

oversight mechanisms in place to ensure fair and orderly markets and the protection of investors with respect to UTP in any security.

*Prior Commission Determination Under 5 U.S.C. 601:* A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the adoption of Release No. 34–35637, which was approved by the Commission on April 21, 1995. Comments to the proposing release and Initial Regulatory Flexibility Analysis were considered at that time.

#### Office of General Counsel

*Title:* Rules of Practice.

*Citation:* 17 CFR Parts 200 and 201.

*Authority:* 5 U.S.C. 551, 554, 556, and 557.

*Description:* The Commission comprehensively revisited its Rules of Practice (“Rules”), the procedural rules that govern Commission administrative proceedings. The proceedings include enforcement proceedings initiated by the Commission and review of disciplinary proceedings brought by self-regulatory organizations. They also cover administrative temporary cease-and-desist and disgorgement orders. The Rules implemented revised procedures for the conduct of hearings, including simplified service of orders instituting proceeding, expanded use of prehearing conferences, codification of policies on the availability of certain investigation files to respondents in enforcement and disciplinary proceedings, issuance of subpoenas returnable prior to hearing and the consideration by administrative law judges of dispositive motions prior to hearing.

*Prior Commission Determination Under 5 U.S.C. 601:* A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the adoption of Release No. 34–35833, which was approved by the Commission on June 9, 1995. The Commission received no comments on the Initial Regulatory Flexibility Analysis.

#### Office of the Chief Accountant

*Title:* Amendments to Rule 102(e): Appearance and practice before the Commission.

*Citation:* 17 CFR 201.102.

*Authority:* 15 U.S.C. 78a *et seq.*

*Description:* These amendments to the Commission’s Rules of Practice clarify the Commission’s standard for determining when accountants engage in “improper professional conduct” such that the Commission can censure, suspend or bar accountants who appear and practice before it.

*Prior Commission Determination Under 5 U.S.C. 601:* A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the adoption of Release No. 34–40567, which was approved by the Commission on October 19, 1998. Comments to the proposing release and Initial Regulatory Flexibility analysis were considered at that time.

\* \* \* \* \*

*Title:* Rule 10A–1: Notice to the Commission pursuant to Section 10A of the Exchange Act.

*Citation:* 17 CFR 240.10A–1.

*Authority:* 15 U.S.C. 78a *et seq.*

*Description:* These rules are designed to implement the reporting requirements in Section 10A of the Securities Exchange Act of 1934.

*Prior Commission Determination Under 5 U.S.C. 601:* A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the adoption of Release No. 34–38387, which was approved by the Commission on March 12, 1997. Comments to the proposing release and Initial Regulatory Flexibility analysis were considered at that time.

The Commission invites public comment on both the list and on the rules to be reviewed.

By the Commission.

Dated: January 14, 2009.

**Elizabeth M. Murphy,**  
*Secretary.*

[FR Doc. E9–1173 Filed 1–23–09; 8:45 am]

**BILLING CODE 8011–01–P**

## DEPARTMENT OF THE INTERIOR

### National Indian Gaming Commission

**25 CFR Parts 502, 514, 531, 533, 535, 537, 539, 556, 558, 571, and 573**

#### Amendments to Various National Indian Gaming Commission Regulations

**AGENCY:** National Indian Gaming Commission, Interior.

**ACTION:** Notice of extension of comment period.

**SUMMARY:** The National Indian Gaming Commission (“NIGC”) announces the extension of the comment period on the proposed rule concerning various amendments to the National Indian Gaming Commission regulations. The proposed rule was published in the **Federal Register** on December 22, 2008 (73 FR 78242). The NIGC is extending the comment period to March 9, 2009.

**DATES:** Submit comments on the proposed various amendments to the National Indian Gaming Commission regulations on or before March 9, 2009.

