

and Emergency Response, Office of Brownfields and Land Revitalization, at (202) 566-2770 ([fornillo.virginia@epa.gov](mailto:fornillo.virginia@epa.gov)), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460-0002, Mail Code 5105T.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

EPA's regulations implementing Performance Partnership Grants (PPGs) are found at 40 CFR 35.101, 40 CFR 35.130-35.138, 40 CFR 35.501 and 40 CFR 35.530-35.538. On June 16, 2009 (74 FR 28443) EPA published in the **Federal Register** a final rule that added State Response Programs Section CERCLA 128(a) under 40 CFR part 35 subpart A and Tribal Response Programs Section CERCLA 128(a) under 40 CFR part 35, subpart B as a PPG eligible grant programs. The rule also adds State Response Program and Tribal Response Program specific provisions to 40 CFR part 35, subparts A and B. This document corrects typographical errors in references contained in 40 CFR 35.133. Specifically, in 40 CFR 35.133, references are erroneously made to 40 CFR 35.100(b) rather than the correct citation, 40 CFR 35.101(a).

##### II. Administrative Procedure Act

The Administrative Procedure Act provides that matters relating to agency grants are not subject to prior notice and opportunity for comment, 5 U.S.C. 553(a)(2). Therefore, EPA is issuing these technical corrections as final rules.

##### III. Statutory and Executive Order Reviews

This final rule corrects a technical error and does not otherwise change the requirements in the final rule. As a technical correction, this action is not subject to the statutory and Executive Order review requirements. For information about the statutory and Executive Order review requirements as they related to the final rule, see Section III in the **Federal Register** of June 16, 2009.

##### IV. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to the

publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

##### List of Subjects in 40 CFR Part 35

Environmental protection, Air pollution control, Grant programs—environmental protection, Grant programs—Indians, Indians, Intergovernmental relations, Reporting and Recordkeeping requirements.

Dated: August 31, 2009.

**Mathy Stanislaus,**

*Assistant Administrator, Office of Solid Waste and Emergency Response.*

■ EPA amends 40 CFR Part 35 as follows:

#### PART 35—STATE AND LOCAL ASSISTANCE

##### Subpart A—[Amended]

■ 1. The authority citation for part 35, subpart A continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*; 33 U.S.C. 1251 *et seq.*; 42 U.S.C. 300f *et seq.*; 42 U.S.C. 6901 *et seq.*; 7 U.S.C. 136 *et seq.*; 15 U.S.C. 2601 *et seq.*; 42 U.S.C. 13101 *et seq.*; Pub. L. 104-134, 110 Stat. 1321, 1321-299 (1996); Pub. L. 105-65, 111 Stat. 1344, 1373 (1997); 5. 105-276, 112 Stat. 2461, 2499 (1988).

■ 2. Section 35.133 is amended by revising paragraph (a) to read as follows:

##### § 35.133 Programs eligible for inclusion.

(a) *Eligible programs.* Except as provided in paragraph (b) of this section, the environmental programs eligible, in accordance with appropriation acts, for inclusion in a Performance Partnership Grant are listed in § 35.101(a)(2) through (17) and (20). (Funds available from the section 205(g) State Administration Grants program (§ 35.101(a)(18)) and the Water Quality Management Planning Grant program (§ 35.101(a)(19)) and funds awarded to States under State Response Program Grants (§ 35.101(a)(20)) to capitalize a revolving loan fund for Brownfield remediation or purchase insurance or develop a risk sharing pool, an indemnity pool, or insurance mechanism to provide financing for response actions may not be included in Performance Partnership Grants.)

\* \* \* \* \*

[FR Doc. E9-21549 Filed 9-4-09; 8:45 am]

**BILLING CODE 6560-50-P**

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 09-1986; MB Docket No. 09-96; RM-11537]

##### Television Broadcasting Services; Boise, ID

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission grants a petition for rulemaking filed by Fisher Broadcasting—Idaho TV, L.L.C. ("Fisher"), the licensee of KBCL-DT, channel 28, Boise, Idaho, requesting the substitution of channel 9 for channel 28 at Boise.

**DATES:** This rule is effective September 8, 2009.

**FOR FURTHER INFORMATION CONTACT:** Joyce L. Bernstein, Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MB Docket No. 09-96, adopted August 31, 2009, and released September 1, 2009. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC 20554. This document will also be available via ECFS (<http://www.fcc.gov/cgb/ecfs/>). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-478-3160 or via e-mail <http://www.BCPIWEB.com>. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional review Act, *see* 5 U.S.C. 801(a)(1)(A).

