decisions affecting water resources within the two basins. Development of the updated water control manuals and scoping for this EIS will continue to build upon the knowledge and information developed during the Comprehensive Study and subsequent Compact negotiations. Scoping meetings were also held in the fall of 2006 associated with initiation of a draft EIS for the Lake Lanier Interim Storage Contracts associated with the Southeastern Federal Power Customers, Inc. vs. the Secretary of the Army settlement agreement, and information gathered during this scoping process will also contribute to the information base for the ACF water control manual EIS. Additional scoping meetings or workshops with agencies and stakeholder groups will be scheduled to identify significant issues and data gaps, focus on the alternatives to be evaluated, and to identify appropriate tools to assist in the evaluation of alternatives and analysis of impacts.

Dated: February 13, 2008.

**R. Daren Payne,**

*Lieutenant Colonel, Corps of Engineers,  
Acting District Commander.*

[FR Doc. E8-3315 Filed 2-21-08; 8:45 am]

**BILLING CODE 3710-CR-P**

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Inland Waterways Users Board

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of open meeting.

**SUMMARY:** In accordance with 10(a)(2) of the Federal Advisory Committee Act

(Pub. L. 92-463), announcement is made of the forthcoming meeting.

*Name of Committee:* Inland Waterways Users Board (Board).

*Date:* March 27, 2008.

*Location:* Baton Rouge Marriott Hotel, 5500 Hilton Avenue, Baton Rouge, Louisiana 70808, (225-924-5000).

*Time:* Registration will begin at 8:30 a.m. and the meeting is scheduled to adjourn at 1 p.m.

*Agenda:* The Board will consider its project investment priorities for the next fiscal year. The Board will also hear briefings on the status of both the funding for inland navigation projects and studies, and the Inland Waterways Trust Fund, and be provided updates of various inland waterways projects.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mark R. Poynton, Headquarters, U.S. Army Corps of Engineers, CECW-IP, 441 G Street, NW., Washington, DC 20314-1000; Ph: 202-761-4258.

**SUPPLEMENTARY INFORMATION:** The meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. E8-3317 Filed 2-21-08; 8:45 am]

**BILLING CODE 3710-92-P**

## DEPARTMENT OF EDUCATION

### Jacob K. Javits Gifted and Talented Students Education Program

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Notice of proposed priority: reopening of comment period.

**SUMMARY:** This document reopens the comment period for the proposed priority under the Jacob K. Javits Gifted and Talented Students Education Program that was published in the **Federal Register** (73 FR 2228) on January 14, 2008. The proposed priority would support the implementation of models with demonstrated effectiveness in identifying and serving gifted and talented students who are economically disadvantaged or limited English proficient, or who have disabilities, and who may not be identified and served through typical strategies for identifying gifted children. The original deadline for comments on the proposed priority was February 13, 2008. Due to administrative problems with the e-mail address listed in the notice of proposed priority, we are reopening the comment

period until March 10, 2008 to give stakeholders more time to comment on the proposed priority.

**DATES:** We must receive your comments on or before March 10, 2008.

**ADDRESSES:** All comments concerning the proposed priority should be addressed to: Teresa Cahalan, U.S. Department of Education, 400 Maryland Avenue, SW., room 5W218, Washington, DC 20202-8245. If you prefer to send your comments through the Internet, use the following address: [jacobk.javits@ed.gov](mailto:jacobk.javits@ed.gov).

You must include the term "Comments on FY 2008 Javits Priority" in the subject line of your electronic message.

**FOR FURTHER INFORMATION CONTACT:** Teresa Cahalan. *Telephone:* (202) 401-3947.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities can obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

### SUPPLEMENTARY INFORMATION:

#### Electronic Access to This Document

You may view this document, as well as all other Department of Education documents 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>.

(Catalog of Federal Domestic Assistance Number 84.206A Jacob K. Javits Gifted and Talented Students Education Program).

**Program Authority:** 20 U.S.C. 7253.

Dated: February 19, 2008.

**Kerri L. Briggs,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. E8-3383 Filed 2-21-08; 8:45 am]

**BILLING CODE 4000-01-P**

Method for Controlling Parachute Opening” issued September 2, 2008. This patent has been assigned to the United States Government as represented by the Secretary of the Army.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeffrey DiTullio at U.S. Army Soldier Systems Center, Kansas Street, Natick, MA 01760, Phone; (508) 233-4184 or e-mail: [Jeffrey.Ditullio@us.army.mil](mailto:Jeffrey.Ditullio@us.army.mil).

**SUPPLEMENTARY INFORMATION:** Any licenses granted shall comply with 35 U.S.C. 209 and 37 CFR Part 404.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. E8-21924 Filed 9-18-08; 8:45 am]

**BILLING CODE 3710-08-P**

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Notice of Intent To Prepare an Environmental Impact Statement (EIS) for Disposal and Reuse of Fort Monroe, VA, Resulting From the 2005 Base Closure and Realignment Commission's Recommendations

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice of Availability.

