

SBA definition that applies to radio broadcast licensees would apply to these stations. The SBA defines a radio broadcast station as a small business if such station has no more than \$7 million in annual receipts. As of December 31, 2008, there are approximately 859 licensed LPFM stations. Given the nature of these services, the FCC will presume that all of these licensees qualify as small entities under the SBA definition.

*D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements*

15. The Fourth FNPRM seeks comment on whether to revise Form 323-E, the ownership report for noncommercial educational broadcast licensees, to include minority and gender information. Therefore, the rules might contain modified information collections for noncommercial broadcast licensees. The FCC anticipates that changes in reporting or recordkeeping requirements for noncommercial broadcast entities would result from the changes in the Commission's Form 323-E necessary to implement the proposal to collect gender, race or ethnicity data. In addition, the FCC anticipates that changes in reporting or recordkeeping requirements for LPFM licensees would result from new 323-E filing requirements. The Fourth FNPRM also seeks comment on whether to require low power FM (LPFM) licensees to file, on a biennial basis, Ownership Report, Form 323-E. Therefore, the rules might contain modified information collections for LPFM licensees.

*E. Steps Taken To Minimize Significant Impact on Small Entities, and Significant Alternatives Considered*

16. The RFA requires an agency to describe any significant alternatives that might minimize any significant economic impact on small entities. Such alternatives may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

17. As noted, the FCC is directed under law to describe any such alternatives it considers, including alternatives not explicitly listed above. The Fourth FNPRM seeks comment on

the tentative conclusion that obtaining gender and racial/ethnic information from all noncommercial stations would further the FCC's goal to design policies to advance diversity in the broadcast industry. In the alternative, the Commission could defer until a later time collection of such information. The Fourth FNPRM also seeks comment on whether the proposed data collection would impose a significant reporting, recordkeeping, or other compliance burden on noncommercial entities, especially smaller noncommercial entities, and whether there are alternative ways to minimize burdens on NCEs from this proposed reporting requirement. In particular, the Fourth FNPRM recognizes that organizational documents are important in defining a noncommercial entity's structure and mission, including whether it serves underserved audiences. However, the Fourth FNPRM notes that these documents would not provide the same kind of empirical evidence that ownership statistics provide in the commercial context. Therefore, the Fourth FNPRM asks whether looking at the composition of the board of directors or, in the alternative, some other governing entity of a noncommercial station would be adequate for this purpose and whether the information would meaningfully expand the FCC's information on minority and female ownership. In addition, the Fourth FNPRM asks whether to establish a uniform biennial filing date and a uniform date as of which filers must identify ownership interests. In addition, the Fourth FNPRM asks how to assure data quality, including whether improving the computer interface process, building in additional checks for Form 323-E to perform verification and review functions, and ensuring that all data filed is in a format that can be electronically searched, aggregated, and cross-referenced, are appropriate and sufficient. The Fourth FNPRM also seeks comment on the extent of the burden on LPFM licensees, all of which are smaller noncommercial entities. The Commission especially encourages small entities to comment on the proposals in the Fourth FNPRM in this proceeding. The Commission welcomes comment, including presentation of alternatives to or modifications of rules proposed herein, on how to minimize any burdens on small business licensees.

*F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules*

None.

Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

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**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

**49 CFR Part 240**

[Docket No. FRA-2008-0091, Notice No. 3]

RIN 2130-AB95

**Qualification and Certification of Locomotive Engineers; Miscellaneous Revisions**

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice to reopen comment period.

**SUMMARY:** FRA is reopening the comment period for the notice of proposed rulemaking (NPRM) published on December 31, 2008 (73 FR 80349) which proposed revisions to FRA regulations governing the qualification and certification of locomotive engineers. Reopening the comment period is necessary to provide interested parties the opportunity to submit comments on the information and testimony offered at the public hearing related to the NPRM that was conducted on April 14, 2009. The comment period is reopened until June 15, 2009.

**DATES:** Written comments must be received by Monday, June 15, 2009. Comments received after that date will be considered to the extent possible without incurring additional expenses or delays.

**ADDRESSES:** Comments related to Docket No. FRA-2008-0091 may be submitted by any of the following methods:

- *Fax:* 1-202-493-2251;
- *Mail:* U.S. Department of

Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590;

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays; or

- Electronically through the Federal eRulemaking Portal, <http://www.regulations.gov>. Follow the online instructions for submitting comments.

*Instructions:* All submissions must include the agency name, docket name

and docket number or Regulatory Identification Number (RIN) for this rulemaking. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act section of this document.