**ADDRESSES:** Comments can be faxed, mailed, or e-mailed. Mail comments to “Comments on Administrative Regulations,” National Indian Gaming Commission, 1441 L St., NW., Washington, DC 20005, Attn: Rebecca Chapman, Office of General Counsel. Comments may be faxed to 202–632–7066 (not a toll-free number). Comments may be sent electronically to [adminregs@nigc.gov](mailto:adminregs@nigc.gov). Comments may also be submitted through the Federal eRulemaking portal at [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:** Rebecca Chapman, Staff Attorney, Office of General Counsel, at (202) 632–7003; fax (202) 632–7066 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION:** Congress established the National Indian Gaming Commission under the Indian Gaming Regulatory Act of 1988 (25 U.S.C. 2701–21) (“IGRA”) to regulate gaming on Indian lands. The NIGC issued a proposed rule updating various NIGC regulations and streamlining procedures. The NIGC then published it in the **Federal Register** on December 22, 2008 (73 FR 78242). The proposed rule provided for public comments to be submitted by February 5, 2009. The NIGC is extending the comment period to March 9, 2009. Comments should be submitted on or before that date.

Dated: January 14, 2009.

**Philip N. Hogen,**

*Chairman, National Indian Gaming Commission.*

**Norman H. DesRosiers,**

*Vice Chairman, National Indian Gaming Commission.*

[FR Doc. E9–1346 Filed 1–23–09; 8:45 am]

**BILLING CODE 7565–01–P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Part 1926

[Docket No. OSHA–2007–0066]

**RIN 1218–AC01**

#### Cranes and Derricks in Construction

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Proposed rule; notice of hearing.

**SUMMARY:** OSHA is convening an informal public hearing to receive

testimony and documentary evidence on the proposed rule for Cranes and Derricks in Construction (29 CFR part 1926, subpart CC) which published on October 9, 2008 (73 FR 59714).

**DATES:** *Informal public hearing.* The Agency will hold the informal public hearing in Washington, DC, beginning March 17, 2009. The hearing will commence at 10 a.m. on the first day. If necessary, the hearing will continue for additional days. If the hearing is continued for additional days, it will begin at 9 a.m. on each of these days.

*Notice of intention to appear to provide testimony at the informal public hearing.* Parties who intend to present testimony at the informal public hearing must notify OSHA in writing of their intention to do so no later than February 13, 2009.

*Hearing testimony and documentary evidence.* Parties who are requesting more than 10 minutes to present their testimony, or who will be submitting documentary evidence at the hearing, must provide the Agency with copies of their full testimony and all documentary evidence they plan to present by March 3, 2009.

**ADDRESSES:** *Informal public hearing.* The informal public hearing will be held in Washington, DC, in the auditorium on the plaza level of the Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

*Notices of intention to appear at the hearing, hearing testimony, and documentary evidence.* Submit notices of intention to appear at the informal public hearing, hearing testimony, and documentary evidence, identified by the docket number (OSHA-2007-0066) or the regulation identifier number (RIN 1218-AC01), using any one of the following methods:

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

*Facsimile:* Send submissions consisting of 10 or fewer pages to the OSHA Docket Office at (202) 693-1648. Hard copies of these documents are not required. Instead of transmitting facsimile copies of attachments that supplement these documents (*e.g.*, studies, journal articles), submit these attachments, in triplicate hard copy, to the OSHA Docket Office, Technical Data Center, Room N-2625, OSHA, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210. These attachments must clearly identify the sender's name, date, subject, and docket number (*i.e.*, OSHA-2007-0066) so that the Agency can attach them to the appropriate document.

*Regular mail, express delivery, hand delivery, and courier service:* Send submissions in triplicate (three copies) to the OSHA Docket Office, Docket No. OSHA-2007-0066, Technical Data Center, Room N-2625, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2350 (OSHA's TTY number is (877) 889-5627). Note that security-related problems may result in significant delays in receiving submissions by regular mail. Please contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express delivery, hand delivery, or courier service. The OSHA Docket Office and Department of Labor hours of operation are 8:15 a.m. to 4:45 p.m., *e.t.*

*Instructions.* All submissions must include the Agency name and the OSHA docket number (*i.e.*, OSHA-2007-0066). All submissions, including any personal information, are placed in the public docket without revision, and will be available online at <http://www.regulations.gov>. Therefore, OSHA cautions members of the public against submitting information and statements that should remain private, including comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data. For additional information on submitting notices of intention to appear, the text of testimony, and documentary evidence, see the PUBLIC PARTICIPATION—COMMENTS AND HEARINGS section below.