**SUMMARY:** The Department of the Army intends to prepare an EIS for the disposal and reuse of Fort Monroe, Hampton, Virginia. Pursuant to the BRAC law, Fort Monroe is to close by September 14, 2011. Other actions included in the closing of Fort Monroe are relocating the Headquarters, U.S. Army Training and Doctrine Command (TRADOC); the Installation Management Command (IMCOM) Northeast Region; the U.S. Army Network Enterprise Technology Command (NETCOM) Northeast Region; and the Army Contracting Agency Northeast Region Office to Fort Eustis, Virginia. The U.S. Army Accessions Command and the U.S. Army Cadet Command will be relocated to Fort Knox, Kentucky. These relocations have been or will be addressed in separate National Environmental Policy Act (NEPA) documents for those locations.

**DATES:** The scoping meeting for the EIS will be held on October 28, 2008, 7 p.m. to 9 p.m., Northampton Community Center, 1435 Todds Lane, Hampton, VA 23666.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jennifer Guerrero; phone: (757) 788-5363; e-mail: [jennifer.lee.guerrero@us.army.mil](mailto:jennifer.lee.guerrero@us.army.mil).

**SUPPLEMENTARY INFORMATION:** Fort Monroe is a 570-acre U.S. Army

Garrison located at the southeastern tip of the Virginia Lower Peninsula between Hampton Roads and the Lower Chesapeake Bay. The hallmark of Fort Monroe is its stone fortress and moat.

The proposed action (Army primary action) is to dispose of the surplus property generated by the BRAC-mandated closure of Fort Monroe. Reuse of Fort Monroe by others is a secondary action resulting from disposal. The Army has identified two disposal alternatives (early transfer and traditional disposal), a caretaker status alternative, and the no action alternative (as required by NEPA). The EIS will analyze the impact of each reuse alternative upon a wide range of environmental resource areas including, but not limited to, air quality, traffic, noise, biological resources, water resources, geology and soils, cultural resources, socioeconomic, utilities, land use, aesthetics and visual resources, hazardous and toxic substances, and cumulative environmental effects.

The Army will conduct an environmental impact analysis that will focus on the effects of closure and reuse. One preliminary finding is that transportation impacts will have the most significant effect, with or without a major tourism component in the reuse plan. Also, at this early stage, impacts to air quality, infrastructure, and land use are not considered significant. With respect to cultural resources, significant adverse impacts are possible, but these can be mitigated by provisions contained in the Programmatic Agreement between the Army and the Virginia Department of Historic Resources.

Additional resources and conditions may be identified as a result of the scoping process initiated by this NOI. Other opportunities for public participation will be announced in the respective local news media. The public will be invited to participate in scoping activities for the EIS and comments from the public will be considered before any action is taken to implement the disposal and reuse of Fort Monroe.

Dated: September 12, 2008.

**Addison D. Davis, IV,**

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

[FR Doc. E8-21807 Filed 9-18-08; 8:45 am]

**BILLING CODE 3710-08-M**

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Public Scoping Meetings for Update of the Water Control Manual for the Apalachicola-Chattahoochee-Flint River Basin in Georgia, Florida, and Alabama

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Supplement to Notice of Intent.

**SUMMARY:** The U.S. Army Corps of Engineers (Corps), Mobile District, issued a Notice of Intent (NOI) in the **Federal Register** (73 FR 9780) published on February 22, 2008, describing the preparation of a Draft Environmental Impact Statement (EIS), as required by the National Environmental Policy Act (NEPA) to address the proposed update of the Water Control Manual (WCM) for the Apalachicola-Chattahoochee-Flint (ACF) River Basin located in Georgia, Florida, and Alabama. The Corps will hold five public scoping meetings during the month of October as part of its review and update of the WCM for the ACF River Basin. The public is invited to attend the scoping meetings which will provide information on the WCM update process and afford the opportunity to receive input from the public about their issues and concerns regarding that process. All five public meetings will be held using an open house format, allowing time for participants to review specific information and to provide comments to the resource staff attending the meeting.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for meeting dates.

**ADDRESSES:** See **SUPPLEMENTARY INFORMATION** section for meeting addresses.

#### FOR FURTHER INFORMATION CONTACT:

Questions about the manual update or NEPA process can be answered by: Mr. Brian Zettle, Biologist, Environment and Resources Branch, Planning and Environmental Division, U.S. Army Engineer District-Mobile, Post Office Box 2288, Mobile, AL 36628-0001; Telephone (251) 690-2115; or delivered by electronic facsimile at (251) 694-3815; or e-mail: [brian.a.zettle@usace.army.mil](mailto:brian.a.zettle@usace.army.mil). You may also request to be included on the mailing list for public distribution of notices, meeting announcements and documents.

