

19. Department of State, Bureau of Population, Refugees, and Migration (N1-59-09-7, 2 items, 2 temporary items). Master files and outputs of an electronic information system used in connection with such activities as the development of the Bureau's budget requests, monitoring disbursements, and reporting to the Department, Congress, and the Office of Management and Budget.

20. Department of Transportation, Federal Highway Administration (N1-406-09-5, 4 items, 2 temporary items). Data concerning motor vehicle registrations and the issuance of drivers' licenses that is on the agency's Web site as well as data that is published in the agency's annual highway statistics report. Master files of the electronic information system that contains this data are proposed for permanent retention along with outputs that are not published in the annual highway statistics report. The annual published report has been approved for permanent retention in a separate schedule.

21. Department of the Treasury, Departmental Offices (N1-56-09-2, 3 items, 3 temporary items). Master files, inputs, and outputs of an electronic information system used to manage the Federal Financing Bank's loan portfolio.

22. Department of the Treasury, Internal Revenue Service (N1-58-09-8, 2 items, 2 temporary items). Applications for tax credits for developing and implementing clean coal technologies.

23. Environmental Protection Agency, Agency-wide (N1-412-09-5, 3 items, 2 temporary items). Records relating to environmental achievement awards, consisting of records of routine awards, as well as non-substantive documentation relating to significant awards, such as records relating to arrangements for and summaries of awards ceremonies. Major documentation of significant awards, including Presidential awards, is proposed for permanent retention.

24. Federal Communications Commission, Office of Media Relations (N1-173-09-1, 5 items, 5 temporary items). Records relating to the agency's public Web site, including Web content and management and operations records.

25. Federal Maritime Commission, Office of the Inspector General (N1-358-09-1, 1 item, 1 temporary item). Master files of an electronic information system that is used for tracking audits and evaluations.

26. Office of the Director of National Intelligence, National Counterterrorism Center (N1-576-09-1, 1 item, 1 temporary item). Master files of an

electronic information system that contains data relating to individuals engaged in or suspected of involvement in terrorist activities.

27. Railroad Retirement Board, Office of Programs (N1-184-09-1, 1 item, 1 temporary item). Records maintained in the agency's claims imaging system, consisting of applications for benefits under the Railroad Retirement Act and Railroad Unemployment Insurance Act and related records. This schedule only covers records maintained in this system, which was implemented in October 2001. Older applications for retirement benefits that pre-date this system have been appraised as permanent and will be scheduled separately.

Dated: April 30, 2009.

**Michael J. Kurtz,**

*Assistant Archivist for Records Services—  
Washington, DC.*

[FR Doc. E9-10490 Filed 5-5-09; 8:45 am]

**BILLING CODE 7515-01-P**

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## **NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

### **National Endowment for the Arts; Arts Advisory Panel**

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that six meetings of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference from the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC, 20506. These are closed meetings to review applications for funding under the American Recovery and Reinvestment Act of 2009 as follows (ending times are approximate):

Music: May 28, 2009, from 11 p.m. to 12 p.m.

Music: May 28, 2009, from 1:30 p.m. to 2:30 p.m.

Music: May 28, 2009, from 2:30 p.m. to 3:30 p.m.

Opera: May 28, 2009, from 3:30 p.m. to 4:30 p.m.

Opera: May 19, 2009, from 4:30 p.m. to 5:30 p.m.

Additionally, the Museums meeting originally announced for May 20, 2009 from 1 p.m. to 2 p.m. will be held from 12 p.m. to 1 p.m.

The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended,

including information given in confidence to the agency. In accordance with the determination of the Chairman of February 28, 2008, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels that are open to the public, and if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman. If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TDY-TDD 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC, 20506, or call 202/682-5691.

Dated: April 30, 2009

**Kathy Plowitz-Worden,**

*Panel Coordinator, Panel Operations,  
National Endowment for the Arts.*

[FR Doc. E9-10399 Filed 5-5-09; 8:45 am]

**BILLING CODE 7537-01-P**

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## **NATIONAL ENDOWMENT FOR THE ARTS**

**RIN 3135-AA23**

### **Protocol for Categorical Exclusions Supplementing the Council on Environmental Quality Regulations Implementing the Procedural Provisions of the National Environmental Policy Act for Certain American Recovery and Reinvestment Act Projects**

**AGENCY:** National Endowment for the Arts.

**ACTION:** Notice of final action and request for comments.

**SUMMARY:** The National Endowment for the Arts has established a protocol that provides for categorical exclusions under the National Environmental Policy Act (NEPA) for projects funded under the American Recovery and Reinvestment Act (ARRA) that focus on the preservation of jobs (salary support, full or partial, for one or more positions, including support for contracted positions) in the nonprofit arts sector that are threatened by declines in philanthropic and other support during the current economic downturn. The proposed changes would better align NEA implementation of the CEQ NEPA

regulations by providing for the efficient and timely environmental review of specific ARRA job preservation actions.

