

In the construction of such a sophisticated system as a CBIS, complete adherence to the requirements of section 1605(a) is impracticable, if not impossible. In addition, it has become a serious obstacle to ensuring that all identified airports will be able to sign construction contracts by September 30, 2010. Some airport authorities have simply been unable or unwilling to certify that the construction contracts it signs are compliant with the buy American provisions. The alternative would be for the airports and communities to lose their Recovery Act assistance, requiring TSA to reallocate funds, which is inconsistent with the public interest and the intent and purpose of the Recovery Act.

DHS has considered the disproportionate cost and delay that would ensue if a limited waiver is not issued. The exercise of ascertaining whether compliant products exist or can be made to meet these requirements is already becoming a demanding and time-consuming task far out of proportion to the total percentage of project costs. On balance, the public interest in having these projects completed outweighs the Buy American requirement; particularly where the value of noncompliant goods is relatively small when compared to total project cost. CBIS projects significantly benefit aviation security, baggage screening efficiency and the flying public in general. Also, these projects help stimulate job growth for local construction workers, technicians, equipment designers, engineers, and others who will operate and maintain the equipment.

Therefore, the Secretary granted a limited, nationwide public interest waiver, having found that it would be inconsistent with the public interest—and particularly with the Recovery Act's directives—to apply the buy American requirement to an entire CBIS project in which at least 95 percent of the costs of the project will comply with section 1605. The Secretary determined the five percent limit based on research and informed professional judgment as to the maximum total amount of costs used in most CBIS projects.

#### Waiver

Accordingly, the Secretary granted a limited, nationwide waiver of the requirements of section 1605(a) of the Recovery Act, Public Law 111–5, buy American requirements, based on the public interest authority of section 1605(b)(1), provided that at least 95 percent of the costs of each TSA EBSP project will comply with section 1605.

This waiver applies to all eligible EBSP projects for which the TSA has awarded or will award a project award using Recovery Act funds, and where at least 95 percent of the costs of the project will comply with sec. 1605.

TSA will attempt to obtain 100 percent compliance with the buy American provision on all airport projects. This limited nationwide waiver is available to airports that cannot comply 100 percent with the buy American provision because applying the provision would be inconsistent with the public interest in accordance with sec. 1605(b)(1). TSA will ensure that on all projects at least 95 percent of the costs will comply with section 1605. Recipients who wish to use this waiver should, in consultation with their contractors determine the items to be covered by this waiver, must retain relevant documentation as to those items in their project files, and must summarize in reports to TSA the types and/or categories of items to which this waiver is applied, the total cost of the goods covered by the waiver, and the calculations by which they determined the total cost of materials used in and incorporated into the project.

Issued in Arlington, Virginia, on October 7, 2009.

**Gale D. Rossides,**

*Acting Administrator.*

[FR Doc. E9–24608 Filed 10–9–09; 8:45 am]

**BILLING CODE 9110–05–P**

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

#### Proposed Appointment to the National Indian Gaming Commission

**ACTION:** Notice.

**SUMMARY:** The Indian Gaming Regulatory Act provides for a three-person National Indian Gaming Commission. One member, the chairman, is appointed by the President with the advice and consent of the Senate. Two associate members are appointed by the Secretary of the Interior. Before appointing members, the Secretary is required to provide public notice of a proposed appointment and allow a comment period. Notice is hereby given of the proposed appointment of Steffani A. Cochran as an associate member of the National Indian Gaming Commission for a term of 3 years.

**DATES:** Comments must be received before November 12, 2009.

**ADDRESSES:** Comments should be submitted to the Director, Office of

Executive Secretariat, United States Department of the Interior, 1849 C Street, NW., Mail Stop 7229, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** John A. Strylowski, Executive Secretariat, United States Department of the Interior, 1849 C Street, NW., Mail Stop 7229, Washington, DC 20240; telephone 202–208–3071.

**SUPPLEMENTARY INFORMATION:** The Indian Gaming Regulatory Act, 25 U.S.C. 2701 *et seq.*, established the National Indian Gaming Commission (Commission), composed of three full-time members. 25 U.S.C. 2704(b). Commission members serve for a term of 3 years. 25 U.S.C. 2705(b)(2)(4)(A). The Chairman is appointed by the President with the advice and consent of the Senate. 25 U.S.C. 2704(b)(1)(B). The two associate members are appointed by the Secretary of the Interior. 25 U.S.C. 2704(b)(1)(B). Before appointing an associate member to the Commission, the Secretary is required to “publish in the **Federal Register** the name and other information the Secretary deems pertinent regarding a nominee for membership on the commission and \* \* \* allow a period of not less than thirty days for receipt of public comments.” 25 U.S.C. 2704(b)(2)(B).