**SUPPLEMENTARY INFORMATION:** The meeting dates are:

1. October 20, 2008, 5 p.m.-8 p.m. (EDT), Apalachicola, FL.

2. October 21, 2008, 5 p.m.–8 p.m. (CDT), Dothan, AL.
3. October 22, 2008, 5 p.m.–8 p.m. (EDT), LaGrange, GA.
4. October 23, 2008, 4 p.m.–7 p.m. (EDT), Marietta, GA.
5. October 29, 2008, 5 p.m.–8 p.m. (EDT), Gainesville, GA.

The meeting locations are:

1. Apalachicola, FL—Franklin County Courthouse, 33 Market Street, Apalachicola, FL 32320, (850) 653–8861.
2. Dothan, AL—Dothan Convention Center, 4106 Ross Clark Circle, Dothan, AL 36303, (334) 712–9808.
3. LaGrange, GA—Callaway Center at West Georgia Technical College, One College Circle, LaGrange, GA 30240, (706) 845–4323.
4. Marietta, GA—Cobb County Government: Civic Center, Hudgins Hall, 548 S. Marietta Parkway SE., Marietta, GA 30060, (770) 528–8450.
5. Gainesville, GA—Georgia Mountain Center, 301 Main Street, SW., Gainesville, GA 30503, (770) 534–8420.

Additional information on the ACF River Basin and the Water Control Manual update process will be posted on the Mobile District Web page as it becomes available: <http://www.sam.usace.army.mil>.

Dated: September 12, 2008.

**Byron G. Jorns,**

*Colonel, Corps of Engineers, District Commander.*

[FR Doc. E8–21912 Filed 9–18–08; 8:45 am]

**BILLING CODE 3710–CR–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. IC08–520–001, FERC–520]

#### Commission Information Collection Activities, Proposed Collection; Comment Request; Submitted for OMB Review

September 12, 2008.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** In compliance with the requirements of section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507, the Federal Energy Regulatory Commission (Commission) has submitted the information collection described below to the Office of Management and Budget (OMB) for review of this information collection requirement. Any interested person may file comments directly with OMB and

should address a copy of those comments to the Commission as explained below. The Commission received no comments in response to an earlier **Federal Register** notice of April 15, 2008 (73 FR 20267–20269) and has made this notation in its submission to OMB.

**DATES:** Comments on the collection of information are due by October 20, 2008.

**ADDRESSES:** Address comments on the collection of information to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission Desk Officer. Comments to OMB should be filed electronically, *c/o oira\_submission@omb.eop.gov* and include the OMB Control No. 1902–0083 as a point of reference. The Desk Officer may be reached by telephone at 202–395–7345. A copy of the comments should also be sent to the Federal Energy Regulatory Commission, Office of the Executive Director, ED–34, Attention: Michael Miller, 888 First Street, NE., Washington, DC 20426. Comments may be filed either in paper format or electronically. Those persons filing electronically do not need to make a paper filing. For paper filings, such comments should be submitted to the Secretary of the Commission, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 and should refer to Docket No. IC08–520–001. Documents filed electronically via the Internet must be prepared in an acceptable filing format and in compliance with the Federal Energy Regulatory Commission submission guidelines. Complete filing instructions and acceptable filing formats are available at (<http://www.ferc.gov/help/submission-guide/electronic-media.asp>). To file the document electronically, access the Commission's Web site and click on Documents & Filing, E-Filing (<http://www.ferc.gov/docs-filing/efiling.asp>), and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgement to the sender's e-mail address upon receipt of comments.

All comments may be viewed, printed or downloaded remotely via the Internet through FERC's homepage using the "eLibrary" link. For user assistance, contact [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov) or toll-free at (866) 208–3676 or for TTY, contact (202) 502–8659.

**FOR FURTHER INFORMATION CONTACT:**

Michael Miller may be reached by telephone at (202) 502–8415, by fax at

(202) 273–0873, and by e-mail at [michael.miller@ferc.gov](mailto:michael.miller@ferc.gov).

**SUPPLEMENTARY INFORMATION:** The information collected under the requirements of FERC–520 "Application for Authority to Hold Interlocking Directorate Positions" (OMB No. 1902–0083) is used by the Commission to implement the statutory provisions of section 305 of the Federal Power Act (FPA) as amended by Title II, section 211 of the Public Utility Regulatory Policies Act of 1978 (PURPA)(16 U.S.C. 825d). Section 305(b) makes the holding of certain defined interlocking corporate positions unlawful unless the Commission has authorized the interlocks to be held and, requires the applicant to show in a form and manner as prescribed by the Commission, that neither public nor private interests will be adversely affected by the holding of the position. The Commission implements these provisions through its filing requirements in the Code of Federal Regulations (CFR) 18 CFR part 45. The information required under Part 45 generally identifies the applicant, describes the various interlocking positions the applicant seeks authorization to hold, provides information on the applicant's financial interests, other officers and directors of the firms involved, and the nature of the business relationships among the firms.