*Docket:* To read or download comments or other material in the docket, go to <http://www.regulations.gov> or to the OSHA Docket Office at the address above. Documents in the docket are listed in the <http://www.regulations.gov> index. However, some information (*e.g.*, copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions, including notices of intention to appear, the text of testimony, and documentary evidence.

**FOR FURTHER INFORMATION CONTACT:**

*General information and press inquiries:* Contact Ms. Jennifer Ashley, Office of Communications, Room N-3647, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-1999.

*Technical inquiries:* Contact Ms. Cathy Legan, Directorate of

Construction, Room N-3468, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2020 or fax (202) 693-1689.

**SUPPLEMENTARY INFORMATION:**

*Background.* OSHA published the proposed Cranes and Derricks in Construction Standard on October 9, 2008 (73 FR 59713). The period for submitting written comments was to expire on December 8, 2008, but was extended to January 22, 2009. During this period, a number of commenters submitted requests for an informal public hearing (*see, e.g.*, Ex. OSHA-2007-0066-0117.1). With this notice, OSHA is announcing a hearing date in response to these requests.

*Public participation—comments and hearings.* OSHA encourages members of the public to participate in this rulemaking by providing oral testimony and documentary evidence at the informal public hearing. Accordingly, the Agency invites interested parties having knowledge of, or experience with, the issues raised in the Notice of Proposed Rulemaking (NPRM) to participate in this process, and welcomes any pertinent data that will provide the Agency with the best available evidence to use in developing the final rule. This remainder of this section describes the procedures the public must use to schedule an opportunity to deliver oral testimony and to provide documentary evidence at the informal public hearing.

*Hearing arrangements.* Pursuant to section 6(b)(3) of the Occupational Safety and Health Act (the Act; 29 U.S.C. 655), members of the public have an opportunity at the informal public hearing to provide oral testimony concerning the issues raised in the NPRM. An administrative law judge (ALJ) will preside over the hearing and will resolve any procedural matters relating to the hearing on the first day.

*Purpose of the hearing.* The legislative history of Section 6 of the Act, as well as the Agency's regulation governing public hearings (29 CFR 1911.15), establish the purpose and procedures of informal public hearings. Although the presiding officer of the hearing is an ALJ, and questions by interested parties are allowed on pertinent issues, the hearing is informal and legislative in purpose. Therefore, the hearing provides interested parties with an opportunity to make effective and expeditious oral presentations in the absence of procedural restraints that could impede or protract the rulemaking process. The hearing is not an adjudicative proceeding subject to the

technical rules of evidence. Instead, it is an informal administrative proceeding convened for the purpose of gathering and clarifying information. The regulations that govern the hearing, and the pre-hearing guidelines issued for the hearing, will ensure that participants are treated fairly and have due process. This approach will facilitate the development of a clear, accurate, and complete record. Accordingly, application of these rules and guidelines will be such that questions of relevance, procedures, and participation will be decided in favor of developing a complete record.

*Conduct of the hearing.* Conduct of the hearing will conform to the provisions of 29 CFR 1911.5. Although the ALJ presiding over the hearing makes no decision or recommendation on the merits of the NPRM or the final rule, the ALJ has the responsibility and authority to ensure that the hearing progresses at a reasonable pace and in an orderly manner. To ensure that interested parties receive a full and fair informal hearing, the ALJ has the authority and power to: Regulate the course of the proceedings; dispose of procedural requests, objections, and similar matters; confine the presentations to matters pertinent to the issues raised; use appropriate means to regulate the conduct of the parties who are present at the hearing; question witnesses, and permit others to question witnesses; and limit the time for such questions. At the close of the hearing, the ALJ will establish a post-hearing comment period for parties who participated in the hearing. During the first part of this period, the participants may submit additional data and information to OSHA, and during the second part of this period, they may submit briefs, arguments, and summations.