**Docket:** For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or to U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION, CONTACT:**

John L. Conklin, Program Manager, Locomotive Engineer Certification, U.S. Department of Transportation, Federal Railroad Administration, Mail Stop 25, West Building 3rd Floor West, Room W38-208, 1200 New Jersey Avenue, SE., Washington, DC 20590 (telephone: 202-493-6318); or John Seguin, Trial Attorney, U.S. Department of Transportation, Federal Railroad Administration, Office of Chief Counsel, RCC-10, Mail Stop 10, West Building 3rd Floor, Room W31-217, 1200 New Jersey Avenue, SE., Washington, DC 20590 (telephone: 202-493-6045).

**SUPPLEMENTARY INFORMATION:** On April 14, 2009, the comment period for the NPRM reopened for thirty (30) days so that FRA could make the public hearing transcript available for review and comment by the general public, interested parties could provide additional comments or documents, and so interested parties could respond to testimony provided at the public hearing. A request for an extension of that comment period, which closed on May 14, 2009, has been filed with the FRA. The request alleges that an interested party was unable to timely comment due to problems accessing the hearing transcript. In light of the request, FRA is reopening the comment period.

**Privacy Act**

FRA wishes to inform all potential commenters that anyone is able to search the electronic form of all comments received into any agency docket by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit

<http://www.regulations.gov/search/footer/privacyanduse.jsp>.

Issued in Washington, DC, on May 20, 2009.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 20**

**[FWS-R9-MB-2008-0124; 91200-1231-9BPP-L2]**

**RIN 1018-AW31**

**Migratory Bird Hunting; Supplemental Proposals for Migratory Game Bird Hunting Regulations for the 2009-10 Hunting Season; Notice of Meetings**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; supplemental.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), proposed in an earlier document to establish annual hunting regulations for certain migratory game birds for the 2009-10 hunting season. This supplement to the proposed rule provides the regulatory schedule, announces the Service Migratory Bird Regulations Committee and Flyway Council meetings, and provides Flyway Council recommendations resulting from their March meetings.

**DATES:** You must submit comments on the proposed regulatory alternatives for the 2009-10 duck hunting seasons by June 26, 2009. Following subsequent **Federal Register** documents, you will be given an opportunity to submit comments for proposed early-season frameworks by July 31, 2009, and for proposed late-season frameworks and subsistence migratory bird seasons in Alaska by August 31, 2009. The Service Migratory Bird Regulations Committee will meet to consider and develop proposed regulations for early-season migratory bird hunting on June 24 and 25, 2009, and for late-season migratory bird hunting and the 2010 spring/summer migratory bird subsistence seasons in Alaska on July 29 and 30, 2009. All meetings will commence at approximately 8:30 a.m.

**ADDRESSES:** You may submit comments on the proposals by one of the following methods:

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

• **U.S. mail or hand-delivery:** Public Comments Processing, Attn: 1018-AW31; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

We will not accept e-mail or faxes. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the **Public Comments** section below for more information).

The Service Migratory Bird Regulations Committee will meet in room 200 of the U.S. Fish and Wildlife Service's Arlington Square Building, 4401 N. Fairfax Dr., Arlington, VA.

**FOR FURTHER INFORMATION CONTACT:** Ron W. Kokel, U.S. Fish and Wildlife Service, Department of the Interior, MS MBSP-4107-ARLSQ, 1849 C Street, NW, Washington, DC 20240; (703) 358-1714.

**SUPPLEMENTARY INFORMATION:**

**Regulations Schedule for 2009**

On April 10, 2009, we published in the **Federal Register** (74 FR 16339) a proposal to amend 50 CFR part 20. The proposal provided a background and overview of the migratory bird hunting regulations process, and dealt with the establishment of seasons, limits, and other regulations for hunting migratory game birds under 20.101 through 20.107, 20.109, and 20.110 of subpart K. This document is the second in a series of proposed, supplemental, and final rules for migratory game bird hunting regulations. We will publish proposed early-season frameworks in early July and late-season frameworks in early August. We will publish final regulatory frameworks for early seasons on or about August 17, 2009, and for late seasons on or about September 14, 2009.

**Service Migratory Bird Regulations Committee Meetings**

The Service Migratory Bird Regulations Committee will meet June 24-25, 2009, to review information on the current status of migratory shore and upland game birds and develop 2009-10 migratory game bird regulations recommendations for these species, plus regulations for migratory game birds in Alaska, Puerto Rico, and the Virgin Islands. The Committee will also develop regulations recommendations for September waterfowl seasons in designated States, special sea duck seasons in the Atlantic Flyway, and extended falconry seasons. In addition, the Committee will review and discuss