Two types of FERC–520 applications are provided for, that which is described in 18 CFR 45.8 as a "full" application and that which is described in 18 CFR 45.9 as an "informal" application for automatic authorization. Section 45.8 "full" applications are made by (1) an officer or director of more than one public utility; (2) an officer or director of a public utility and of a public utility securities underwriter; or (3) an officer or director of a public utility and of an electrical equipment supplier to that utility. Section 45.9 "informational applications" are made by (1) an officer or director of two or more public utilities where the same holding company owns, directly or indirectly, wholly or in part, the other public utility; (2) an officer or director of two public utilities, if one utility is owned, wholly or in part, by the other; or (3) an officer or director of more than one public utility, if such person is already authorized under Part 45 to hold different positions where the interlock involves affiliated public utilities.

Without this information collection, the Commission and the public would not be able to inquire into and determine whether public or private interests will be adversely affected by the holding of such positions.

The clause at DFARS 252.228–7005, Accident Reporting and Investigation Involving Aircraft, Missiles, and Space Launch Vehicles, requires the contractor to report promptly to the administrative contracting officer all pertinent facts relating to each accident involving an aircraft, missile, or space launch vehicle being manufactured, modified, repaired, or overhauled in connection with the contract.

The clause at DFARS 252.228–7006, Compliance with Spanish Laws and Insurance, requires the contractor to provide the contracting officer with a written representation that the contractor has obtained the required types of insurance in the minimum amounts specified in the clause, when performing a service or construction contract in Spain.

**Amy G. Williams,**

*Editor, Defense Acquisition Regulations System.*

[FR Doc. E9–27851 Filed 11–18–09; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

[OMB Control Number 0704–0434]

#### Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Radio Frequency Identification Advance Shipment Notices

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Notice and request for comments regarding a proposed extension of an approved information collection requirement.

**SUMMARY:** In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of

automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use through December 31, 2009. DoD proposes that OMB approve an extension of the information collection requirement, to expire 3 years after the approval date.

**DATES:** DoD will consider all comments received by January 19, 2010.

**ADDRESSES:** You may submit comments identified by OMB Control Number 0704–0434, using any of the following methods:

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

*E-mail:* [dfars@acq.osd.mil](mailto:dfars@acq.osd.mil). Include OMB Control Number 0704–0434 in the subject line of the message.

*Fax:* (703) 602–7887.

*Mail:* Defense Acquisition Regulations System, Attn: Ms. Cassandra R. Freeman, OUSD (AT&L) DPAP (DARS), IMD3D139, 3062 Defense Pentagon, Washington, DC 20301–3062.

*Hand Delivery/Courier:* Defense Acquisition Regulations System, Crystal Square 4, Suite 200A, 241 18th street, Arlington, VA 22202–3402.

Comments received generally will be posted without change to <http://www.regulations.gov>, including any person information provided.

**FOR FURTHER INFORMATION CONTACT:** Ms. Cassandra R. Freeman, at (703) 602–8383. The information collection requirement addressed in this notice is available on the World Wide Web at <http://www.acq.osd.mil/dpap/dars/dfars/index.htm>. Paper copies are available from Ms. Cassandra R. Freeman, OUSD (AT&L) DPAP (DARS), IMD3D139, 3062 Defense Pentagon, Washington, DC 20301–3062.

#### SUPPLEMENTARY INFORMATION:

*Title and OMB Number:* Defense Federal Acquisition Regulation Supplement (DFARS) Part 211 and related clause at 252.211; Radio Frequency Identification Advance Shipment Notices, OMB Control Number 0704–0434.

*Needs and Uses:* DoD uses advance shipment notices for the shipment of material containing RFID tag data. DoD receiving personnel use the advance shipment notice to associate the unique identification encoded on the RFID tag with the corresponding shipment. Use of the RFID technology permits DoD an automated and sophisticated end-to-end supply chain, which has increased visibility of assets and permits delivery of supplies to the warfighter more quickly.

*Affected Public:* Businesses or other for-profit and not-for-profit institutions.  
*Annual Burden Hours:* 31,556.  
*Number of Respondents:* 25,000.  
*Responses per Respondent:* 3,981.  
*Annual Responses:* 101,515,500.  
*Average Burden per Response:* Approximately 1.1 seconds.  
*Frequency:* On Occasion.

#### Summary of Information Collection

The clause at DFARS 252.211–7006, Radio Frequency Identification Advance Shipment Notices, requires the contractor to ensure that the data on each passive RFID tag are unique and conforms to the requirements that they are readable and affixed to the appropriate location on the specific level of packaging in accordance with MIL–STD–129 tag placement specifications. The contractor shall encode an approved RFID tag using the appropriate instructions at the time of contract award. Regardless of the selected encoding scheme, the contractor is responsible for ensuring that each tag contains a globally unique identifier. The contractor shall electronically submit advance shipment notices with the RFID tag identification in advance of the shipment in accordance with the procedures at [http://www.acq.osd.mil/log/rfid/advance\\_shipment\\_ntc.htm](http://www.acq.osd.mil/log/rfid/advance_shipment_ntc.htm).