The Secretary proposes to appoint Steffani A. Cochran as an associate member of the Commission for a term of 3 years. Ms. Cochran is well qualified to serve as a member of the Commission, by virtue of her broad background in the law and her work for both State and tribal governments on issues affecting Indian tribes. Her extensive legal experience includes service in New Mexico State government as a Special Counsel for Indian Affairs and as an Administrative Law Judge for the State of Oregon. She has also served tribal governments as General Counsel for the Pueblo of Pojoaque and as an Associate Judge for the Isleta Tribal Court and judge pro tem on the Southwest Intertribal Court of Appeals. Working at different times for tribal and State governments, Ms. Cochran has participated in negotiations and addressed issues of critical importance to both constituencies. She is a member of the Chickasaw Nation. Ms. Cochran does not have any financial interests that would make her ineligible to serve on the Commission under 25 U.S.C. 2704(b)(5)(B) or (C).

Any person wishing to submit comments on this proposed appointment of Steffani Cochran may submit written comments to the address

listed above. Comments must be received by November 12, 2009.

David Hayes,

Deputy Secretary.

[FR Doc. E9-24617 Filed 10-9-09; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Geological Survey

#### Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review; Comment Request

**AGENCY:** U.S. Geological Survey (USGS).

**ACTION:** Notice of a new information collection.

**SUMMARY:** To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we have submitted to the Office of Management and Budget (OMB) an information collection request (ICR) for approval of the paperwork requirements for the National Coal Resources Data System (NCRDS) competitive grant program. This notice provides the public an opportunity to comment on the paperwork burden of this project.

**DATES:** You must submit comments on or before November 12, 2009.

**ADDRESSES:** Please submit written comments on this information collection directly to the Office of Management and Budget (OMB) Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior via e-mail to [OIRA\\_DOCKET@omb.eop.gov](mailto:OIRA_DOCKET@omb.eop.gov) or fax at 202-395-5806; and identify your submission with Information Collection Number 1028-new, NCRDS.

Please also submit a copy of your written comments to Phadrea Ponds, USGS Information Collection Clearance Officer, 2150-C Center Avenue, Fort Collins, CO 80525 (mail); (970) 226-9230 (fax); or [pponds@usgs.gov](mailto:pponds@usgs.gov) (e-mail). Please reference information collection 1028-new, NCRDS in the subject line.

**FOR FURTHER INFORMATION CONTACT:** Susan Tewalt by mail at U.S. Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, VA 20192 or by telephone at 703-648-6437.

#### SUPPLEMENTARY INFORMATION:

##### Abstract

The primary objective of the NCRDS is to advance the understanding of the energy endowment of the United States (U.S.) by gathering and organizing digital geologic information related to coal, coalbed gas, shale gas and other

energy resources. The NCRDS of the USGS will issue a call for proposals to support researchers that can provide geologic data to support the National Coal Resources Data System and other solid-fuel energy assessment projects being conducted by the Energy Resources Program. Additional data is needed to data to support regional or national assessments concerning coal and coal bed gas occurrences.

Requesting external cooperation is the very best way for NCRDS to collect energy data and perform research on the characterization of coals and organic-rich shale, and obtain other information (including geophysical or seismic data, sample collection for generation of thermal maturity data) that can be used in solid-fuel resource assessments. Data submitted to NCRDS by external cooperators will constitute more than two-thirds of the USGS point-source stratigraphic database (USTRAT) on coal occurrence. In 2010, NCRDS plans to support 26 projects in 23 States. The program will be conducted under various authorities, including 30 U.S.C. 208-1, 42 U.S.C. 15801, and 43 U.S.C. 31 *et seq.* This collection will consist of applications, proposals and reports (annual and final).

#### I. Data

*OMB Control Number:* 1028-NEW.

*Title:* Energy Cooperatives to Support the National Coal Resources Data System (NCRDS).

*Respondent Obligation:* Required to obtain or retain benefits.

*Frequency of Collection:* One time every 5 years for applications and final reports; annually for progress reports.

*Affected Public:* Individuals; State, local and tribal governments; State Geological Surveys, universities, and businesses.

*Annual Burden Hours:* 300.

*Estimated Annual Number of Respondents:* 26.

*Estimated Annual Number of Responses:* 35 (9 applications 26 reports).

*Estimated Annual Reporting and Recordkeeping "Non-Hour Cost":* None.

#### III. Request for Comments

On May 14, 2009, we published a **Federal Register** notice (74 FR 22760) announcing that we would submit this information collection to OMB for approval. The notice provided a 60-day comment period ending on July 13, 2009. We did not receive any comments in response to that notice.

We again invite comments concerning this ICR on: (a) Whether the proposed collection of information is necessary for the agency to perform its duties,

including whether the information is useful; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, usefulness, and clarity of the information to be collected; and (d) ways to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, e-mail address or other personal identifying information in your comment, you should be aware that your entire comment including your personal identifying information, may be made publicly available at anytime. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*USGS Information Collection Clearance Officer:* Phadrea Ponds, (970) 226-9445.

Dated: October 6, 2009.

Brenda Pierce,

Program Coordinator, USGS Energy Resources Program.

[FR Doc. E9-24534 Filed 10-9-09; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Notice of Intent to Repatriate Cultural Items: Maryhill Museum of Art, Goldendale, WA

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items in the possession of the Maryhill Museum of Art, Goldendale, WA, that meet the definition of "unassociated funerary objects" under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the cultural items. The National Park Service is not responsible for the determinations in this notice.

In 1943, Native American cultural items were loaned to the Maryhill Museum of Art by Harvey T. and Bessie