**DATES:** Submit comments on or before June 5, 2009. This Protocol is immediately effective upon publication. All comments will be reviewed and considered to determine whether there is a need for potential amendment to the protocol.

**ADDRESSES:** Karen Elias, Acting General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Room 518, Washington, DC 20506; telefax at (202)-682-5572; TDD at (202)-682-5496; or by electronic mail at [eliask@arts.gov](mailto:eliask@arts.gov).

**FOR FURTHER INFORMATION CONTACT:** Karen Elias, (202)-682-5418.

**SUPPLEMENTARY INFORMATION:** The NEA follows the regulations of the Council on Environmental Quality (CEQ) for complying with NEPA. Projects that focus on preservation of jobs in the nonprofit arts sector and are to be awarded ARRA funds are one type of grant administered by the NEA. The NEA's statutory authority to make grants is at 20 U.S.C. 951, *et seq.* and includes competitive grants for a variety of projects in various arts forms. The grants provided for under the American Recovery and Reinvestment Act (ARRA) are a particular category of activity that has been reviewed and determined not to have individual or cumulative significant effects on the human environment and therefore are the appropriate subject of a categorical exclusion under NEPA. These grants maintain the jobs and contract support that was in place prior to the economic downturn and do not provide for any new construction or activities with potential environmental effects. The protocol provides for a review to determine whether there are extraordinary circumstances and, in the absence of such circumstances, provide for the grant to proceed without preparation of an Environmental Assessment (EA) or Environmental Impact Study (EIS) under NEPA.

The NEA plans to publish proposed NEPA regulations later this year and the protocol for the categorical exclusion of NEA action on ARRA grant proposals will be included in those proposed NEA NEPA regulations.

Regulatory Certifications:

#### **Executive Order 12866**

This Protocol has been drafted and reviewed in accordance with Executive Order 12866, "Regulatory Planning and Review." The Office of Management and Budget has determined that this Protocol is not a "significant regulatory

action" under Executive Order 12866; and accordingly, this Protocol has not been reviewed by the Office of Management and Budget. This Protocol affects NEA internal procedures. Whatever costs that may result from this Protocol should be outweighed by the reduction in delay and excessive paperwork from these procedures.

#### **Executive Order 13121**

This Protocol only affects the internal procedures of the NEA and accordingly, will not have substantial direct effects on the States, relationships between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this Protocol will not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

#### **Executive Order 12988**

This Protocol meets the applicable standards set forth in section 3(a) and 3(b)(2) of Executive Order 12988.

#### **Regulatory Flexibility Act**

The Acting Chairman of the NEA, in accordance with the Regulatory Flexibility Act [5 U.S.C. 605(b)], has reviewed this Protocol and approved it. Because this Protocol only affects the internal procedures of the NEA, it will not have a significant economic impact on a substantial number of small entities.

#### **Unfunded Mandates Reform Act of 1995**

This Protocol will not result in an expenditure of \$100,000,000 or more in any one year by State, local, and tribal governments, in the aggregate, or by the private sector, nor will it significantly or uniquely affect small governments. Therefore, no actions are deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### **Small Business Regulatory Enforcement Fairness Act of 1996**

This Protocol is not a major rule as defined in section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This Protocol will not result in an annual effect on the economy of \$100,000,000 or more, a major increase in costs or prices, significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-

based companies in domestic and export markets.

#### **Environmental Impact**

This Protocol supplements CEQ regulations and provides guidance to NEA employees regarding procedural requirements for the application of NEPA provisions to ARRA-funded grants. The CEQ does not direct agencies to prepare a NEPA analysis or document before establishing agency procedures that supplement the CEQ regulations for implementing NEPA. Agency NEPA procedures are procedural guidance to assist agencies in the fulfillment of agency responsibilities under NEPA. The requirements for establishing agency NEPA procedures are set forth at 40 CFR 1505.1 and 1507.3.

For the reasons set out in the preamble, the National Endowment for the Arts establishes the following Protocol:

#### **Protocol for Categorical Exclusion of Recovery Projects**

*Purpose:* Establishment of National Environmental Policy Act (NEPA) Categorical Exclusions for National Endowment for the Arts American Recovery and Reinvestment Act (ARRA) Grants.

*Policy:* The National Endowment for the Arts follows the regulations of the Council on Environmental Quality (CEQ) for complying with NEPA. Pursuant to these regulations, NEA establishes the following categorical exclusion for projects that focus on the preservation of jobs (salary support, full or partial, for one or more positions, including support for contracted positions) in the nonprofit arts sector that are threatened by declines in philanthropic and other support during the current economic downturn. Such ARRA grants are one type of grant administered by the NEA. The NEA's statutory authority to make grants is at 20 U.S.C. 951, *et seq.*, and includes competitive grants for a variety of projects in various art forms. Awards can be for activities such as performing arts, arts education, arts touring projects (dance, theater, musical theater, music and opera), museum and visual arts exhibitions. Outdoor projects may include short-term arts or music festivals, redesigning public parks and other public spaces. The ARRA grants are a particular category of activity that has been determined not to have individual or cumulative significant effects on the human environment, and absent extraordinary circumstances (attached), are excluded from preparation of an Environmental

Assessment (EA) or Environmental Impact Study (EIS) under NEPA. The extraordinary circumstances are considered prior to grants approval.