**Amy G. Williams,**

*Editor, Defense Acquisition Regulations System.*

[FR Doc. E9–27853 Filed 11–18–09; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Notice of Intent To Revise Scope of Draft Environmental Impact Statement for Updating the Water Control Manuals for the Apalachicola-Chattahoochee-Flint River Basin To Account for Federal District Court Ruling

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** Notice is hereby given that the U.S. Army Corps of Engineers (Corps), Mobile District, intends to revise the scope of the Environmental Impact Statement (EIS) for the Water Control Manuals updates for the Apalachicola-Chattahoochee-Flint (ACF) River Basin in Alabama, Florida, and Georgia, to account for a July 17, 2009 Federal court ruling. On July 17,

2009, Judge Paul A. Magnuson issued a memorandum and order in the case *In re Tri-State Water Rights Litigation* (M.D. Fla. No. 3:07-md-01), addressing the Corps' authority to provide water supply benefits through its operation of the Buford Dam/Lake Sidney Lanier project. The Corps solicits comments from interested persons regarding significant new information and circumstances introduced by the July 17, 2009, Order related to the scope of the EIS in connection with the water control manual updates. Public comments will be considered in preparation of the Draft EIS and updated water control manuals.

A Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) was published in the **Federal Register** (73 FR 9780) on February 22, 2008. In January 2009, after considering public comments, the Corps published a Final Scoping Report, Environmental Impact Statement, Update of the Apalachicola-Chattahoochee-Flint (ACF) River Basin, in Alabama, Florida, and Georgia, available at <http://www.sam.usace.army.mil/pa/acf-wcm/>. Any comments previously submitted will be reviewed and addressed in any scoping revisions. There is no need to resubmit comments previously provided during the 2008 scoping effort, unless in your opinion the above-cited district court decision necessitates additional comments from you.

**DATES:** The public comment period will commence with publication of this notice, and will end 45 days after its publication. This notice will also be distributed to those who commented during the original scoping period of October-December 2008. This distribution will occur by mail and/or e-mail on or about the date of this notice. No additional public scoping meetings are planned. Comments on the scope of the EIS, including concerns, issues, or proposed alternatives that should be considered in the EIS, should be submitted in writing to (see **ADDRESSES**) and will be accepted throughout the public comment period. Comments may also be submitted by using the electronic comment form at: [http://www.sam.usace.army.mil/pa/acf-wcm/mail\\_list.htm#form](http://www.sam.usace.army.mil/pa/acf-wcm/mail_list.htm#form).

**ADDRESSES:** To facilitate the Master Water Control Manual update, a support contract has been awarded to Tetra Tech, Inc. for preparation of the EIS and additional scoping. Please mail written comments to Tetra Tech, Inc., 107 Saint Francis Street, Ste. 1403, Mobile, AL 36602-9986.

**FOR FURTHER INFORMATION CONTACT:** Questions about the manual update or

National Environmental Policy Act (NEPA) process should be directed to: Mr. Brian Zettle, Biologist, Environment and Resources Branch, Planning and Environmental Division, U.S. Army Engineer District-Mobile, Post Office Box 2288, Mobile, AL 36628-0001; Telephone (251) 690-2115; or delivered by electronic facsimile at (251) 694-3815; or e-mail: [brian.a.zettle@usace.army.mil](mailto:brian.a.zettle@usace.army.mil). You may also request to be included on the mailing list for public distribution of notices, meeting announcements and documents.

**SUPPLEMENTARY INFORMATION:** The Corps is updating the water control plans and manuals for the ACF Basin. This effort will include an updated Master Water Control Manual, containing plans for the coordinated operation of the five Federal reservoirs within the ACF basin as a system, and updated Water Control Manuals for each of those reservoirs, containing plans for the operation of those projects for their authorized purposes. Collectively, these documents may be referred to as the "water control plans and manuals," "water control manuals," or simply as the "Master Water Control Manual," which includes the project-specific water control manuals. The water control plans and manuals will contain drought plans and action zones to assist Federal water managers in knowing when to reduce or increase reservoir releases and conserve storage in the Federal reservoirs and how to ensure the safety of dams during atypical conditions such as droughts and floods. The draft EIS will assess environmental impacts associated with these updated operating criteria and guidelines.

On July 17, 2009, Judge Paul A. Magnuson issued a memorandum and order in the *Tri-State Water Rights litigation* available at [http://www.sam.usace.army.mil/pa/acf-wcm/pdf/071709court\\_ruling.PDF](http://www.sam.usace.army.mil/pa/acf-wcm/pdf/071709court_ruling.PDF). The court's ruling has introduced new information and circumstances that bear upon certain determinations reflected in the Corps' January 2009 Final Scoping Report, to the extent that those determinations included operating the Lake Lanier/Buford Dam project to support present or increased levels of municipal and industrial water supply withdrawals.