#### List of Subjects in 47 CFR Part 73

Television, Television broadcasting.

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR Part 73 as follows:

#### PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

#### § 73.622 [Amended]

■ 2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Idaho is amended by adding DTV channel 9 and removing DTV channel 28 at Boise.

Federal Communications Commission.

Clay C. Pendarvis

Associate Chief, Video Division, Media Bureau.

[FR Doc. E9-21597 Filed 9-4-09; 8:45 am]

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### DEPARTMENT OF TRANSPORTATION

#### National Highway Traffic Safety Administration

#### 49 CFR Part 501

[Docket No. NHTSA-2009-0121]

RIN 2127-AK59

#### Succession to the Administrator

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** This document amends NHTSA's regulation specifying the order of succession to the Administrator. We have determined at the present time that a change in the order of succession better serves the agency's mission.

**DATES:** *Effective Date:* This rule is effective on September 8, 2009.

**FOR FURTHER INFORMATION CONTACT:** You may contact Maria Arsenlis at 202-366-9153.

**SUPPLEMENTARY INFORMATION:** The mission of NHTSA is to save lives, prevent injuries and reduce economic costs due to road traffic crashes, through

education, research, safety standards and enforcement activity. This final rule, which amends NHTSA's regulation specifying the order of succession to the Administrator, is a matter relating to agency management or personnel. We have determined at this time that a change in the order of succession better serves the public interest and the agency's mission. The Senior Associate Administrator for Vehicle Safety is responsible for overseeing all of NHTSA's rulemaking, enforcement, and research programs, as well as NHTSA's National Center for Analysis.

Notice and the opportunity for comment are not required under the Administrative Procedure Act, and the amendment is effective immediately upon publication in the **Federal Register**. 5 U.S.C. 553(a)(2). In addition, this amendment is not subject to Executive Order 12866, the Department of Transportation's regulatory policies and procedures, or the provisions for Congressional review of final rules in Chapter 8 of Title 5, United States Code.

#### List of Subjects in 49 CFR Part 501

Authority delegations (Government agencies), Organization and functions (Government agencies).

■ In consideration of the foregoing, 49 CFR Part 501 is amended as follows:

#### PART 501—[AMENDED]

■ 1. The authority citation for Part 501 continues to read as follows:

**Authority:** 49 U.S.C. 105 and 322; delegation of authority at 49 CFR 1.50.

■ 2. In § 501.4 revise paragraph (a) to read as follows:

#### § 501.4 Succession to the Administrator.

(a) The following officials, in the order indicated, shall act in accordance with the requirements of 5 U.S.C. 3346-3349 as Administrator of the National Highway Traffic Safety Administration, in the case of the absence or disability or in the case of a vacancy in the office of the Administrator, until a successor is appointed:

- (1) Deputy Administrator;
- (2) Senior Associate Administrator for Vehicle Safety;
- (3) Chief Counsel;
- (4) Senior Associate Administrator for Traffic Injury Control; and
- (5) Senior Associate Administrator for Policy and Operations.

\* \* \* \* \*

Issued in Washington, DC, on July 24, 2009.

John D. Porcari,  
Deputy Secretary.

[FR Doc. E9-20695 Filed 9-4-09; 8:45 am]

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### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 0810141351-9087-02]

RIN 0648-XR43

#### Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area

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

**ACTION:** Temporary rule; modification of a closure.

**SUMMARY:** NMFS is opening directed fishing for Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI) for vessels participating in the BSAI trawl limited access fishery. This action is necessary to fully use the 2009 total allowable catch (TAC) of Atka mackerel in these areas specified for vessels participating in the BSAI trawl limited access fishery.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), September 3, 2009, through 1200 hrs, A.l.t., September 10, 2009. Comments must be received at the following address no later than 4:30 p.m., A.l.t., September 17, 2009.

**ADDRESSES:** Send comments to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. You may submit comments, identified by 0648-XR43, by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal website at <http://www.regulations.gov>.
- *Mail:* P. O. Box 21668, Juneau, AK 99802.

- *Fax:* (907) 586-7557.
- *Hand delivery to the Federal Building:* 709 West 9th Street, Room 420A, Juneau, AK.

All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required