*Notice of intention to appear to provide testimony at the informal public hearings.* Hearing participants must file a notice of intention to appear that provides the following information: The name, address, and telephone number of each individual who will provide testimony; the capacity in which the individual will testify (e.g., name of the establishment/organization the individual is representing; the individual's occupational title and position); approximate amount of time requested for the individual's testimony; specific issues the individual will address, including a brief description of the position that the individual will take with respect to each of these issues; and any documentary evidence the individual will present, including a brief summary of the evidence.

OSHA emphasizes that, while the hearing is open to the public and interested parties are welcome to attend, only a party who files a proper notice of intention to appear may ask questions and participate fully in the hearing. A party who did not file a notice of intention to appear may be allowed to testify at the hearing if time permits, but this determination is at the discretion of the presiding ALJ.

*Hearing testimony and documentary evidence.* OSHA will review each submission and determine if the information it contains warrants the amount of time requested. OSHA then will allocate an appropriate amount of time to each presentation, and will notify the participants of the time allotted to their presentations. Prior to the hearing, the Agency will notify participants if the allotted time is less than the requested time, and will provide the reasons for this action. OSHA may limit to 10 minutes the presentation of any participant who fails to comply substantially with these procedural requirements. The Agency also may request a participant to return for questions at a later time.

*Certification of the record and final determination after the informal public hearing.* Following the close of the hearing and post-hearing comment period, the ALJ will certify the record to the Assistant Secretary of Labor for Occupational Safety and Health. This record will consist of all of the written comments, oral testimony, documentary evidence, and other material received during the hearing. Following certification of the record, OSHA will review the proposed provisions in light of all the evidence received as part of the record, and then will issue the final determinations based on the entire record.

#### Authority and Signature

This document was prepared under the authority of Thomas M. Stohler, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, pursuant to Sections 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655), Secretary of Labor's Order 5-2007 (72 FR 31160), and 29 CFR part 1911.

Signed at Washington, DC, on January 14, 2009.

**Thomas M. Stohler,**

*Acting Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. E9-1128 Filed 1-23-09; 8:45 am]

**BILLING CODE 4510-26-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### 45 CFR Parts 1355 and 1356

#### Request for Public Comment Concerning Regulations for Transferring Children From the Placement and Care Responsibility of a State Title IV-E Agency to a Tribal Title IV-E Agency and Tribal Share of Title IV-E Administration and Training Expenditures

**AGENCY:** Administration on Children, Youth and Families, Administration for Children and Families, Department of Health and Human Services.

**ACTION:** Proposed rule; request for public comment and Tribal consultation meetings.

**SUMMARY:** Effective October 1, 2009, Public Law 110-351 provides Indian Tribes with the option to operate a foster care, adoption assistance and, at tribal option, a kinship guardianship assistance program under title IV-E of the Social Security Act (the Act). The Federal government would share in the costs of Tribes operating an ACF-approved title IV-E program. Public Law 110-351 requires that ACF develop interim final rules after consulting with Tribes and affected States on the implementation of the tribal plan requirements in section 479B of the Act and other amendments made by the Tribal provisions in section 301 of Public Law 110-351. The law requires that such regulations include: (1) Procedures to ensure that a transfer of State or Tribal responsibility for the placement and care of a child under a State title IV-E plan to a Tribal title IV-E plan occurs in a manner that does not affect the child's eligibility for title IV-E or title XIX Medicaid and such services or payments; and, (2) the in-kind expenditures from third-party sources permitted for the Tribal share of administration and training expenditures under title IV-E. This notice is designed to provide a written opportunity for comment to all interested persons and notify Tribal leaders of in-person opportunities to consult with the Children's Bureau on the development of these regulations.

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before April 27, 2009. Please see **SUPPLEMENTARY INFORMATION** for additional details on the Tribal consultation meetings.