The court determined that the Corps has exceeded its authority under the project authorization and the Water Supply Act of 1958 by operating the Buford Dam/Lake Lanier project to accommodate present levels of withdrawals for water supply. The court's order states that "absent

Congressional authorization or some other resolution of this dispute" within three years of July 17, 2009, "the operation of Buford Dam will return to the 'baseline' operation of the mid-1970s. Thus, the required off-peak flow will be 600 cfs [cubic feet per second] and only Gainesville and Buford will be allowed to withdraw water from the lake." The order states that until that time, "the parties may continue to operate at current water-supply withdrawal levels but should not increase those withdrawals absent the agreement of all other parties to this matter."

As a result of this ruling, the Corps is revising the scope of the EIS and water control manual updates in the following respects:

a. In updating the ACF water control plans and manuals, which are expected to be implemented in approximately three years, i.e., in July 2012, the Corps will consider only operations that are within existing authority. The Corps previously announced its intent to update the plans and manuals "to reflect current operations." Because the court has held that the Corps lacks authority to continue to support present levels of water supply withdrawals at Lake Lanier or to reallocate storage to accommodate those or additional withdrawals, and because the court has ordered that most withdrawals from Lake Lanier must cease in 2012, the Corps will update the plans and manuals for operating the Lake Lanier project in a manner that reflects the court's order. Thus, the Corps will not continue to accommodate the present level of withdrawals beyond July 2012, nor will the Corps consider a reallocation of storage for water supply at Lake Lanier as part of the process for updating the ACF water control plans and manuals. Should the States and other interested parties to *In re Tri-State Water Rights Litigation* reach an agreement that involves reallocation of storage for water supply, the Corps would be prepared to submit that agreement to the Army and higher Executive Branch authorities for consideration and possible referral to Congress. Should Congress enact legislation authorizing additional water supply at Lake Lanier, the Corps would update its operations, plans and manuals accordingly.

b. Pursuant to the court's order, as of July 17, 2012, the updated manuals will reflect that water supply withdrawals from Lake Lanier will be limited to the amounts authorized by relocation agreements with the Cities of Gainesville and Buford, Georgia. Those agreements, which were executed at the

time of the reservoir's construction, authorize withdrawals of 8 million gallons per day (mgd) for Gainesville and 2 mgd for Buford, a combined 10 mgd.

c. Pursuant to the court's order, as of July 17, 2012, the updated manuals will reflect that "the required off-peak flow [at Buford Dam] will be 600 cfs." Currently, peak hydropower demand at Buford Dam typically occurs on weekdays from 0500–0900 and 1500–2200 between October 1 and March 31, and on weekdays from 1300–1900 between April 1 and September 30. When the Corps is not generating hydropower to meet this peak demand, the Corps will not release more than 600 cfs from Buford Dam to support water supply withdrawals.

All other aspects described in the notice of intent published in the **Federal Register** (73 FR 9780) on February 22, 2008 remain the same. To satisfy its obligations under NEPA, the Corps will evaluate present circumstances as part of its EIS, while acknowledging that it currently lacks authority to continue to accommodate present levels of water supply at Lake Lanier beyond July 17, 2012.

Additional information on the ACF River Basin and the Master Water Control Manual Update process will be posted on the Mobile District Web page as it becomes available: <http://www.sam.usace.army.mil>.

**R. Daren Payne,**

*Lieutenant Colonel, Corps of Engineers,  
Acting District Commander.*

[FR Doc. E9–27787 Filed 11–18–09; 8:45 am]

BILLING CODE 3720–58–P

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### The Release of the Draft Environmental Impact Statement (DEIS) for the Town of Nags Head Proposed Beach Nourishment Project in Dare County, NC

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice.

**SUMMARY:** The U.S. Army Corps of Engineers (COE), Wilmington District, Regulatory Division, has received a request for Department of the Army authorization, pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899, from the Town of Nags Head to dredge up to 4.6 million cubic yards of beach-quality sediment from an offshore

borrow source, and deposit the material along approximately 10 miles of ocean shoreline in the Town of Nags Head.

The applicant proposes to utilize a self-contained hopper dredge during a proposed construction window from April through September to undertake the dredging operations and discharge the sand on the beach via submerged pipeline. The applicant's proposed borrow areas include sites identified as having beach quality material in the U.S. Army Corps of Engineers, Wilmington District's EIS, entitled *Final Feasibility Report and Environmental Impact Statement on Hurricane Protection and Beach Erosion Control*, dated September 2000 (USACE 2000).

**DATES:** Written comments on the Draft EIS will be received until December 30, 2009.

**ADDRESSES:** Copies of comments and questions regarding the Draft EIS may be addressed to: U.S. Army Corps of Engineers, Wilmington District, Washington Regulatory Field Office. ATTN: File Number 200640282, 2407 W. Fifth Street, Washington, NC 27889. Copies of the Draft EIS can be reviewed on the Wilmington District Regulatory homepage at, <http://www.saw.usace.army.mil/wetlands/regtour.htm>, or contact Ms. Sharon Barnett, at (910) 251–4555, to receive written or CD copies of the Draft EIS.