*Applicability:* This protocol applies to all grants awarded with ARRA funds by the National Endowment for the Arts. The protocol will be effective immediately and we will consider comments submitted on the protocol when developing the NEA NEPA regulation that will include this categorical exclusion.

### Responsibilities

The Chairman of the NEA has the final authority over the NEA's responsibilities over the NEPA process and has approved this protocol and will approve the NEA NEPA regulation.

The Senior Deputy Chairman is the Senior Environmental Advisor to the Chairman and is responsible for NEPA policy, guidance, and oversight. The Senior Deputy Chairman will oversee the application of the categorical exclusion and development of the NEA NEPA regulation. In the absence of the Senior Deputy Chairman, the General Counsel will oversee the application of the categorical exclusion and development of the NEA NEPA regulation.

The General Counsel is responsible for providing legal guidance as to NEPA, including correspondence from CEQ and other agencies concerning matters related to NEPA.

### Extraordinary Circumstances for ARRA Grant Categorical Exclusion

*Any of the following circumstances preclude the use of this CE:*

- (a) Reasonable likelihood of significant effects on public health, safety, or the environment.
- (b) Reasonable likelihood of significant environmental effects (direct, indirect, and cumulative).
- (c) Imposition of uncertain or unique environmental risks.
- (d) Greater scope or size than is normal for this category of action.

Dated: April 30, 2009.

**Kathy Plowitz-Worden,**

*Panel Coordinator, Panel Operations,  
National Endowment for the Arts.*

[FR Doc. E9-10398 Filed 5-5-09; 8:45 am]

BILLING CODE 7537-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-244; NRC-2009-0192]

### R.E. Ginna Nuclear Power Plant, LLC; R.E. Ginna Nuclear Power Plant Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring and of Indirect Transfer of Licenses Pursuant to 10 CFR 50.80 and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (NRC, the Commission) is considering the issuance of an Order under 10 CFR 50.80 approving the indirect transfer of Renewed Facility Operating License, No. DPR-18, for the R.E. Ginna Nuclear Power Plant, currently held by R.E. Ginna Nuclear Power Plant, LLC, as owner and licensed operator. R.E. Ginna Nuclear Power Plant, LLC, is owned by Constellation Nuclear Power Plants, Inc., which is owned by Constellation Energy Nuclear Group, LLC (CENG). CENG is a wholly-owned subsidiary of Constellation Energy Group, Inc. (CEG).

According to an application dated January 22, 2009, filed by CENG, on behalf of R.E. Ginna Nuclear Power Plant, LLC, and EDF Development, Inc. (EDF Development), as supplemented by letters dated February 26 and April 8, 2009, the applicants seek approval pursuant to 10 CFR 50.80 of the indirect transfer of control of the subject license held by R.E. Ginna Nuclear Power Plant, LLC, to the extent such would result from certain proposed corporate restructuring actions in connection with a planned investment by EDF Development whereby it would acquire a 49.99% ownership interest in CENG. EDF Development is a U.S. corporation organized under the laws of the State of Delaware and a wholly-owned subsidiary of E.D.F. International S.A., a public limited company organized under the laws of France, which is in turn a wholly-owned subsidiary of Électricité de France S.A., a French limited company.

Following the proposed transaction, CEG will hold a 50.01% ownership interest in CENG through two new intermediate parent companies which will be formed for non-operational purposes. In addition, the intermediate holding company, Constellation Nuclear Power Plants, Inc., which exists between CENG and R.E. Ginna Nuclear Power Plant, LLC, will be converted from a corporation to a limited liability company. No physical changes to the facilities or operational changes are being proposed in the application.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the indirect transfer of a license, if the Commission determines that the proposed underlying transaction, i.e., the proposed corporate restructuring, will not affect the qualifications of the licensee to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and Orders issued by the Commission pursuant thereto.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

Within 20 days from the date of publication of this notice, any person(s) whose interest may be affected by the Commission's action on the application may request a hearing and intervention through the NRC E-filing system. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart C "Rules of General Applicability: Hearing Requests, Petitions to Intervene, Availability of Documents, Selection of Specific Hearing Procedures, Presiding Officer Powers, and General Hearing Management for NRC Adjudicatory Hearings," of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.309. Untimely requests and petitions may be denied, as provided in 10 CFR 2.309(c)(1), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.309(c)(1)(i)-(viii).

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule, which the NRC promulgated in August 2007 (72 FR 49139). The E-Filing process requires participants to submit and serve documents over the Internet, or in some cases to mail copies on electronic storage media. Participants