**FOR FURTHER INFORMATION CONTACT:** Questions about the proposed action and DEIS can be directed to Mr. Raleigh Bland, Project Manager, Regulatory Division, telephone: (910) 251–4564.

**SUPPLEMENTARY INFORMATION:**

1. *Project Description.* The project site is located off NC Highway 12, adjacent to the Atlantic Ocean, in the Town of Nags Head, Dare County, NC. The proposed project totals approximately 10 miles of ocean shoreline beginning approximately 1 mile from the town's northern limit and extending south to the town line adjacent to the Cape Hatteras National Seashore. The proposed borrow area is located in the Atlantic Ocean approximately 2–3 miles offshore of the project site. The Town of Nags Head encompasses approximately 11 miles of ocean shoreline on a barrier island located at the northern end of North Carolina's Outer Banks. The width of the berm of the island's dune system varies considerably with location along the town's beach and with the season. Along most of the project area, the winter berm is non-existent due to continuing erosion processes. Dune habitat is currently decreasing due to excessive erosion of the base or toe of the dunes by waves that travel unimpeded over eroded wet

beach to directly impact dunes. The Town of Nags Head proposes to excavate 4.6 million cubic yards of beach-quality sediment from an offshore borrow source, and deposit the material along approximately 10 miles of ocean shoreline owned by the Town of Nags Head.

2. *Proposed Action.* The purpose of the proposed action is to nourish the Town of Nags Head's ocean shoreline to restore a protective beach, replace sand lost during the period of delay in the implementation of the Federal *Dare County Hurricane Protection and Beach Erosion Control Project* (USACE 2000), and to help preserve property values and the tax base of Dare County.

The proposed borrow area includes portions of offshore areas identified by the Corps of Engineers in the 2000 Federal Dare County Project. The anticipated optimal equipment for excavations will include ocean-certified, self-contained hopper dredges. Such equipment typically excavates shallow trenches (approximately 2–3 foot sections) in each pass (leaving narrow undisturbed areas at the margin of each cut), then travels to a buoyed pipeline anchored close to shore. Discharge to the beach is via submerged pipeline across the surf zone, then by way of shore-based pipe positioned along the dry beach. Only a small area of the Corps borrow area will be required to provide up to 4.6 million cubic yards of beach quality material. The applicant is coordinating the specific area for use in the proposed project with the Corps with the following understanding: (1) The final borrow area required for the emergency beach nourishment project can be limited to the equivalent of a 0.9 square-mile (approximately 575 acres) area, (2) the borrow area used will be contiguous rather than a series of small impact areas, (3) once used, the borrow area will no longer be available for use, consistent with the Dare County Project, and (4) the borrow area will be delineated so as to avoid ongoing biological monitoring stations established by the Corps in connection with the Dare County Project. The project will be built in approximate 1–2 mile sections, optimizing the disposition of pipeline. Sections will be pumped into place with the aid of temporary dikes pushed up by bulldozers in the surf zone. Daily operations will impact approximately 500–1,000 linear feet of shoreline as work progresses in either direction from the submerged pipeline. Upon completion of a section, the submerged pipe and beach-building equipment will be shifted to the next section. As construction progresses, sections will be



**DEPARTMENT OF DEFENSE**

**Department of the Army; Corps of Engineers**

**Notice of Intent To Revise Scope of Draft Environmental Impact Statement for Updating the Water Control Manual for the Apalachicola-Chattahoochee-Flint River Basin To Account for the U.S. Court of Appeals for the Eleventh Circuit Ruling and a June 2012 Legal Opinion of the Corps' Chief Counsel Regarding Authority To Accommodate Municipal and Industrial Water Supply From the Buford Dam/Lake Lanier Project**

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. Army Corps of Engineers (Corps), Mobile District, intends to revise the scope of the Environmental Impact Statement (EIS) for the Water Control Manual (WCM) updates for the Apalachicola-Chattahoochee-Flint (ACF) River Basin in Alabama, Florida, and Georgia, in light of a June 2011 decision of the U.S. Court of Appeals for the Eleventh Circuit and a June 2012 legal opinion of the Corps' Chief Counsel regarding authority to accommodate municipal and industrial water supply from the Buford Dam/Lake Lanier project. The Corps is updating the water control plans and manuals for the ACF Basin in order to improve operations for authorized purposes to reflect changed conditions since the manuals were last developed. The revised EIS will also consider, along with operations for all authorized purposes, an expanded range of water supply alternatives associated with the Buford Dam/Lake Lanier project, including current levels of water supply withdrawals and additional amounts that Georgia has requested from Lake Lanier and downstream at Atlanta. In all other respects, the scope of the EIS for the WCM updates will remain as described in the Updated Scoping Report, Environmental Impact Statement, Update of the Water Control Manual for the Apalachicola-Chattahoochee-Flint (ACF) River Basin, in Alabama, Florida, and Georgia (March 2010), available at <http://www.sam.usace.army.mil/pa/acf-wcm/docs.htm>, the Corps solicits comments from interested persons regarding the scope of the EIS for the WCM updates.

**DATES:** The public comment period will commence with publication of this notice, and will end 60 days after its publication. This notice will also be

distributed to those who commented during the original scoping comment periods of October–December 2008 (see 72 FR 63561 [November 9, 2007], 73 FR 9780 [February 22, 2008], 73 FR 54391 [September 19, 2008]), and November–December 2009 (see 74 FR 59965 [November 19, 2009]). This distribution will occur by mail and/or email on or about the date of this notice. No additional public scoping meetings are planned. Comments on the scope of the EIS, including concerns, issues, or proposed alternatives that should be considered in the EIS, should be submitted in writing to (see **ADDRESSES**) and will be accepted throughout the public comment period. Comments may also be submitted by using the electronic comment form at: <http://www.sam.usace.army.mil/pa/acf-wcm/form.htm>.

**ADDRESSES:** To facilitate the Master Water Control Manual update, a support contract has been awarded to Tetra Tech, Inc. for preparation of the EIS and additional scoping. Please mail written comments to Tetra Tech, Inc., 61 St. Joseph Street, Suite 550, Mobile, AL 36602–3521.

**FOR FURTHER INFORMATION CONTACT:** Questions about the manual update or National Environmental Policy Act (NEPA) process should be directed to: Mr. Brian Zettle, Biologist, Environment and Resources Branch, Planning and Environmental Division, U.S. Army Engineer District-Mobile, Post Office Box 2288, Mobile, AL 36628–0001; Telephone (251) 690–2115; or delivered by electronic facsimile at (251) 694–3815; or email: [brian.a.zettle@usace.army.mil](mailto:brian.a.zettle@usace.army.mil). You may also request to be included on the mailing list for public distribution of notices, meeting announcements and documents.

**SUPPLEMENTARY INFORMATION:** The Corps is updating the water control plans and manuals for the ACF Basin in order to improve operations to reflect changed conditions since the manuals were last developed. As explained in a November 2009 **Federal Register** Notice of Intent, 74 FR 59965 (November 19, 2009), and in the March 2010 Updated Scoping Report, the Corps previously narrowed the scope of the EIS for the WCM update to exclude from consideration certain water supply operations at the Buford Dam/Lake Lanier project that would have violated a July 2009 district court order. In June 2011, the U.S. Court of Appeals for the Eleventh Circuit vacated that 2009 district court order and directed the Corps to determine its legal authority to operate the Buford Dam/Lake Lanier Project to accommodate

water supply withdrawals. See *In re Tri-State Water Rights Litigation*, 644 F.3d 1160 (11th Cir. 2011). In compliance with the Eleventh Circuit's order, the Chief Counsel issued a legal opinion on June 25, 2012 (available at [http://www.sam.usace.army.mil/2012ACF\\_legalopinion.pdf](http://www.sam.usace.army.mil/2012ACF_legalopinion.pdf)), concluding that the Corps has the legal authority to accommodate both current and increased levels of water supply withdrawals from Lake Lanier and downstream at Atlanta. The Chief Counsel's legal opinion does not dictate what operational decisions will be made, with regard to water supply or otherwise, but it does establish certain analytical principles that will be taken into account as the Corps makes its final operational decisions at the conclusion of the WCM update process. Such decisions will be made in light of all applicable authorities, and will be guided by the legal principles articulated in the Chief Counsel's June 25, 2012 opinion.

In light of this legal opinion and the Eleventh Circuit's ruling, it is appropriate for the Corps to consider a broader range of water supply alternatives, including both current levels of water supply withdrawals and increased withdrawals, from Lake Lanier and downstream at Atlanta, that have been determined to be within the Corps' legal authority to implement. All other scoping aspects described in the March 2010 Updated Scoping Report remain the same. Information on the ACF River Basin and the Master Water Control Manual Update process will be posted on the Mobile District Web page as it becomes available: <http://www.sam.usace.army.mil>.

**Steven J. Roemhildt,**  
*Colonel, Corps of Engineers, District Commander.*

[FR Doc. 2012–25202 Filed 10–11–12; 8:45 am]

**BILLING CODE 3720–58–P**

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

[Recommendation 2012–2]

**Hanford Tank Farms Flammable Gas Safety Strategy**

**AGENCY:** Defense Nuclear Facilities Safety Board.

**ACTION:** Notice, recommendation.

**SUMMARY:** Pursuant to 42 U.S.C. 2286a(a)(5), the Defense Nuclear Facilities Safety Board has made a recommendation to the Secretary of Energy concerning the Hanford Tank Farms flammable gas safety strategy.